

Committee: STANDARDS

Agenda Item

Date: 6 July 2015

4

**Title: REVIEW OF THE CODE OF CONDUCT OF
UTTLESFORD DISTRICT COUNCIL**

**Author: Michael Perry, Assistant Chief Executive
Legal, 01799 510416**

Item for decision

Summary

1. This report is to ask members whether they wish to carry out a review of the council's Code of Conduct.

Recommendations

2. Members determine
 - a. Whether or not to carry out a review
 - b. If so, how the review should be carried out

Financial Implications

3. None arising from this report.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	The majority of parish and town councils in the district have adopted the Uttlesford Code of Conduct. If members wish to suggest to parish and town councils that they should adopt any new code adopted by Uttlesford, then it may be appropriate to consult and engage with them in advance of any recommendations being made to Full Council.
Community Safety	None.
Equalities	None.
Health and Safety	None.

Human Rights/Legal Implications	Any decision to review the Code of Conduct must be taken by Full Council.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. The Local Government Act 2000 imposed a requirement on all councils to adopt a Code of Conduct. The Act empowered the government to prescribe a Model Code of Conduct by way of statutory instrument. Two such instruments were issued. The Model Code was a minimum requirement. Councils were permitted to add to the Model Code but were not permitted to delete any items. The last Model Code of Conduct was issued in 2007.
7. Amongst the Conservative party's manifesto commitments in 2010 was the abolition of the Standards for England and a streamlined standards regime. The Localism Bill was introduced in Parliament in 2010. As initially drafted it granted a power to local authorities to adopt the Code of Conduct but did not impose a duty to do so. The requirement under the 2000 Act to appoint a Standards Committee was also to be abolished although council would retain a power to appoint a Standards Committee under the Local Government Act 1972. The Constitution Working Group recommended to Full Council that it should adopt a Code of Conduct and that it should retain a Standards Committee with independent members. The Standards Committee was charged with the task of preparing a draft Code of Conduct for consideration.
8. Between 2011 and 2012 the Standards Committee began work on a draft Code of Conduct. This was drawn largely from the 2007 Model Code with only necessary amendments being incorporated. This was consistent with generic advice given to local authorities by leading local government lawyers that whilst the standards regime under the 2000 Act may have been unwieldy nevertheless the Code of Conduct was fit for purpose. Concurrently with this work the Public Law Partnership (then comprising all local authority Legal Services departments within the county of Essex plus Suffolk County Council subsequently expanded to include Hertfordshire County Council and a number of Hertfordshire district councils) was working on a draft Code. This again was based largely on the 2007 Model Code. The differences between the Code finally adopted by the Public Law Partnership and the Uttlesford Code are minimal.
9. Very late in the passage of the bill through Parliament, the government bowed to pressure to impose a statutory duty on local authorities to adopt a Code of Conduct. The government did not retain power to impose a Model Code and the only requirements for the Code of Conduct were that:-

- a) taken as a whole it should be compliant with the principles set out in s.28(1) of the Act namely selflessness; integrity; objectivity; accountability; openness; honesty and leadership and
 - b) The Code includes provision which the authority considers appropriate in respect of the registration and disclosure of pecuniary interests and interests which are not pecuniary.
10. At that stage, there was no guidance as to what a Code of Conduct should have contained outside of the statutory requirements. The Localism Bill received royal assent on the 15 November 2011. Members of the Standards Committee revisited the Code of Conduct in the light of the amendments to the Bill and satisfied itself that read as a whole the Code did comply with the s.28(1) principles and did make adequate provision for registration and declaration of interests. In advance of any commencement order, the government announced that it intended that the provisions of the Localism Act 2011 relating to standards would come into effect on the 1 July. In the light of that on the 12 March 2012 the committee resolved to recommend to Full Council that it should adopt the Code of Conduct drawn up by the committee with effect from the 1 July 2012 or such other date as may be appointed by the Secretary of State for the provisions of s.27 Localism Act 2011 to come into force.
11. The recommendation was to be considered by Full Council at its meeting on the 17 April 2012. However, despite the fact that the government and the Local Government Association has indicated that no guidance would be forthcoming on the 11 April 2012 the Department of Communities and Local Government issued an “illustrative text” for a Code of Conduct and the Local Government Association also issued a template Code of Conduct. Full Council therefore deferred its consideration of the Standards Committee’s recommendations to allow time for the Standards Committee to consider these documents.
12. For members’ information, the government issued text and the LGA template are attached. Members of the Standards Committee considered these documents were too discursive and felt that a Code of Conduct should be precise. The Standards Committee considered that the draft Code as recommended by the Committee had the advantage of certainty and it was already familiar to members being based largely upon the previous statutory Code. It therefore re-enforced the recommendation to Full Council which adopted the Code unanimously at its meeting on the 15 May 2012. The Code of Conduct has not been amended since.

Risk Analysis

13. There are no risks attached to this report.