

STANDARDS COMMITTEE – 1ST MARCH 2007

A REVISED MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS

Report of the: Monitoring Officer

Status: For Consideration and Consultation

This report supports the Key Aim of promoting and maintaining workable high standards of conduct in local government through consultation on the proposed Model Code of Conduct for Local Authority Members.

Portfolio Holder Cllr. Loney

Head of Service Head of Legal and Committee Services – Christine Nuttall

Recommendation: Members are requested to give their comments on “Consultation on Amendments to the Model Code of Conduct for Local Authority Members”.

Background

- 1 The Government has now published a draft revised Code of Conduct for Members as set out in Appendix 1 one entitled “Consultation on Amendments to the Model Code of Conduct for Local Authority Members” (the Consultation Paper). Comments on the Consultation Paper are requested to be sent to the Department for Communities and Local Government by the 9th March 2007.

Introduction

- 2 The Consultation Paper is intended to improve the present Code of Conduct and to resolve some of the issues which have arisen under the present Code. It is the Department’s intention to bring the amended Code into force in time for local authorities to adopt it at their annual meetings in early May 2007.
- 3 The Code is a very important document and consultation is necessary to get it right. Some Members have already given their random thoughts to the Monitoring Officer and these are enclosed at Appendix 2.

The Changes

- 4 The Monitoring Officer briefly sets out in bullet points the suggested changes that this Committee may consider commenting upon. These are as follows:
 - To delete reference to unlawful discrimination (paragraph 2(2)(a).
 - Add a provision specifically proscribing bullying 2(2)(b).

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- To allow members to disclose confidential information where such disclosure is in the public interest (paragraph 3(a)(iii).
- Behaviour outside official duties – (paragraphs 4 and 5).
- Commission of criminal offence before taking office – (paragraph 4(2).
- Using or seeking to use improper influence (to amend paragraph 5(a) by adding 'or attempt to use').
- An authority's resources should not be used improperly for party political purposes – paragraph 5(b)(ii).
- To add reference at paragraph 5 to the need for the member to have regard to the guidance set out in the Government's local authority publicity code.
- To delete the duty in paragraph 7 of the existing code to report breaches of the code by other members, and add a proscription (at paragraph 2(2)(c)) on the intimidation of complainants and witnesses.
- Gift and hospitality – paragraphs 7(a)(vi) and 8(3).
- Body influencing public opinion or policy – paragraph 7(b)(iv).
- To amend reference in the current code to friends and family by adding reference to any person with whom the member has a close personal association (paragraphs 7(c)(i) and elsewhere).
- Definition of personal interest – paragraph 8.
- Disclosure of personal interests – paragraph 8(4).
- Public Service Interests – paragraph 8(2) and 8(7) to create a new category of 'public service interest', which arises where a member is also a member of another public body, and for the public service interest only to be declared at meetings where the member speaks on the relevant issue.
- Prejudicial interests – (paragraph 9(2)(b)) to simplify and amend the list of exemptions where members should not regard themselves as having a prejudicial interest.
- Overview and Scrutiny Committees – (paragraph 10) to provide that members are excluded from overview and scrutiny committees where they are scrutinising decisions, including decisions made by the authority's executive, which they were involved in making.
- Participation in relation to prejudicial interests - (paragraph 9 and 11) to provide a clearer prejudicial interest test to apply for public service interests and where members attend to make representations.

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- Sensitive Information – (paragraphs 8(5) and 13) to provide for sensitive information in respect of private interests not to be included on the register of interests where revealing it is likely to lead to the member or those he or she lives with being subject to violence or intimidation.
 - Register of members' interests – paragraphs 12 and 13 to simplify and shorten the registration of personal interests.
 - Gender neutrality of language – to amend the code throughout to ensure gender neutrality of language.
- 5 Members are referred to the commentary on the detailed amendments set out in the Consultation Paper and the questions raised in annex B to the Consultation Paper.

Financial Implications

- 6 A new improved Code of Conduct should make the workings of the Ethical Agenda clearer and simplify its operation thus leading to less breaches of the Code which should in turn result in financial savings. Such savings are not possible to quantify at present.

Legal Implications

- 7 Knowledge of the imminent changes is vital in enabling the Authority to reach statutory compliance with the proposed new legislation.

Conclusions

- 8 The changes to the Code of Conduct are welcomed and should provide clarification and liberalisation whilst maintaining the underlying principles of the Code.

Sources of Information:

The Consultation Paper
The Government's Local Authority Publicity
Code

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RISK ASSESSMENT STATEMENT

The new Code of Conduct will provide simplification and clarification for members although it will be necessary to adopt the new Code of Conduct as soon as possible and to effect training on the new provisions to enable adherence by Members thus enhancing the ethical framework.

