

Meeting:	Standards Committee (Special)
Date:	1 March 2007
Subject:	Consultation on Amendments to Model Code of Conduct for Local Authority Members
Key Decision: (Executive-side only)	No
Responsible Officer:	Hugh Peart, Director of Legal & Governance Services
Portfolio Holder:	Leader, Councillor Chris Mote
Exempt:	No
Enclosures:	Appendix 1 – Consultation Document Appendix 2 – Suggested response to the specific questions

SECTION 1 – SUMMARY AND RECOMMENDATIONS

This report sets out details of the Government's proposed changes to the Code of Conduct for local authority members and the suggested response on the proposed changes.

RECOMMENDATIONS:

- (a) That the Committee consider the questions and comment on the suggested response;
- (b) That the Director of Legal & Governance Services include any additional comments of the committee in the formal response to the consultation;
- (c) Note that it will be necessary to arrange a further special meeting of this committee to consider the new Model Code of Conduct.

SECTION 2 - REPORT

This committee has received various reports with regard to the proposals for a revised Code of Conduct, which has previously been consulted on.

On 22 January 2007, The Department of Communities and Local Government (DCLG) published a consultation paper seeking views on the draft of a proposed new model Code of Conduct for local authority members. The closing date for responses is 9 March.

A copy of the consultation document was circulated to all members of the Council and all co-opted members to whom the code also applies.

The Government's intention is that the new Code will be clearer and simpler. The revised draft code therefore seeks to:

- (a) Reflect the recommendations of the SBE following the review of the current code;
- (b) Reflect decisions of the Adjudication Panel and the High Court on interpretation (discrimination, private capacity, disclosure of public interest);
- (c) Modify the Richardson decision;
- (d) Improve the drafting structure;
- (e) Be gender neutral;
- (f) Improve some definitions.

The proposed main changes to the Code are to:

- (a) Delete the reference to unlawful discrimination (on the basis that the Adjudication Panel has no jurisdiction to make such findings.
- (b) Add a provision specifically proscribing bullying.
- (c) Allow for the disclosure of confidential information where it is in the public interest.
- (d) Require members not to bring the authority into disrepute. This would include conduct in the member's private capacity, subject to:
 - Such conduct in private leading to a conviction by a court; and
 - Amendment to section 49 and 52 of the Local Government Act 2000 being enacted in the current Local Government & Health Bill.
- (e) Require members to have regard to the Government's Code of Recommended Practice on Local Authority Publicity.
- (f) Delete the requirement to report suspected breaches of the code.
- (g) Add a proscription on the intimidation of complainants and witnesses.

- (h) Require gifts and hospitality to be registered in the register of members' interests and for such interests to be disclosed for five years.
- (i) Amend the reference to friends and family by adding reference to any person with whom the member has a close personal association.
- (j) Define personal interest to one affecting the member to a greater extent than the majority of the residents of his/her ward.
- (k) Create a new public service interest test, where the member is a member of another public body to which they have been appointed by the authority. The public service interest is only declarable if the member speaks on the issue.
- (l) Extends the exemptions where members should not regard themselves as having a prejudicial interest:
 - where indemnities are being considered;
 - the setting of council tax;
 - considering whether or not a member should become a freeman.
- (m) Amend the provision that members are excluded from scrutiny functions where they are scrutinising decisions in which he or she was involved.
- (n) Provide a clearer prejudicial interest test, by allowing the member with the prejudicial interest to attend the meeting to make representations, answer questions or give evidence BUT must withdraw from the room.
- (o) Provide for sensitive information not to be included on the register of interest, on application to the monitoring officer. The member will need to disclose that they have a personal interest but not to be details of that interest.

Comments on the questions raised by the consultation are attached at Appendix 2.

It is anticipated that the new Code may be introduced by legislation in April and will come into force in May 2007. The Council will be obliged to adopt the provisions of the new Code at its annual meeting in May 2007. As in the currently adopted Code, the Council will be able to include additional requirements if it chooses to do so.

In view of the timescale, it will be necessary to arrange a special meeting of this committee, to consider the new Code and to recommend its adoption to the annual Council meeting on 10 May.

With the coming into force of the new Code of Conduct, all members will be required to undergo mandatory training. Provisional arrangements are in place for the training sessions to take place in the latter part of May and June. Sufficient funds have been identified from the 06/07 Member Development budget to deliver the requisite training.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input checked="" type="checkbox"/>	Name: Barry Evans
		Date: 20 February 2007
Monitoring Officer	<input checked="" type="checkbox"/>	Name: Hugh Peart
		Date: 19 February 2007

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Elaine McEachron, Governance Lawyer, Governance Services,
Telephone: 0208 8420 9414

Background Papers: List **only non-exempt**

Appendix 2 – Consultation on Amendments to the Model Code of Conduct for Local Authority Members

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	YES/ NO
2.	Corporate Priorities	YES / NO
3.	Manifesto Pledge Reference Number	N/A