

# Report to the Council

Committee: Standards Committee

Date: 28 June 2007

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## 1. REVISED CODE OF CONDUCT FOR MEMBERS

### Recommending:

- ...
- (1) That the revised Code of Conduct attached as Appendix 1 be adopted with effect from 28 June 2007; and
  - (2) That, following adoption of the revised Code, the Monitoring Officer be authorised to take the following steps:
    - (a) ensure that copies are available for inspection by the public at all reasonable hours;
    - (b) publish a notice in one or more local newspapers stating that a new Code has been adopted and advising where copies can be inspected; and
    - (c) send a copy to the Standards Board for England.
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1.1 The Government has published a revised Code of Conduct for Members. The revised Code of Conduct came into force on 3 May 2007. Every local authority must adopt the revised Code of Conduct by resolution of Council within six months of the date on which it came into force i.e. on or before 1 October 2007. Where an authority fails to adopt the revised Code of Conduct by that date, the mandatory provisions of the revised Code of Conduct apply automatically, until the authority adopts the revised Code of Conduct.

1.2 There are a number of major changes to the Code which are summarised below:

### (a) Personal interest

The definition of a personal interest has been relaxed. Interests that are shared with most people in the ward affected by the decision will not have to be declared. The definition will not change for parishes that do not have wards.

### (b) Dual-hatted Members

Dual-hatted members and those members appointed or nominated by the authority to outside bodies will also benefit from changes to the rules regarding declaration of interests. Where a matter that affects the other bodies is being discussed at a meeting of the authority, these members will not be required to declare that they have a personal interest in the matter before they vote, unless they wish to speak on the matter or where the personal interest is also a prejudicial interest.

### **(c) Prejudicial interests**

Prejudicial interests now only arise if a matter affects a member, their family, or their close associates in the following ways:

- it relates to their finances or well-being;
- it concerns regulatory functions such as licensing or planning which affect them; and

and a reasonable member of the public with knowledge of the facts would believe the members' ability to judge the public interest would be impaired.

Even when members have a prejudicial interest, the Code supports their role as a community advocate and enables them, in certain circumstances, to represent the community and to speak on issues important to it and to the member. Members with a prejudicial interest in a matter now have the same rights as members of the public to speak to a meeting on the matter. However, once they have done so, the member must immediately leave the meeting room and cannot remain in the public gallery to observe the vote on the matter.

### **(d) Gifts or hospitality**

Gifts or hospitality over the value of £25 must now be included in the member's register of interests. This means that a personal interest must be declared at any meeting where a matter relating to that interest is discussed.

### **(e) Unlawful discrimination**

The former unlawful discrimination provision has been replaced by a duty not to do anything that may cause the authority to breach its statutory duties under equality laws. As a result, discriminatory behaviour can now be dealt with through the Code.

### **(f) Bullying**

A new provision makes it clear that bullying is prohibited by the Code.

### **(g) Intimidation**

Another new provision states that members must not intimidate or attempt to intimidate anyone involved in an investigation, such as a complainant, a witness or an officer involved in the conduct of an investigation.

1.3 The new Code does not incorporate the ten General Principles of Public Life but a failure to follow them may indicate behaviour that could potentially breach the Code.  
... The General Principles are set out in Appendix 2 attached.

1.4 Subject to the enactment of the Local Government and Public Involvement in Health Bill, the Code will apply where criminal activity has been committed in a private capacity, but not in relation to other conduct which solely concerns a member's private life.

1.5 The previous ban on disclosing confidential information has been relaxed to allow disclosure where:

(a) the disclosure is made to a third party for the purpose of obtaining professional advice (provided that person agrees not to disclose it); and

(b) the disclosure is reasonable and in the public interest, made in good faith, and does not breach the reasonable requirements of the authority.

- 1.6 As soon as the Council has adopted a revised Code of Conduct, it must send notification to the Standards Board and make copies available for inspection by the public. It must also publish a notice in a local newspaper, stating that the Council has adopted a revised Code. It is proposed that the Monitoring Officer prepare a combined public notice for the District Council and local councils in the District as this will save money.
- 1.7 The Council can adopt the revised model Code as it stands or may include additional provisions which are consistent with the model Code. We are recommending that the revised model Code be adopted un-amended. Once the Code has been adopted, all councillors will need to make new registrations of interest.
- 1.8 We recommend as set out at the commencement of this report.