

Committee: FULL COUNCIL

Agenda Item

Date: April 17, 2007

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Title: CODE OF CONDUCT

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Item for decision

Summary

1. In 22 January 2007 the Government published a consultation paper on a proposed revised Code of Conduct for members. The Standards Committee met to consider its response to the consultation on 21 February 2007.
2. The Committee met again to consider what recommendations it wished to make to Full Council regarding adoption of the Code. Most of the provisions of the Code are mandatory. However, there is some room for manoeuvre and the Committee recommended that Full Council adopt a revised Code of Conduct amended as set out in the minutes of the Committee meeting subject to any further amendments which may be required to comply with the mandatory provisions of the order when laid.
3. The order has now been laid before Parliament and members are therefore in a position to adopt a Code of Conduct to be effective after 3 May 2007.

Recommendations

4. That members adopt the Code of Conduct annexed as Appendix I as the Code of Conduct for members of Uttlesford District Council with effect from 8 May 2007.

Background Papers

5. The Local Authority's (Model Code of Conduct) Order 2007.

Impact

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Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Finance	None.
Human Rights	None.

Legal implications	The Council is obliged to adopt a Code of Conduct to comply with the Model Code contained in the schedule to the regulations within 6 months of the order having been laid, namely by 2 October 2007.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

7. The Model Code of Conduct now issued by the Government is different in a number of respects to the draft upon which the consultation was based and upon which the recommendations of the Standards Committee were made. In some respects the amendments are cosmetic. Other amendments simplify what was proposed. All of the amendments form part of the mandatory provisions of the Code and could not be varied by the Council. I have not therefore considered it necessary to refer the Code back to the Standards Committee for further consideration.
8. The differences between the consultation draft Code and the Code as laid are as follows:-
 - 8.1 The general provisions now contain a preamble emphasising the Code applies to the member and the member is responsible for complying with the Code.
 - 8.2 The definition of member has been expanded to include appointed members.
 - 8.3 The circumstances in which the Code applies has been extended to circumstances where a member claims to act or gives the impression that he or she is acting as a representative of the authority.
 - 8.4 The draft Code was ambiguous on the issue of whether conduct outside of a member's official capacity was conduct capable of bringing a member or the authority into disrepute. The Code as laid clarifies this position and provides that only criminal convictions will fall into that category.
 - 8.5 The consultation draft provided that members should not do anything which may seriously prejudice the authority's ability to comply with its equalities duty. This has been amended to provide that members should not do anything which may cause the authority to breach any of the equality enactments.

- 8.6 The provisions which prevent intimidation of persons involved in dealing with complaints of a breach of the Code have been clarified to underline the fact that it covers the member subject to the complaint as well as other members.
- 8.7 The exemption regarding disclosure of confidential information has been expanded by adding a further category of disclosure for the purpose of obtaining professional advice providing that the third party giving such advice agrees not to disclose the information to any other person.
- 8.8 The requirement has regard to advice given by the Chief Finance Officer and Monitoring Officer has been clarified to show that the provision only applies when the officer is acting pursuant to his or her statutory duties.
- 8.9 The definition of personal interests has been further modified. A decision which might be reasonably regarded as effecting the wellbeing or financial position of a corporate body in which a member has a beneficial interest in securities exceeding a nominal value of £5,000 is no longer listed as a personal interest. The abolition of the separate register of gifts and hospitality remains although the requirement to declare gifts or hospitality to the value of more than £25 will expire 3 years after the date of registration rather than 5 years as in the consultation draft. Members will be familiar with the requirement to disclose interests relating to friends and relatives and will be aware of the fact that the term 'relatives' is defined under the current Code. The new Code refers to family and any person with whom the member has a close association. Neither term is defined although guidance is expected to be issued by the Standards Board for England. The expression "friend" has been deleted from the Code.
- 8.10 The definition of prejudicial interest has been clarified. Matters not relating to finance or the regulatory functions of the Council are excluded from being prejudicial interests.
- 8.11 The consultation draft contained complex provisions regarding members speaking where a prejudicial interest existed and in some areas provided that interests which were clearly prejudicial were not for the purposes of determining whether a member could speak and vote. This has been greatly simplified in the version now laid before Parliament. Briefly, a member with a prejudicial interest will be able to attend meetings of the Council or any committees for the purpose of making representations, answering questions or giving evidence provided that the public are also allowed to attend the meeting. Having spoken the member is then required to withdraw. Members with a prejudicial interest may not attend meetings if they are not taking advantage of this exemption. Members with prejudicial interest may only vote if they hold a dispensation from the Standards Committee. The rules relating to dispensations at present remain unchanged.

Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
Members do not adopt the revised Code of Conduct	Low. The revisions to the Code enhances the role of members as community champions and are likely to be welcomed by Members.	Medium. Members are bound by the current Code of Conduct until the new Code is adopted. If the Code is not adopted by 2 October 2007, it is automatically applied to the authority.	Members adopt the Code as recommended by the Standards Committee or with alterations which do not detract from the mandatory provisions of the Code.