

Committee: Standards

Agenda Item

Date: 3 March 2014

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Title: PLAIN ENGLISH CODE OF CONDUCT

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Item for decision

Summary

1. This report is to draw members' attention to a recently published suggested Code of Conduct and to seek members' views as regards thereto.

Recommendations

2. That the committee determine whether to recommend to Full Council any changes in the Code of Conduct.

Financial Implications

3. None.

Background Papers

4. The following papers were referred to by the author in the preparation of this report:
 - HM Government Guide for Councillors on Openness and Transparency on Personal Interests and revised Illustrative Texts for a Code of Conduct copies of which are attached to this report.

Impact

- 5.

Communication/Consultation	There is no evidence of consultation by the Department of Communities and Local Government with regard to the documents they have published. If the council were to consider making amendments to its Code of Conduct, then it ought to consult with the town and parish councils in the district most of whom have now adopted the council's Code.
Community Safety	None.
Equalities	None.

Health and Safety	None.
Human Rights/Legal Implications	Section 28(1) of the Localism Act 2011 requires local authorities to be satisfied that their Codes of Conduct comply with s.28 of the Act. The Standards Committee of this authority scrutinised the current Code of Conduct for that purpose and satisfied itself that the Code was compliant before recommending it for adoption to Full Council. There is no evidence that the government has carried out this exercise with regard to the document now published.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. Following the enactment of the Localism Act 2011, members of the then Standards Committee worked on a draft Code of Conduct over a number of months. The government had indicated an intention to introduce the new standards regime with effect from the 1 July 2012 and it was important therefore that a Code of Conduct should be in place by that date. However, no guidance was given by the government as to what form a Code should take.
7. Having concluded its work the Standards Committee made a recommendation to Full Council that the draft Code prepared by the Committee should be adopted. However, a few days before the meeting of the council which would have considered that recommendation, the government and ACSeS/LGA both promulgated similar but different draft Codes of Conduct for consideration. The council therefore deferred consideration of the Standards Committee recommendation until such time as the Standards Committee had considered the alternatives.
8. The Standards Committee met for that purpose on the 14 May 2012. It considered the revised drafts. These were rejected as being too discursive. Members felt that the draft code originally recommended by the Committee had the advantage of certainty in that it was precise in terms of what was required from members; familiarity as it was largely based on the previous Code which members were used to working with and there was also consistency with other authorities as most local authorities had adopted the Essex Legal Partnership Code of Conduct which was in very similar terms.

9. The government has now issued further guidance and an amended illustrative text for a Code. The only amendments to the government's original draft are to include specific reference to membership of trade unions.
10. I consider that this is adequately covered by our current code of Conduct which provides that membership of trade unions is a registerable non-pecuniary interest. It would therefore appear unnecessary for any amendments to be made to our Code in the light of the government guidance.

Risk Analysis

11. There are no risks attached to this report.