

REPORT TO	ON
Council	24 May 2017

Jan 2017

TITLE	AUTHOR	Agenda item No.
Code of Conduct Review	<i>C J Elwood Interim Corporate Governance Manager</i>	

1. PURPOSE OF THE REPORT

1.1 At the last meeting of the Standards Committee Members undertook a review of the Code of Conduct for elected members. It was unanimously agreed that as an alternative to adopting a new Code it would be more helpful to issue guidance on the requirements of the Code which members could refer to for detailed assistance and which would also serve to reinforce the high standards of conduct the Council expects of its elected members.

1.2 The Committee also agreed to the amend Part B of the Code which sets out the General Principles of Public Life, as these have been amended at a national level since the adoption of the Current Code of Conduct for Members in July 2012.

2. RECOMMENDATIONS

2.1 That Council agrees to adopt the amended Code of Conduct at Appendix A which has been updated at Part B to incorporate the updated seven principles of public life.

2.2 That Council agrees to adopt the detailed guidance on the operation of the Code at Appendix B

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

4. BACKGROUND TO THE REPORT

4.1 At the meeting of the Standards Committee on the 23 February 2017 Members reviewed the current Code of Conduct for Elected Members. It was agreed to update the update the seven principles of Public Life at section B of the report as these have been updated at a national level since the Code was adopted. In addition it was agreed that rather than refreshing the current Code it would be more helpful to provide members with detailed guidance to accompany the Code.

5. LOCAL CODES OF CONDUCT

5.1 The Localism Act 2011 brought into effect significant changes to the standards regime. Standards for England was abolished, with the result that there is no longer a national strategic and regulatory body responsible for maintaining consistent ethical standards across all local authorities. In addition there is no longer a requirement to adopt a national model code of conduct for elected members.

5.2 Instead, with effect from July 2012, individual Councils have a duty to promote and maintain high standards of conduct by both elected and co-opted members. Individual Councils are required to adopt a local code of conduct which sets out the standards of behaviour they expect from their elected members whenever they are acting in their official capacity, together with an appropriate procedure to investigate any complaints under the code.

5.3 The Act also requires that each Council appoint at least one Independent Person in order to bring an element of objectivity to the investigation process. (A separate report elsewhere on the Council agenda deals with the recruitment of a second Independent Person as recommended by Standards Members at their last meeting).

5.4 At the same time the sanctions available for breach of the code were reviewed. Emphasis is now on the need to register and declare Disclosable Pecuniary Interests, as failure to do so has a criminal sanction, whilst the sanctions for breach of the code itself are not as robust as under the original legislation.

Adoption of a Local Code of Conduct

5.5 At the meeting of the Council on the 18 July 2012 members agreed to adopt the current code of conduct *which is attached at Appendix A*.

5.6 Since Councils have been free to adopt a local code of conduct for elected members the content and requirements of individual codes of conduct vary significantly. Many Councils have adopted a very simple code based on a light touch regime and have moved significantly away from the detailed provisions of the original national model code of conduct.

5.7 However, the code adopted by South Ribble Borough Council was based largely on the original national model code of conduct, whilst also incorporating the requirements of the Localism Act 2011, for example the requirement to declare disclosable public interests.

5.8 The current code was adopted by full Council after detailed consideration by a Member Working Group. The view was taken that a local code based on the national model code of conduct was appropriate as the provisions were robust and members were familiar with the requirements which were tried and tested.

5.9 The same code was adopted by Town and Parish Councils in the South Ribble Borough Council area. This has a number of advantages in terms of consistency of approach particularly for twinned members who are both Borough and Parish Councillors.

5.10 Similar codes based on the provisions of the model code of conduct have been adopted by a number of neighbouring councils within Lancashire including Preston, Lancaster, Fylde, Hyndburn and West Lancashire.

Review of the Code of Conduct

5.11 At the last meeting of the Standards Committee members resolved to review the Council's code of conduct for elected members.

5.12 As the code is based on the original national model code of conduct it is actually a detailed code compared to some Councils.

The code is divided into eight sections which deal with the following:

Section A – Introduction

- Stresses the code applies whenever you are acting as an elected member
- Advises that it is a members responsibility to comply with the code
- States that members must act to maintain and strengthen public trust and confidence and must not take any action which might bring the Council into disrepute
- Advises there are sanctions for failing to comply with the code

Section B – General Principles of Public Life

- Sets out the national general principles of public life which underpin the code

(NB the seven principles remain the same but the definitions require updating)

Section C – General Obligations

Outlines the general requirements under the Code:

- Always treat others with respect
- Do not breach the equality laws
- Do not bully anyone
- Do not intimidate anyone involved in any allegation you are in breach of the code
- Do not compromise the impartiality of anyone who works for the Council
- Do not disclose confidential information (except in v limited circumstances)
- Do not prevent anyone gaining access to information they are entitled to see
- Do not use your position as a member improperly to gain any advantage
- Use the Councils resources properly
- Have regard to relevant advice from the chief finance officer/monitoring officer
- Give reasons for decisions

Section D- Disclosable Pecuniary Interests

- Defines what are DPI's
- Explains requirement to register
- Outlines what to do if you have a sensitive interest
- Advises on disclosure of DPI and requirement to leave the room
- Explains possibility of a dispensation to speak and vote
- Sets out criminal sanctions

Section E – Other Interests

Explains need to register other interests, including:

- Outside Bodies
- Membership of charitable, public or other bodies designed to influence public opinion
- Details of any gifts or hospitality over £25
- Guidance on declaring other interests and speaking and voting
- Guidance on personal interests where a decision affects your well- being or financial position or that of a person with whom you have a close association

- Guidance on leaving the room if a member of the public would consider your interest is so significant it would prejudice your judgement of the public interest

Section F- Registration of Interests

- Explains copy of register open to public inspection
- Outlines when to register interests

Section G – Interests relating to Overview and Scrutiny Committees

- Explains you must not scrutinise a decision you have been involved in making

Section H – Register of Gifts and Hospitality

- Requirement to register gifts and hospitality over £25
- Only applies to gifts received in connection with your official duties

5.13 Although it would have been possible to simplify the language in parts of the Code if members had wished, Members concluded that the Code is fit for purpose. There is a need, however, to update the seven principles of public life set out at Section B of the code as these have been updated at a national level.

5.14 Members of the Standards Committee unanimously agreed that as an alternative option to refreshing the existing code it would be more helpful to issue more detailed guidance to accompany the code. The existing guidance at the back of the code is fairly brief and more detailed guidance in plain English is attached at Appendix B for Council approval.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

7.2 Comments of the Monitoring Officer

The Localism Act 2011 sets out the statutory requirements for all Councils to adopt a local code of conduct together with a duty to promote high standards of behaviour by all elected members. Amendments to the Code of Conduct require the approval of full Council.

<p>Other implications:</p> <ul style="list-style-type: none"> • Risk • Equality • HR 	<p>There are no specific issues relating to risk.</p> <p>The Code sets out a requirement on all members not to do anything which may cause the Council to breach any of the equality enactments</p> <p>There are no HR implications</p>
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8. BACKGROUND DOCUMENTS

Report to Council 18 July 2012

APPENDICES

Appendix A South Ribble Code of Conduct updated at Part B (General Principles of Public Life)

Appendix B Detailed Guidance on the Code of Conduct