

# Item 5

## REPORT TO STANDARDS COMMITTEE

6TH APRIL 2006

## REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

### PROPOSED CHANGES TO THE CODE OF CONDUCT

#### 1. SUMMARY

- 1.1 Further to the report heard before the Standards Committee on the 9<sup>th</sup> February 2006, this Report specifically focuses on the Code of Conduct itself and the future changes that are due be implemented.
- 1.2 The Standards Board for England were invited by the Government to review the Code of Conduct as part of the Government's consideration for the further development of the ethical framework for local government.
- 1.3 Accordingly, the Government have welcomed the recommendations of the Standards Board and agreed to the recommendations suggested.

#### 2. RECOMMENDATIONS

- 2.1 That the Standards Committee be appraised of the report and that the future changes be noted.

#### 3. DETAIL

- 3.1 It is believed by both the Standards Board and the Government that the changes will ensure that the Code becomes clearer and simpler and better focused on important and serious issues of misconduct, which need to be addressed to raise public confidence in local government.
- 3.2 The main proposed changes to the Code of Conduct are set out as follows:
- 3.3 **The General Principles are to form a preamble to the Code of Conduct.**

The general principles are to remain as present but be included as a preamble to the Code of Conduct, although, a failure to comply with the general principles will not itself amount to a breach of the Code. By introducing the general principles into the Code it is hoped that it will remind members of the positive values that they should be promoting and the purposes behind the Code.

- 3.4 Deletion of the requirement for Members to report other Members to the Standards Board.**  
This will reduce frivolous and vexatious complaints.
- 3.5 A new offence of bullying will be added to the Code.**  
The Code will make a much clearer statement centralised around the fact that such behaviour cannot be tolerated.
- 3.6 The Code will contain an exception for disclosure of confidential information where such disclosure is in the public interest.**  
This provision has been introduced because it was recommended that a greater balance needs to be struck between the need for an authority to protect confidential information and the Member's right to make information available in the public interest. The Code will clarify that there will be times when it is legitimate to release information and raise concerns, which have been deemed confidential.
- 3.7 The misuse of public resources offence is to be limited to serious misuse and the Code will define inappropriate political purposes.**  
This provision will continue to apply to conduct outside official duties, but only where the conduct will be regarded as unlawful.
- 3.8 The range of interests, which are required to be registered, are to be reduced.**  
The Government has agreed to the recommendation that there should be a reduction in the number of personal interests, which need to be declared and the definition of personal interest should be amended so Members need not declare an interest where it is merely something they share with a wide community. However, the Standards Board have yet to make detailed proposals as to how it can be achieved without weakening the intention of the Code.
- 3.9 The Code will redefine friend as close personal associate.**  
This phrase will hopefully effectively capture the breadth of relationships sought to be caught under paragraph 8.
- 3.10 Standards Committees will have wider discretion to grant dispensations.**  
It has been proposed that Standards Committees should have the power to permit individual Members with prejudicial interests to speak, in order to represent their constituents; but not to participate in the debate or to vote, thus increasing local discretion to grant dispensations.
- 3.11 Interests arising from membership of another public body, a charity or local pressure group, should not prevent members from discharging their representative role.**  
The rules for personal and prejudicial interests are to be made clearer, especially for Members who sit on more than one public body. Under the new Code, it is proposed that you would only need to declare a personal interest in a matter if it might reasonably be regarded. A new category of interests, called "public service" interests, is proposed to

enable Members who sit on more than one public body (dual-hatted Members) to take a greater part in discussions.

**3.12 The current £25 threshold for declaration of gifts and hospitality is to be retained and the register of gifts and hospitality is to be made public.**

The Local Government Act 2000 failed to provide for the register of gifts and hospitality to be made public, this is now to be rectified. It is also proposed that it should be an explicit requirement that Members declare the sources from which they have received gifts and hospitality as without such information the public register is of negligible use.

**3.13 Outside official duties, only unlawful conduct is to be regarded as likely to bring the Member's office or Authority into disrepute.**

This will continue to apply to conduct outside official duties, but only where the conduct is regarded as unlawful. It is difficult to comprehend how this proposal will translate in practice because this raises the question of where a Member's official duties start and end.

3.14 The Government will work closely with the Standards Board in agreeing the detail of the proposals for inclusion in a statutory instrument to implement amendments to the Code of Conduct.

**4. RESOURCE IMPLICATIONS**

4.1 No specific financial implications have been identified.

**5. LEGAL AND CONSTITUTIONAL IMPLICATIONS**

5.1 Members will be updated when the Code of Conduct is changed following secondary legislation being implemented.

**6. CONSULTATIONS**

6.1 The Council's Management Team has considered this Report on the 20<sup>th</sup> March 2006.

**Contact Officer:** Dennis A. Hall/Laura Starrs  
**Telephone Number:** 01388 816166, Ext. 4268  
**E-mail address:** dahall@sedgefield.gov.uk

**Wards:** N/A

**Key Decision Validation:** N/A

## Background Papers

Office of the Deputy Prime Minister "Standards of Conduct in English Local Government: The Future" – December 2005

Report of 9<sup>th</sup> February 2006: Summary of Changes to Standards Arrangements:  
"Standards of Conduct in English Local Government: The Future" – December 2005  
The Local Government Act 2000

## Examination by Statutory Officers

|   | Yes                      | Not<br>Applicable        |
|---|--------------------------|--------------------------|
| 1. The report has been examined by the Council's Head of the Paid Service or his representative | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The content has been examined by the Council's S.151 Officer or his representative           | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The content has been examined by the Council's Monitoring Officer or his representative      | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The report has been approved by Management Team  | <input type="checkbox"/> | <input type="checkbox"/> |