

STANDARDS COMMITTEE – 14TH DECEMBER 2004

POSSIBLE REVISIONS TO THE CODE OF CONDUCT

Report of the: Monitoring Officer

Status: For Consideration

This report supports the Key Aim of improving the ethical Code of Conduct/

Portfolio Holder Cllr. N. Dean

Head of Service Christine Nuttall

Recommendation:

Members are requested to note this report and make recommendations on possible revisions to the Code of Conduct to the Monitoring Officer for referral to the Standards Board for England when the referral process begins.

Background

- 1 A copy of the Model Code of Conduct is attached as an Appendix to this Report. The Code defines the standards of conduct which will be required of all Members of an authority in carrying out their duties, and in their relationships with the Council and the Council's officers. All Councillors are required on accepting office to declare that they will observe the Code.
- 2 The Code represents the standard against which the public, their fellow Councillors, the Standards Board and the authority's Standards Committee will judge their conduct. The Local Government Ombudsman may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the authority.

Revisions to the Code of Conduct

- 2 The Monitoring Officer has been informed by the Standards Board for England (the Board) that revisions to the Code of Conduct are contemplated and that a consultation period will begin early in the New Year.
- 4 At present it is not known when the closing date for the consultation period will be. The Board will provide further information via their newsletter when they have a clearer idea of when the consultation period will begin.

Developing the Code

- 5 At the Third Annual Assembly of Standards Committees run by the Board one of the workshops was entitled "Developing the Code". At that workshop it was

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suggested that a two tier test be implemented for prejudicial interests. It was recognised that a great many of the complaints centred on the failure to declare prejudicial interests by Parish Council Members. Consideration was given to the introduction of a less vigorous test for Parish Council Members.

- 6 The advances and disadvantages were discussed. An obvious advantage was a possible reduction in the number of complaints. A possible disadvantage was the introduction of further complexity to a test that was already proving extremely difficult to interpret.
- 7 Another suggested change to the Code centred on the possibility of mediation to alleviate the need for a complaint. However, if the Monitoring Officer was to be involved in such mediation safeguards would need to be employed to make sure that sides were not taken at this early stage.
- 8 The Board has also indicated that it will be seeking views as to whether registration provisions could be made clearer. There has been quite a lot of discussion surrounding registering and declaring membership of the Freemasons.

Conclusion

- 9 The Committee is asked to consider the contents of this Report and the Monitoring Officer will keep Members informed so that their views can be given to the Board when the consultation process begins.

Sources of Information:

The Local Authorities (Model Code of Conduct)

Lobby groups, dual-hatted members and the Code of Conduct Guidance for members – the Standards Board for England

Correspondence with the Standards Board for England

Information from the Standards Board for England on Registering of Interests and Freemasonry

Contact Officer(s):

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**Corporate Services Director
Pav Ramewal**

RISK ASSESSMENT STATEMENT

It is important that Members of the Standards Committee are given information regarding suggestions to date for possible changes to the Code of Conduct so that they may formulate their own views in order to have a positive impact on any possible changes that may take place.