



**WARDS AFFECTED:  
CITY WIDE**

## **FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Standards Committee  
Council**

**27 June, 2007  
28 June 2007**

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### **Revised Model Code of Conduct for Local Authority Members**

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#### **Report of the Town Clerk**

##### **1. Purpose of Report**

- 1.1 To ask the Committee to recommend to Council the adoption of the revised Model Code of Conduct for Local Authority Members and to consider how Members should be best appraised of these new provisions.

##### **2. Background**

- 2.1 The Local Government Act 2000 provided a statutory basis for ethical conduct by Elected Members. The first Model Code of Conduct as incorporated into the Council's Political Conventions, was adopted in 1998.
- 2.2 Over the last two years there has been a growing realisation, that the Model Code of Conduct needed to be reviewed and updated in the light of experience. As a consequence, the Government published a number of consultation documents on the future content of the Model Code, and to which this Committee submitted its views.

##### **3. Revised Model Code of Conduct**

- 3.1 The Government has now published a revised Model Code of Conduct for Members which came into force on 3<sup>rd</sup> May, 2007. Every local authority must adopt the revised Code (with or without local additions) by resolution of the Council within six months. A copy of the revised code is attached at Appendix 1.
- 3.2 The Standards Board for England has produced a Guide to the Code, a copy of which is attached at Appendix 2. It has also recommended that Authorities adopt the Code of Conduct in its model form without amendment as this will give certainty to members and the public as to what standards are expected. It will ensure consistency throughout local authorities, avoiding confusion to members on more than one

authority and for the public. It will also minimise legal risk of an authority adopting additional provisions which are unenforceable.

#### **4. Political Conventions**

4.1 Members will be aware that the Standards Board for England recommend adoption of the Model Code as a whole. The Model Code of Conduct and the General Principles of Conduct for Councillors and co-opted members of Local Authorities (as set out in table 1 of Appendix 2) are incorporated within the Council's Political Conventions. These Conventions are the way in which the Council ensures both the practical application and understanding of the Model Code and General Principles requirements associated with such matters as Publicity, Election Periods and Licensing and Development Control matters.

4.2 In addition to replacing the Model Code within the Political Conventions, the new political management structures approved by Council at their meeting on 31<sup>st</sup> May 2007 also requires some redrafting (mainly technical and terminology) of the Political Conventions. The Political Conventions have been a product of all party input, and it is recommended, therefore, that those detailed changes along with any other items Members wish to review be initially considered by the Procedures Working Party prior to Council determination.

#### **5. The Revised Model Code**

##### **5.1 Summary**

Most of the provisions of the existing Code of Conduct for Members remain in the Revised 2007 Model Code. The revised code requires Members to:

- Treat others with respect
- Not do anything to cause the Council to breach equality enactments
- Not bully any person
- Not intimidate any complainant, witness or other person involved in a complaint against the member.
- Not do anything which compromises the impartiality of those who work for or on behalf of the Council.
- Not disclose confidential information (with exceptions).
- Not bring their office or the Council into disrepute.
- Not use their position to gain an advantage or disadvantage for themselves or any other person.
- Use the Council's resources in accordance with the Council's reasonable requirements and not for political purposes.
- Have regard to the Publicity Code.
- Have regard to the advice of the statutory officers.
- Give reasons for decisions in accordance with statutory and local requirements.

## 5.2 Main Changes

Although the overall structure of the revised Code is similar to the old code, existing Members, in particular, will recognise several key differences:

- (a) The Code of Conduct purports to apply to members' conduct in their private capacity where such conduct has resulted in a criminal conviction, even where the offence was committed before the person was elected but the conviction is after that date. However, the full application of that provision is dependent on the current Local Government and Public Involvement in Health Bill amending the relevant section of the Local Government Act 2000 to make it clear that the Code can be applied to events in a member's private life.
- (b) The general conduct rules are extended to include new offences of bullying and of intimidation and victimisation in respect of standards proceedings. The offence of failing to report breaches of the Code of Conduct by other members is deleted, and a new public interest defence is introduced for breaches of confidentiality.
- (c) The provisions relating to interests are re-ordered and a member only has a personal interest where their interest is greater than that of a majority of people in the Ward affected by the matter. Where a personal interest arises solely from membership of another body to which the member has been appointed by the authority or any other public body exercising functions of a public nature, the interest only needs to be declared if and when the member speaks during a debate, otherwise the member may vote without making a declaration. A new relaxation is introduced to enable a member with a prejudicial interest of any nature to make representations to a meeting but only where that right is accorded to members of the public. The member is then required to leave the meeting after making representations.
- (d) While the general test as to what comprises a prejudicial interest remains unchanged, the definition is then substantially restricted because the Code provides that a member does not have a prejudicial interest in the business of the authority where it does not affect the financial position of the member, any body they are on or anyone connected to them or does not relate to the determining of any approval or consent etc.

