Item 4

#### REPORT TO STANDARDS COMMITTEE

27<sup>th</sup> April 2007

# REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

# IMPLEMENTATION OF THE REVISED MODEL CODE OF CONDUCT FOR MEMBERS

## 1. SUMMARY

- 1.1 The decision to amend the Code of Conduct so as to make it more effective and proportionate formed part of the Government's wider review of the conduct regime, the revised Code is clearer but maintains a rigorous approach to the identification of serious misconduct.
- 1.2 The revised Code of Conduct has been approved by the Government and will be coming into force on the 3<sup>rd</sup> May 2007.

#### 2. RECOMMENDATIONS

- 2.1 That Standards Committee note the changes and implementation of the revised Code of Conduct.
- 2.2 That by approval of full Council on the 29<sup>th</sup> June 2007, the Revised Code of Conduct be adopted unamended, that the Council adopts the 10 General Principles as an annex to the new Code; that Parish and Town Councils be advised to do likewise.
- 2.3 That consequential changes be made to the Council's Constitution.

## 3. DETAIL

- 3.1 On the 4<sup>th</sup> April 2007 the Government tabled in Parliament the revised Model Code of Conduct for Members, (The Local Authorities (Model Code of Conduct) Order 2007 is attached at Appendix 1). The revised Code will come into force on the 3<sup>rd</sup> May and all Local Authorities will then have 6 months to adopt the revised Code. S.51 of the Local Government Act 2000 states that Authorities have 6 months from the date the order was made, (2<sup>nd</sup> April 2007) to adopt the revised Code. Therefore, if not adopted by 1<sup>st</sup> October 2007 will apply automatically. Parish and Town Councils are to make their own arrangements for the adoption of their new Codes.
- 3.2 In order to facilitate implementation, ensure consistency across authorities and assist Members to understand the revised Code, the Standards Board recommend that Local Authorities adopt the revised Code at their first opportunity and without amendment. This will give certainty to Members and the public as to what standards are expected,

- ensure consistency throughout the Country, and minimise the legal risk of any Authority adopting additional provisions, which are unenforceable.
- 3.3 However, it is also recommended that Local Authorities adopt the ten General Principles as a non-enforceable pre-amble or annex to the Code to remind Members and the public of the principles underlying the Code.
- 3.4 The Standards Board will be publishing a general guide for Members on the revised Code, which they hope will be available from the 3<sup>rd</sup> May 2007. Copies will be distributed shortly afterwards to Members and Parish and Town Clerks for distribution to their Members.
- 3.5 The main changes to the Code made by the Local Authorities (Model Code of Conduct) Order 2007 include:
  - clarification, making the language in which it is written gender-neutral;
  - amending the rules relating to prejudicial interests, so that a Member only has a prejudicial interest where his interest is greater than that of the majority of people in the ward affected by the matter, rather than merely greater than the interest of other people in the Council's area;
  - allowing Members with a prejudicial interest to speak at a Council meetings providing this is to solely allow them to make representations, answer questions or give evidence, but not to vote.
  - Applying the Code to Members' conduct in their private capacity where such conduct has resulted in a criminal conviction.
- 3.6 All the changes to the Code of Conduct will be covered by the Monitoring Officer at the Post Election Member Induction on Standards and Ethics, which will be held on the 10<sup>th</sup> May 2007 at 10.00a.m in the Council Chamber. A further training session facilitated by Peter Keith-Lucas of Bevan Brittan Solicitors is planned to take place on 27<sup>th</sup> June 2007, which will cover in detail the changes to the Code. A Standards Board Roadshow is also due to take place in Newcastle on 12<sup>th</sup> June 2007, where the Council will be represented.

### 4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

#### 5. CONSULTATIONS

- 5.1 This report has been prepared for Standards Committee immediately following publication of the Local Authorities (Model Code of Conduct) Order 2007.
- 5.2 This report has been passed to Parish and Town Councils for their guidance.

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	6.1	contents of this re	siderations have be port. In particular, ris ppraised on standard	sks may arise		
7.	OVERVIEW AND SCRUTINY IMPLICATIONS					
	7.1	None apply.				
8.	LIST OF APPENDICES					
	8.1	8.1 The Local Authorities (Model Code of Conduct) Order 2007				
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Ward	s:		N/A			
Key [	Decisio	n Validation:	N/A			
Back	ground	l Papers				
SI 200	07 No.	1159 The Local Au	thorities (Model Code	e of Conduct)	Order 2007	
Exam	inatio	n by Statutory Off	cers			Not
1.	The report has been examined by the Council's He of the Paid Service or his representative			cil's Head	Yes	Applicable
2.		The content has been examined by the Council's S.151 Officer or his representative				
3.	The content has been examined by the Council's Monitoring Officer or his representative			Council's		
4.	The re	port has been app	roved by Managemei	nt Team		

This report will be tabled for approval at the Council meeting on the  $29^{\text{th}}$  June 2007.

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