

Appendices: 1



**NORTHAMPTON**  
BOROUGH COUNCIL

Item No.

7

<b>Name of Committee:</b>	<b>COUNCIL</b>
<b>Meeting Date:</b>	23 July 2007
<b>Directorate:</b>	Chief Executive
<b>Corporate Manager:</b>	Francis Fernandes Solicitor to the Council and Monitoring Officer
<b>Agenda Status:</b>	Public part of Agenda

**Report Title**

NEW CODE OF CONDUCT

### **Recommendations**

That Council pass a resolution adopting the Model Code as the Borough Council's Code of Conduct pursuant to Section 51 of the Local Government Act 2000 with effect from 1 September 2007.

### **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*.
- 2.5 A further change will help "dual hatted" members or those appointed by the Council to outside bodies. An interest arising from those situations (so long as it is not also a prejudicial interest) will, in future, only need to be declared at a meeting when the member actually speaks on the relevant item. (Note however that if the interest is prejudicial, as it might be for example with a planning or licensing application by the body concerned, then the member must declare the prejudicial interest and withdraw as normal.)
- 2.6 The duty placed on members by the old Code to report breaches of the Code by other members is not repeated in the new Code.

### **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.

### **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 all Council members.

### **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. Because of this timescale and possible difficulties that might be encountered in the holiday period, it is recommended that the adoption of the Code take effect on 1 September 2007.

### **Standards Committee**

8. The revised Model Code was considered by Standards Committee at their meeting on 10 July 2007. They resolved to welcome the new Code and to invite the Council to adopt it as recommended in this report. They also agreed to recommend adoption of the Code by the Parish Councils in the Borough (preferably in a form prepared by the Standards Board for use by Parish Councils).

### **Background Papers**

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

The Local Government Act 2000

Standards Board for England Guidance and Bulletins

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