

REPORT TO	DATE OF MEETING
STANDARDS COMMITTEE	23 February 2017

Report template revised June 2008



SUBJECT	PORTFOLIO	AUTHOR	ITEM
CODE OF CONDUCT FOR ELECTED MEMBERS – REVIEW	N/A	Caroline Elwood	6

SUMMARY AND LINK TO CORPORATE PRIORITIES

At the last meeting of the Committee members agreed to review the code of conduct for elected members. This report comments on the current code and suggests that as an alternative to adopting a new code members may prefer to consider issuing guidance to 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.

This report links to the council’s priority of being an “Efficient, Effective and Exceptional Council”

RECOMMENDATIONS

That Members:

1. Note the provisions of the existing code of conduct at Appendix A.
2. Agree to update the definitions of the general principles of public life at Section B of the Code as set out at Appendix B
3. Consider issuing the guidance at Appendix C to accompany the code, which members could refer to for detailed assistance
4. Note any amendments to the Code of Conduct requires the approval of the full Council.

DETAILS AND REASONING

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.

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.

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 agenda deals with the recruitment of a second Independent Person as requested by Members at their last meeting).

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

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.

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.

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.

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.

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 twin hatted members who are both Borough and Parish Councillors.

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

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

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

Although it would be possible to simplify the language in parts of the Code if members wished, in practice the existing Code of Conduct for South Ribble Borough Council is robust and 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 and are now set out at Appendix B

An alternative option to refreshing the existing code is 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 C for members' views.

If Members wished a flow chart which would help members navigate the way through declaring interests could be produced and brought to a future meeting.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

FINANCIAL	There are no direct financial implications arising from this report.
------------------	--

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

RISK	There are no specific issues relating to risk.
-------------	--

THE IMPACT ON EQUALITY	The Code sets out a requirement on all members to not do anything which may cause the Council to breach any of the equality enactments.
-------------------------------	---

OTHER (see below)	
--------------------------	--

<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS

Report to Council 18 July 2012