



**REPORT TO:** Council meeting

**DATE OF MEETING:** 26<sup>th</sup> April 2007

**REPORT OF:** Head of Legal and Democratic Services

**SUBJECT:** New Model Code of Conduct for Members

**ITEM NUMBER:** 8

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**1 PURPOSE AND SUMMARY**

- 1.1 The Local Authorities (Model Code of Conduct) Order 2007 sets out a new model code of conduct for Members.
- 1.2 Members are recommended to formally resolve to adopt the said model Code without amendment to take effect on and from 3 May 2007 and to adopt the ten General Principles as an annex to the Code to replace the existing Code.

**2. CONSULTATION**

- 2.1 The new model Code was produced following consultation by the Government.

**3. CORPORATE PLAN AND PRIORITIES**

- 3.1 The Code is concerned with the ethical framework which promotes public confidence in democracy.

**4. IMPLICATIONS**

- 4.1 Financial implications and value for money

Whilst training needs can be met from existing resources, there is a legal requirement under section 51(6) (b) of the Local Government Act 2000 for a statutory notice in one or more newspapers circulating in the District. Publication in District News is not sufficient by virtue of section 51(7) of the Local Government Act 2000.

The cost will depend upon which newspaper is used.

#### 4.2 Legal

Section 51 of the Local Government Act 2000 places a duty on the Council to pass a resolution adopting the Code. If it is not adopted by 1 October 2007, then it takes effect by operation of law on 2 October 2007.

As far as the District Council is concerned, all of the provisions of the model Code set out in The Local Authorities (Model Code of Conduct) Order 2007 are mandatory.

#### 4.3 Personnel

There are considered to be no human resource issues of significance arising out of this Report.

#### 4.4 Other Services

Officers will be made aware of the new Code for Members.

#### 4.5 Diversity

The new Code will form part of the Council's Constitution which can be made available in a number of formats.

#### 4.6 Risk

The Council needs to ensure that training is made available in order to reduce the likelihood of breach of the Code so as to avoid undermining public confidence in democracy and the cost of dealing with complaints.

#### 4.7 Crime and Disorder

It is not felt there are any specific implications of the report on Crime and Disorder.

#### 4.8 Other Implications

The Report does not relate to a key decision. It is considered that the information can in addition be communicated to the community by inclusion on the web-site. It is not considered that there are any other implications arising.

## **5. BACKGROUND, POSITION STATEMENT AND OPTION APPRAISAL**

- 5.1 Part III of the Local Government Act 2000 introduced the ethical framework which included the powers for the Secretary of State by order to issue a model code as regards conduct which is expected of members and co-opted members.
- 5.2 The Council currently has a Code of Conduct for Members which appears in Part 5A of the Council's Constitution.
- 5.3 Any model code of conduct for members is required under section 50(4) of the Local Government Act 2000 to be consistent with the statutory principles governing conduct of members.
- 5.4 The current principles are contained in the Relevant Authorities (General Principles) Order 2001 (SI 2001/1401) and are reproduced in Part 5A of the Council's Constitution. These principles are known as the ten General Principles.
- 5.5 A new model code of conduct has been introduced by The Local Authorities (Model Code of Conduct) Order 2007 and as a result the Council has a legal duty under section 51 to pass a resolution adopting that Code in place of the current Code of Conduct for Members.
- 5.6 The new Model Code of Conduct makes a number of changes including, for example, addressing the concerns relating to the inability to address meetings where a member has something to contribute but is conflicted out due to a prejudicial interest. Under the new Code members with a prejudicial interest have the same right to attend meetings so as to make representations, give evidence or answer questions as would apply to a member of the general public (though after so doing would immediately have to leave the meeting room). Paragraph 12 of the new Code sets out the requirements.
- 5.7 Guidance from the Standards Board for England (SBE) is to adopt the Model Code at their first opportunity and without amendment in order to facilitate implementation, ensure consistency across authorities and assist members to understand the revised Code. It adds that 'this will give certainty to members and the public as to what standards are expected, ensure consistency throughout England, and minimise the legal risk of the Council adopting additional provisions which are unenforceable.'
- 5.8 The SBE Guidance goes on to recommend that the Council considers adopting the ten General Principles to remind members and the public of the principles underlying the Code.
- 5.9 I therefore make the recommendations which appear below.

## 6. **RECOMMENDATIONS**

6.1 Members are recommended to pass the following resolutions:

1. "That the Council resolves to adopt the Model Code of Conduct set out in the Schedule to The Local Authorities (Model Code of Conduct) Order 2007 in place of the Council's existing Code with effect on and from 3 May 2007"
2. "That the Council resolves to adopt the ten General Principles as an annex to that new Model Code with effect on and from 3 May 2007"
3. "That the Council's Constitution be duly amended by the inclusion of the Appendix to this Report to reflect the above resolutions"
4. "That the Head of Legal and Democratic Services be authorised to publish the required statutory notice in at least one newspaper circulating in the entire District of Chester-le-Street."

## 7. **BACKGROUND PAPERS / DOCUMENTS REFERRED**

7.1 Guidance from the Standards Board for England.

**Chris Potter**  
**Head of Legal and Democratic Services**  
**12th April 2007**

**Version 1.0**

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