

THE ASSEMBLY

17 JULY 2013

Title: THE CODES OF CONDUCT FOR MEMBERS	
Report of: The Monitoring Officer	
Open	For Information
Wards Affected: None	Key Decision: No
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Accountable Divisional Director:	Fiona Taylor, Monitoring Officer and Head of Legal and Democratic Services
Accountable Director:	Chief Executive
Summary: <p>On 1 July 2012 the Assembly adopted, as required by the Localism Act 2011, a new local Code of Conduct and Complaint Procedure. The new Code differs from the former statutory Code in that the Monitoring Officer now conducts an initial assessment against approved criteria, may consult with the new Independent Person and tries to resolve matters informally if possible or appropriate. As it has been in existence for a year, it was considered timely to review the structure and drafting of the Code of Conduct for Councillors as well as the Codes for Planning Matters and for Licensing and Regulatory Matters to make improvements in composition and simplify them where possible.</p> <p>The Standards Committee considered the revised Codes (Appendices A-C) at its meeting on 5 June 2013 and commended them to the Assembly for adoption.</p>	
Recommendation(s) <p>The Assembly is asked to:</p> <ol style="list-style-type: none">1. note the report; and2. adopt with immediate effect the re-drafted:<ol style="list-style-type: none">(i) Code of Conduct for Councillors as set out in Appendix A(ii) Code of Conduct for Planning Matters as set out in Appendix B; and(iii) Code of Conduct for Licensing and Regulatory Matters as set out in Appendix C	
Reason: <p>To enable the Council to ensure that its members and co-opted members maintain high standards of conduct and to comply with the Localism Act 2011.</p>	

1. Introduction and Background

- 1.1 On 1 July 2012 the Assembly adopted, as required by the Localism Act 2011 (the Act), a new local Code of Conduct and Complaint Procedure.
- 1.2 The Act abolished the National Body “Standards for England” and required authorities to devise their own code of conduct. In addition it established a category of interests which members may have which they were legally obliged to disclose. These interests are called “*disclosable pecuniary interests*”.
- 1.3 Under the Act members are obliged to register interests listed as disclosable pecuniary interests and cannot take part in Council business matters that relate to those interests unless they are issued with a *dispensation*. This is a specific measure which removes the restriction on taking part and may be granted by the Monitoring Officer or the Standards Committee depending upon the circumstances.

2. Proposal and Issues

- 2.1 The consequences of not disclosing an interest which is designated as a disclosable pecuniary interest and taking part in a matter relating to such an interest carry the risk of commission of a criminal offence.
- 2.2 As non-disclosure has very serious repercussions, it is important that documentation regarding Codes of Conduct should aim to be as clear as possible subject to containing the necessary legal content and guidance. For this reason the Codes have been simplified to refer explicitly to the interests which must be disclosed under law that carry a criminal sanction, that is “disclosable pecuniary interests” and those that do not “non pecuniary interests”.
- 2.3 The revised Codes are attached at Appendix A for the Code of Conduct for Councillors, with the Local Code for Planning Matters at Appendix B and the Local Code for Licensing and Regulatory Matters at Appendix C.

3. Options Appraisal

- 3.1 Ongoing review of the Council's Constitution is a requirement of part H of the Constitution and the proposed changes are an integral part of the ongoing programme to monitor and review its effectiveness.
- 3.2 With the duty in mind of continuous improvement the only consistent option is to carry out amendments and clarifications when they are identified; to do nothing or postpone changes would frustrate this objective.

4. Consultation

- 4.1 The revised Codes were considered by the Standards Committee at its meeting on 5 June 2013.

5. Financial Implications

N/A

6. Legal Implications

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- 6.1 The Localism Act 2011 at section 27 places a duty on the Council as a Local Authority to promote and maintain high standards of conduct by members and co-opted members of the authority and in discharging that duty must in particular adopt a code dealing with the conduct that is expected of said members and co-opted members when they are acting in that capacity
- 6.2 Section 28 of the Act sets out the required standards of behaviour that should be contained within a Code of Conduct, that is the standards first proposed by the Committee on Standards in Public life (known as the Nolan principles) of: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership. In addition the Act states the Code of Conduct must address the provisions the Council considers necessary for the registration and disclosure of interests.
- 6.3 The proposed redrafted Codes contain no material change in terms of obligations and requirements on members and co-opted members; the purpose is to provide clarity by following the precise drafting of Nolan Principles rather than the current paraphrasing and be explicit as to what interests members and co-opted members need to ensure are placed in the register and what interests are declarable at meetings.

7. Other Implications N/A