

THE NEW CODE OF CONDUCT
(Report by the Director of Central Services and Monitoring Officer)

1. INTRODUCTION

- 1.1 The Code of Conduct for Members was first introduced in November 2001 and came into force for all authorities in May 2002. In September 2004, the Standards Board for England announced their intention to commence a consultation process to review the Members' Code of Conduct. The Committee contributed to this review in June 2005 and more recently, responded to a consultation paper on a proposed new Model Code of Conduct (March 2007).
- 1.2 On 4th April 2007, the Department for Communities and Local Government laid before Parliament a new Model Code of Conduct for Councillors. The Local Authorities (Model Code of Conduct) Order 2007 came into force on 3rd May 2007. It revokes the Local Authorities (Model Code of Conduct) (England) Order 2001 and specifies the conduct expected of Members and co-opted Members of relevant authorities in England and Police Authorities in England and Wales.
- 1.3 Under Section 51 (2) of the Local Government Act 2000, the District Council has a duty "before the end of the period of six months beginning with the day on which any subsequent Order is made to pass a resolution to adopt a Code of Conduct in place of an existing Code of Conduct".
- 1.4 As the Code of Conduct forms part of the District Council's Constitution, it is for the Council to formally adopt the new Code by 1st October 2007 following a recommendation from this Committee.
- 1.5 A copy of the proposed Members' Code of Conduct based on the Local Authorities (Model Code of Conduct) Order 2007 is enclosed at Appendix A.

2. MAIN CHANGES

- 2.1 Summarised below are the changes which have been reflected in the new Code in response to the consultation process –
- ◆ improvements to the accessibility and user friendliness of the Code by replacing references to the "Member" and "him or her" with "you" throughout;
 - ◆ the deletion of references to "public service interests" and the extension of the more relaxed provisions proposed for those with a public service interest to all Members. This will mean that no Member will have a prejudicial interest unless the matter affects his/her financial position or that of his/her family or those with a close association with him/her, or if the matter relates to the determination of any approval, consent or licence in relation

to him/her, his/her family or those with a close association with him/her;

- ◆ to provide Members with a prejudicial interest to have the same right to attend meetings to make representations, give evidence or answer questions as a member of the general public would be entitled and to participate fully where the interest is shared with the majority of residents of his/her ward or electoral division, eg on planning and licensing matters;
- ◆ to ensure that the remit of the Code in respect of conduct in a Member's private capacity is restricted to behaviour for which a criminal conviction has been received; and
- ◆ the extension of general conduct rules to include new offences of bullying, of intimidation and victimisation in respect of standards proceedings. The offence of failing to report breaches of the Code of Conduct by other Members is deleted and a new public interest test is introduced for breach of confidentiality.

2.2 Members will recall their response to the consultation paper on the proposed Code at their meeting in June 2005 and their comment that the ten general principles set out in the Relevant Authorities (General Principles) Order 2001 and derived from the recommendations of the Committee on Standards and Public Life should be included as a preamble to the revised Code of Conduct. These principles have now been included in the preamble to the new Code and define the standards that Members should seek to uphold and serve as a reminder of the purpose of the Code. They do not in themselves create a statutory obligation which would amount to a breach of the Code. However, if there was a failure to act in accordance with these general principles it may potentially lead to a breach of the Code. The ten general principles of public life which will form a preamble to the new Code are reflected in Appendix B hereto.

3. ADOPTING AND AMENDING THE NEW CODE

3.1 The new Code of Conduct applies to the same range of authorities covered by the existing Code. However, only one composite Code has been made for different types of authorities. As a result some paragraphs are not mandatory for each authority and particular wording within mandatory paragraphs may not be relevant to the District Council. For example, some paragraphs refer specifically to executive arrangements and Overview and Scrutiny which Parishes do not have, while other paragraphs expressly apply only to the Greater London Authority or Metropolitan Police Authority. Councils may adopt a version of the Model Code which excludes non-mandatory provisions or wording that is not relevant to a particular authority, so long as it consistent with the application of mandatory provisions to that authority. However, to avoid confusion and ensure consistency across authorities this is not recommended. Adopting the new Model Code in its entirety would not mean that the Council had adopted those non-mandatory paragraphs for the authority. Interestingly, the Standards Board has subsequently issued a Model Code of Conduct for Town and Parish Councils.

4. PROCESS

4.1 Following adoption of the new Code of Conduct by the Council, the authority is required to ensure that copies of the Code are available at

the offices of the District Council for inspection by members of the public at all reasonable hours. The Council must also publish a notice in one or more newspapers circulating in the District's area stating that the District has adopted a revised Code and that it is available for inspection. The Standards Board for England also requires to be notified that the Code has been adopted by the Council and the date upon which such resolution has been made

5. TRAINING

- 5.1 The terms of reference provide for the Committee to give advice and training to Members of the District and town and parish councils on matters relating to the Code. There is now a duty on the Monitoring Officer to organise training sessions for District, town and parish Councillors and consideration will require to be given to arranging a programme of sessions in July either with individual Parish Councils or via a series of general sessions to which all town and parish Councillors could be invited. Members of the Committee also will be invited to participate in these sessions.
- 5.2 The Monitoring Officer has already notified town and parish Councils of the requirement to adopt a new Code of Conduct by 1st October 2007 and the County Association of Local Councils is giving some thought to co-ordinating a joint notice to avoid the expense of each town and parish council publishing a separate notice.
- 5.3 The Standards Board for England will be producing a range of training materials for local authorities to use including a DVD which is scheduled to be distributed in July and, if available, this will be shown at the next ordinary meeting of the Committee.
(NB – Guidance recently received from the Standards Board is enclosed for Members only)

6. RECOMMENDATIONS

- 6.1 Accordingly the Committee is invited to recommend to full Council –
- (a) that, in place of the existing Code, the new Model Code of Conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 and set out in Appendix A to this report be adopted with immediate effect; and
 - (b) that the Director of Central Services and Monitoring Officer be authorised to compile a programme for training of District, town and parish Councillors on the requirements of the new Code.

BACKGROUND PAPERS

The Local Authorities (Model Code of Conduct) Order 2007.

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