## 6. **Associated Activities**

In addition to the formal adoption by Council of the Revised Model Code, there are a number of associated issues which need to be addressed.

## 6.1 Training of Elected and Co-opted Members

Understanding and correct application of the new Model Code by Members and Co-opted Members is paramount. Members of the Standards Committee may wish to input into the preferred ways of delivering training to ensure the appropriate level of understanding. In the past, a workshop approach, jointly with Members and relevant officers, has been well received, incorporating scenario based activities to facilitate discussion and highlight key issues.

The Committee may also wish to express a view as to the importance of such training for all Members and Co-opted Members and express views regarding timing/delivery etc. to ensure that all Members participate in this process.

## 6.2 Publication of Adoption of Revised Model Code

To comply with statutory and regulatory requirements, copies of the Code must be available for inspection at the Authority's offices. It is proposed that, in addition to hard copies held in the Town Hall and New Walk Centre (including Customer Services Centre) it be placed on the Council's website.

Notices of the adoption must also be placed in Leicester Link and in one other local newspaper (the Leicester Mercury).

Finally a copy of the Code of Conduct, as adopted, must be sent to the Standards Board for England.

## 6.3 Register of Members Interests

The Declaration of Acceptance of office signed by all Members following the elections holds good, because the undertaking was to observe the Authority's Code of Conduct for the time being.

However, there are no transitional provisions to carry forward existing registrations of members' interest and all Members will be required to make a new registration of interests within 28 days of the day on which the Authority adopts the Code.

Support in undertaking this takes could be given as an adjunct to the suggested training workshops.

## **7. Recommendations**

The Committee is recommended to:

- (i) support the adoption by Council of the revised Model Code of Conduct at its meeting on 28 June, 2007);

- (ii) agree the format of training to ensure that all Members are fully conversant with the provisions and application of the revised Model Code of Conduct;
- (iii) agree the measures detailed in the report (at para 6.2) to ensure the required publicity for the Council's adoption of the revised Model Code;
- (iv) agree the process whereby the Political Conventions are reviewed prior to being brought back to the Committee for consideration and thereafter on to Council for formal adoption of the agreed revisions;

## **8. Financial, Legal and Other Implications**

### **8.1. Financial Implications**

There are none arising directly out of this report.

### **8.2. Legal Implications**

The revised Code of Conduct is mandatory for unitary authorities such as Leicester; it came into force on 3 May, 2007, and must be adopted on or before the 1<sup>st</sup> October, 2007. Where an Authority fails to adopt the revised Code by that date the mandatory provisions apply automatically until the Authority adopts the revised Code.

The revised Code includes some important new provisions. For example:

Gifts and hospitality over £25 must now be included in the Member's register of interests.

Para 12(2) gives members with a prejudicial interest in a matter the same rights as a Member to speak to a meeting on a matter. However, once they have spoken the member must leave the room. The ability to speak must also be available to the public.

Dual hatted members and those members appointed or nominated by the Authority to outside bodies will benefit from changes to the rules regarding declaration of interest. Where a matter that affects the other body 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 interest is also a prejudicial interest.

However, if the matter under discussion relates to finance, well-being of the outside body or regulatory issues there may be a prejudicial interest. Training and further guidance is needed to provide clarity for members on this and other new provisions in the Code.

The Standards Board recommends that Local authorities include a Preamble to the Code which outlines the General Principles which define the standards that members should uphold. The Principles do not form part of the Code but a failure to act in accord with them may amount to a breach of the code.

### 8.3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	Yes	Contained within Model Code	
Policy	Yes	Change to Council's Constitution	
Sustainable and Environmental	No		
Crime and Disorder	No		
Human Rights Act	Yes	Contained within Model Code	
Elderly/People on Low Income	No.		

### 9. **Background Papers – Local Government Act 1972**

None Other than associated legislation and Regulations/Guidance.

### 10. **Consultations**

None.

### 11. **Report Author**

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