

CODE OF CONDUCT – UPDATE**(Report by the Director of Central Services and Monitoring Officer)****1. INTRODUCTION**

- 1.1 Members will recall that they responded to consultation undertaken by the Standards Board for England on the review of the Code of Conduct (Minute No. 27 – meeting of the Committee held on 9th March 2006 refers).
- 1.2 Bulletins from the Board suggest that a revised Model Code of Conduct will be released by the Department for Communities and Local Government (DCLG) for public consultation before Christmas with a view to its introduction in time for local elections in May 2007.
- 1.3 The Board has begun to prepare for the introduction of the revised code with the preparation of guidance and training materials to assist Monitoring Officers and Standards Committees in its implementation. A series of eleven road shows also will be held.
- 1.4 Although details are still sketchy, this report summarises the timescales for implementation, key changes envisaged in the revised Code and arrangements for the road show events being organised by the Board.
- 1.5 In addition, the Board has recently varied the criteria for deciding which complaints should be referred for investigation and an explanation of this change is also discussed.

2. TIMESCALE FOR CHANGES

- 2.1 Although the timescale for the introduction of the revised Code will be determined by the DCLG, the Board anticipate the following –

Next Few Weeks: the Board anticipates that the draft Code will be issued for consultation by the Department for Communities and Local Government (DCLG);

End of December: Consultation should end;

Late January/Early February: Parliamentary approval is expected; and

May 2007: Revised Code of Conduct should come into effect.

- 2.2 The intention is to allow for training to take place before this time and the Board is encouraging authorities to adopt the revised Code as soon as is practical, preferably at their Annual Meetings in May 2007.

3. REVISED CODE OF CONDUCT

3.1 Whilst the final content of the revised Code will be determined by the DCLG, the Board has anticipated that the main areas of change will relate to:-

- ◆ the definition of personal interest;
- ◆ the creation of a new category of interest called 'public service interest';
- ◆ disclosure of confidential information in the public interest;
- ◆ disrepute;
- ◆ bullying; and
- ◆ abolition of the duty to report breaches of the Code by other Members.

4. ROADSHOW EVENTS

4.1 The Standards Board is planning to host a series of roadshows across the country in June 2007 to coincide with the proposed launch of the revised Code of Conduct and local election results. The current proposals involve a visit to 11 cities across the country.

4.2 The roadshows will focus on the revised Code as well as preparations for the proposed introduction of the local filter system for complaints in 2008. As in previous years, the sessions will take the format of presentations and discussions and delegates will be encouraged to contribute. Board Members and the Chief Executive of the Standards Board will also be on hand to answer any questions.

4.3 These roadshows will be aimed at Members from local Standards Committees and Monitoring Officers. Further details will be available nearer the time.

5. CHANGE TO REFERRALS CRITERIA

5.1 The Standards Board for England has recently added to the criteria which are used to decide which complaints are referred for investigation. The Board now take into account the time that has passed since the conduct allegedly occurred. This is in addition to the general criteria – that a matter should be investigated when it is believed it is:-

- ◆ serious enough, if proven, to justify the range of sanctions available to the Adjudication Panel for England or local Standards Committees; and
- ◆ part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it, short of investigation.

5.2 The Standards Board has decided to make this change because many complaints about matters that occurred a long time ago were seemingly resulting from political considerations or personal disputes. The Board wished to address the situation, whilst still retaining the ability to investigate serious complaints. This approach is consistent

with that of many other regulatory bodies which take into account the time that has passed when considering new complaints.

- 5.3 This change does not prevent the Standards Board from investigating serious matters that have only just come to light. The Board recognises that serious misconduct can be uncovered through an audit, review or change of administration and they would not wish to limit their ability to look into these matters. As always, the Board continued to assess each case on its merits, with serious cases being referred for investigation regardless of the length of time that has passed.

6. CONCLUSION

- 6.1 Members are invited to note the content of the report and the possibility, given the indication of the timescale for responding to consultation on a revised Code of Conduct, that a special meeting of the Committee might need to be convened at short notice.

BACKGROUND PAPERS

Town and Parish Standard – Issue No. 8
Bulletin – Issue No. 31
The Connection – Issue No. 3

**Contact Officer: Christine Deller, Democratic Services Manager -
Tel: (01480) 388007.**