

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

27 NOVEMBER 2013

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

**Corporate Management and Finance – Lead Cabinet Member – Councillor
Harrington**

THE COUNCIL'S CODE OF CONDUCT FOR MEMBERS

1. Summary

This report details proposals to update the principles of conduct in the preamble to the Council's Code, in light of the revisions to the descriptions of the Nolan principles by the Committee on Standards in Public Life.

2. Recommendations

It is recommended to Council that:

1. The report be considered, and that
2. The principles of conduct in the preamble to the Council's code be updated as proposed in the report.

3. Reasons for the Recommendations

To ensure that the Council's code and principles of conduct are up to date and that the Council continues to satisfy its duty to promote and maintain high standards of conduct by Members.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 8 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 – 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, 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 and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, of
- relates to the determining of any approval, consent, license, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

This report details proposals to update the principles of conduct in the preamble to the Councils Code in light of the revisions to the descriptions of the Nolan principles by the Committee on Standards in public Life.

RECOMMENDATIONS

It is recommended to Council that:

1. The report be considered, and that
2. The principles of conduct in the preamble to the Council's code be updated as proposed in the report.

DETAIL

Background

1. At the meeting on 4th September, 2013 Cabinet recommended that proposals to update the descriptions of the principles of conduct in the preamble to the Council's code, in light of the revisions to the descriptions of the Nolan principles, should be the subject of further reports to Cabinet and to Council.
2. Council approved this recommendation at its meeting on the 11th September, 2013.

Principles of Conduct

3. The Committee on Standards in Public Life has reviewed and revised the descriptions of the Nolan Principles. The original descriptions and the revised versions are attached at **Appendix 1** to this report.
4. Although the Council's Code of Conduct does not replicate the Nolan principles exactly, consideration should be given to the descriptions of the principles of conduct in the Code's preamble, to determine if any of those descriptions should be updated.

5. Details of the current preamble to the Authority's code of conduct are attached at **Appendix 2**. A suggested revised version of this preamble is attached at **Appendix 3**, showing the revisions which have been made. These revisions reflect the updated version of the descriptions to the Nolan principles.
6. Cabinet is asked to consider whether the details at Appendix 3 are appropriate and should be recommended for inclusion in the preamble to the Council's Code.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

7. There are no financial implications arising from or related to the proposal in this report.

Legal

8. Updating the descriptions to the principles in preamble to the Council's Code will more accurately reflect the revised version of the descriptions to the Nolan principles of conduct.

RISK ASSESSMENT

9. This is considered to be a low risk issue.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

10. High standards of conduct are critical to the Council's Governance and organisational effectiveness.

EQUALITY IMPACT ASSESSMENT

11. An assessment is not considered to be required.

CONSULTATION

12. The Cabinet Member and Group Leaders have been consulted about the proposal

Director of Law and Democracy

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Background Papers: none

Ward(s) and Ward Councillors: not ward specific

Property Implications: not applicable