



Name of Committee:	STANDARDS
Meeting Date:	10 July 2007
Directorate:	Chief Executive
Corporate Manager:	Francis Fernandes Solicitor to the Council and Monitoring Officer
Agenda Status:	Public part of Cabinet Agenda

Report Title	NEW CODE OF CONDUCT
---------------------	---------------------

Recommendations

1. That the Committee welcomes the Revised Model Code of Conduct for Members.
2. That the Council be invited to pass a resolution adopting the Mode Code as the Borough Council's Code of Conduct pursuant to Section 51 of the Local Government Act 2000.
3. That the Parish Councils in the Borough be invited to pass a similar resolution (if they have not already done so) adopting the Code preferably in the form prepared by the Standards Board for use by Parish Councils.

Background

1. The Government have published by Order a Revised Model Code of Conduct for Members. The Order came into force on 3 May 2007 and local authorities have until 1 October 2007 to adopt the Code. A copy of the Revised Model is appended to this Report. Once an authority has adopted the Code they must publish the fact and make copies available for inspection. They must also send a copy to the Standards Board for England.

Main Changes

2. The content of the Revised Code broadly follows the existing one, but there are the following significant changes:
 - 2.1 Scope – Following the judgement in the *Livingstone* case the Code states that it only applies to conduct in a member's official capacity. The only exception to this is conduct that constitutes a criminal offence for which the member is convicted. The Code states that certain of its provisions (including the obligation not to bring the member's office or the authority into disrepute) apply to such conduct at any other time also.
 - 2.2 Two new types of conduct are now specifically prohibited. These are (1) bullying and (2) intimidation in connection with investigations or proceedings under the Code.
 - 2.3 The provisions about interests are amended in some respects. As with the previous code there are two categories of interest, firstly those which must be registered and secondly what might be called ad hoc interests. In the old Code these were where the member could be regarded as having a greater interest in a matter than Council Tax payers, rate payers or inhabitants of the Council's area as a whole. For an authority divided into electoral divisions or wards this is now changed to an interest greater than the majority of Council Tax payers, etc, of the electoral division or ward affected by the decision.
 - 2.4 Another change on interests is that it is now provided that a member with a prejudicial interest can make representations to a meeting in the same manner as a member of the public (but unlike a member of the public they must leave the meeting after making the address). This is to mitigate the rather harsh effects of the Court's decision in *Richardson*.

Adaptations of Model?

3. A local authority are permitted to make minor alterations and additions to the Model Code, so long as they are consistent with it. The Borough's existing Code changed the numbering system from the earlier model and made some minor changes of terminology. There appears to be little or no advantage in doing that with the present model and it can create cross referencing difficulties. It is not therefore suggested that the Borough Council make any similar adaptations to the new Code.

Parish Councils

4. All the provisions of the Code are mandatory for district Councils. However, some provisions are not mandatory for Parish Councils, and indeed some of these are inappropriate for them (for example references to executives and overview and scrutiny committees). The Standards Board have prepared a version which excludes the provisions which are not relevant for Parish Councils, and it is suggested that this is the version the Committee may wish to recommend for adoption by the Parish Councils in the Borough.

Guidance

5. The Standards Board have produced a comprehensive Guide to the new Code and also a Pocket Guide. Copies of these will be given to the Committee members at the meeting.

Declarations and Register of Interests

6. It will be advisable to require Councillors to sign fresh declarations to abide by the Revised Code, since the declarations they have previously made have headings referring to the 2001 Order, which brought in the previous Code.
7. It will also be necessary for all Councillors to complete new declarations of interest within twenty eight days of the adoption of the revised Code.

Adoption by Council

8. It is intended to submit a report to full Council at their next meeting on 23 July recommending the adoption of the new Code. Any comments that the Standards Committee make will be included in that report.

Background Papers

The Local Authorities (Model Code of Conduct) Order 2007 (S1 2007/1159)

The Local Government Act 2000

Standards Board for England Guidance

Author – J Inch, Senior Solicitor Tel: 837335