

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

5 JULY 2007

**REPORT OF
CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Corporate and Social Inclusion – Lead Cabinet Member – Councillor Laing

A REVISED MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS

1. Summary

This report provides Cabinet with details of the new model code of conduct for members, which was made by the Secretary of State for Communities and Local Government on 2 April 2007 and came into effect on 3 May and asks Cabinet to consider recommending adoption of the Code to Council.

2. Recommendations

1. At the earliest opportunity, and with immediate effect the Council adopts the code of conduct for members prescribed in the Local Authorities (Model Code of Conduct) Order 2007 (“the 2007 Order”), in its entirety, in place of the Council’s existing code of conduct for members, together with the general principles of conduct as an unenforceable preamble;
2. A copy of the adopted code of conduct be provided to every member of the Council;
3. All Town/Parish Councils be advised to adopt as soon as reasonably possible, the code of conduct for members prescribed in the 2007 Order, but excluding those provisions which are not mandatory for parish councils, save for paragraph 12(2) (in part), in place of their existing codes of conduct for members; and that
4. As soon as practicable, training for the Council’s Members and for Town/Parish Council members is provided, and that such training (with the agreement of their Councils insofar as Town/Parish Council Members are concerned) is compulsory, with its take-up by each member being monitored and reported on by the Committee; and

3. Reasons for the Recommendations

To ensure that the Council adopts a new code of conduct in accordance with the requirements of the Local Authorities (Model Code of Conduct) Order 2007.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

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RECOMMENDATIONS

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DETAIL

1. The Secretary of State for Communities and Local Government made a new Local Authorities (Model Code of Conduct) Order 2007 on 2 April 2007. The Order came into force on 3 May 2007. A copy of the Order is attached at **Appendix 1**.
2. Local Authorities (including Town and Parish Councils) and other relevant bodies have six months to adopt the Code from the date it was made (2 April 2007). This means that the code should be adopted by no later than 1 October 2007. If it has not been adopted by that date, it will apply automatically.
3. The Council's Standards Committee considered the model code of conduct on 26 April 2007 and made the following recommendations:-

RECOMMENDED to Council that:-

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4. As soon as practicable, training for the Council's Members and for Town/Parish Council members is provided, and that such training (with the agreement of their Councils insofar as Town/Parish Council members are concerned) is compulsory, with its take-up by each member being monitored and reported on by the Committee; and

RESOLVED THAT:-

5. A further report be submitted to the Committee when the Standards Board's proposed guidance on the new Model Code of Conduct and related matters becomes available.
4. Taking this into account, a suggested form of new code of conduct for the Council is attached at **Appendix 2**. This will be the code to which the recommendations to Cabinet/Council relate.
5. Both the Audit Committee and the Members' Advisory Panel have received reports regarding the new model code. Any comments from their meetings will be reported at the Cabinet meeting.
6. Also attached at **Appendix 3** to the report, is guidance on the model code produced by the Standards Board for England. This includes a separate pocket guide and a briefing on the main changes which the new Code has introduced.

7. Cabinet is asked to consider the code and related guidance and to recommend its adoption to full Council.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

8. There are no direct financial implications arising from this report. Officer costs arising from considering, reporting, consulting on and providing training in connection with the new code will be met from within existing Law and Democracy's Service budgets principally, although any bought-in training and development, whether for Stockton's members and officers or for parish councils may necessitate additional funding from other (corporate) budgets.

Legal

9. The new code introduces revised conduct requirements for Members and a new ethical and legal framework for the handling of misconduct allegations.

RISK ASSESSMENT

10. The handling of misconduct allegations is classed as a corporate risk and is included in the Council's risk register. However, the risk is being addressed as part of normal operating procedures and, in particular, will continued to be addressed by the provision of appropriate and timely training and advice regarding the new code of conduct for members.

COMMUNITY STRATEGY IMPLICATIONS

11. Codes of Conduct at a national and local level are central to the ethical framework and the Local Government Act 2000 and the Local Government Bill.

CONSULTATION

12. Details of the consultation paper and draft revised code of conduct were previously drawn to the attention of all Members and relevant Officers. The link for the new code has also been emailed to all Members and relevant Officers. Copies of this report will be accessible to all Members and co-opted Members via E-genda. The consultation paper and draft code was also reported to the Members Advisory Panel. The new Code has also been submitted to the Audit Committee and the Members Advisory Panel. This report will be drawn to the attention of Town/Parish Clerks via E-genda.

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Background Papers:

The appendices to the report

Ward(s) and Ward Councillors:

Not Ward Specific

Property Implications:

None