

<b>Subject:</b>	New Code of Conduct for Members	<b>Status:</b>	For Publication
<b>Report to:</b>	Standards Committee Governance Working Group Council	<b>Date:</b>	13 <sup>th</sup> June 2012 27 <sup>th</sup> June 2012 11 <sup>th</sup> July 2012
<b>Report of:</b>	<b>Head of Legal and Democratic Services</b>	<b>Portfolio Holder:</b>	<b>Customers Legal and Licensing</b>
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
<b>Community Impact Assessment:</b>	Required:	No	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	That Full Council are recommended to adopt the proposed new Code of Conduct for Members which will replace the current Code of Conduct in the Council's Constitution, attached at Appendix 1 from 12 <sup>th</sup> July 2012.
1.2	That Full Council are asked to delegate all future minor amendments to the Code of Conduct for Members to the Council's Monitoring Officer in consultation with the relevant Portfolio Holder.

## 2. PURPOSE OF REPORT

- 2.1 To advise Members of the proposed new Code of Conduct for Members which is intended to replace the current version in the Council's Constitution and to request that the Standards Committee recommends it for approval at Full Council on 11<sup>th</sup> July 2012.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale** – creating a better environment for all.
  - **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
  - **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendations in this report involve risk considerations as set out below:
- There is a risk of a Loss of confidence in Members, the Council and its decision making processes, and local democracy should a new Code of Conduct for Members not be put in place.
  - The Localism Act requires Councils to adopt a new Code of Conduct from 1<sup>st</sup> July 2012. Whilst members agreed in March to continue with the existing Code of Conduct until new arrangements have been put in place, a new Code of Conduct now needs to be agreed.

## 5. BACKGROUND AND OPTIONS

- 5.1 Following the last meeting of the Standards Committee and Full Council, a Standards Committee Working Group met 9<sup>th</sup> May 2012, to discuss and establish a proposed new Code of Conduct. Members considered the draft Code of Conduct which was circulated at the last

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meeting of the Standards Committee. Further to this meeting a further version of the proposed Code was circulated to the Working Group, being the latest version from the Association of Council Secretaries and Solicitors (ACSeS).

5.2 The Proposed new Code of Conduct is attached at Appendix 1 which takes into account the latest version and the issues discussed at the Working Group, which included the following recommendations/actions:-

1. Respect and some explanatory text from the old code to be added, including respect to one another as councillors.
2. Hospitality policies from other authorities/businesses to be researched and 1 or 2 examples included in the code. Amount to be brought down to £25.
3. List of policies which complement the code to be appended to the new code, including but not restricted to Equality, Anti-Fraud, Whistleblowing, Gifts and Hospitality.
4. Civic Protocol – to be referenced in the new code.
5. Criminality and process monitoring officer will follow to be clearly outlined.
6. O&S paragraphs to be clarified and an example given.

5.3 Once agreed, it is intended that the new Code of Conduct will be implemented following Full Council in July 2012, along with any new arrangements for Standards which are agreed at that meeting. Members will be asked to sign the new Code of Conduct.

#### **COMMENTS FROM STATUTORY OFFICERS:**

##### **6. SECTION 151 OFFICER**

6.1 There are no obvious financial implications arising from this change to the Code of Conduct for Members.

6.2 Adherence to this policy is included within the annual audit at the close of the financial accounts, most specifically in reference to dealings with Related Parties which is regulated by the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom. Each year CIPFA revise this Code, therefore the Code of Conduct line “*do fulfil the requirements of the law and the Council/Authority in registering your interests in the Register of Members' Interests*”, ensures that the most relevant accounting Code will always applied.

##### **7. MONITORING OFFICER**

7.1 The Government has just published (30.5.12) two sets of draft regulations ‘The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012’ and ‘The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012’.

7.2 The former if formally enacted will clarify what is a ‘disclosable pecuniary interest’ under the Act. The later regulation will clarify amongst other things the position of Independent persons. Copies of the draft regulations are enclosed as a background documents. Further training for members will be provided on these issues once the regulations have been formally enacted.

##### **8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

8.1 There are no HR implications however the Child Protection Policy and the Harassment and Bullying incorporating Dignity at Work Policy should be referenced within the Code. (Note: this has been done).

##### **9. CONSULTATION CARRIED OUT**

9.1 Consultation took place as follows:-

- Standards Committee Working Group
- Other Local Authorities

- Statutory Officers

## 10. CONCLUSION

10.1 Councils are required to adopt a new Code of Conduct and this new Code can be implemented along with any new arrangements for Standards which are agreed at July's Full Council meeting.

<b>Background Papers/Appendices</b>	
<b>Document</b>	<b>Place of Inspection</b>
Proposed new Code of Conduct	Appendix 1
Disclosable Pecuniary Interests) Regulations 2012	Appendix 2
The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012	Appendix 3