

STANDARDS COMMITTEE

LOCALISM ACT 2011 - MEMBER CODE OF CONDUCT

3rd May 2012

Report of the Monitoring Officer

PURPOSE OF REPORT

To seek the Committee's views on two new model codes of conduct circulated recently by the LGA and the DCLG, to enable the Committee to make recommendations to Council on the form of the new Code of Conduct it should adopt.

This report is public

RECOMMENDATIONS

(1) The Committee's views are sought

1.0 Introduction

- 1.1 Members will recall that at its meeting on the 19th January 2012, the Committee considered a report on the standards provisions contained in the Localism Act 2011. A copy of that report is at Appendix 1 for ease of reference.
- 1.2 The Committee noted that, at this early stage, best practice was still being discussed by relevant national and professional bodies, and Regulations were still awaited, particularly with regard to the registration of interests, but resolved that the Committee's preliminary views for consideration by Council with regard to the Code of Conduct were that paragraphs 3-7 of the current Code of Conduct should be retained within the future version, with paragraph 5 revisited in order to review the definitions of 'bringing the council into disrepute'. This recommendation was accepted by Council on the 1st February 2012.
- 1.3 Draft regulations on interests had still not been published at the time of writing this report. Information will be provided at the meeting if they have been published by then.
- 1.4 However, on the 10th April 2012, the LGA published a template code of conduct, agreed with other stakeholders including Solace and ACSeS (Association of Council Secretaries and Solicitors). This document is at Appendix 2. The following day, the Department for Communities and Local Government published an "illustrative text" of what a code of conduct might look like under the new standards regime. This document, with covering letter, is at Appendix 3. The purpose of this report, therefore, is to give members the opportunity to consider these documents

2.0 Proposal Details

- 2.1 The LGA and DCLG Codes are similar in their broad-brush approach, although there are some differences between them. Neither code contains any specific provision on confidentiality or reference to bullying. The DCLG Code does not make any provision for treating others with respect.
- 2.2 Both Codes seem to comprise the broad seven aspirational principles, with only a few selective examples of what each principle means in practice. They provide limited guidance on what constitutes a failure to comply with the Code. However, this is perhaps consistent with the government's intentions in revising the standards regime, in that it was of the view that the old framework encouraged petty and vexatious complaints.
- 2.3 The Committee's views on these model documents are sought, and members are asked to consider whether they would wish to recommend either of these Codes to Council, or whether they would still prefer to maintain a more detailed Code of Conduct, similar to the present one. For Members' information, a draft Code prepared by another Council prior to the publication of the LGA and DCLG documents, which the Monitoring Officer has obtained through ACSeS, is included at Appendix 4. This document seems to incorporate most of the provisions of the current Code, under the headings of the Nolan principles, and is therefore an example of how the current Code could be adapted. The current Code is appended at Appendix 5 for ease of reference.
- 2.4 Clearly, from the point of view of dual and triple hatted members, there is an advantage in a county council, district council and the parish councils within the district all having the same Code of Conduct. From the point of view of the public it would also seem sensible for the same standards of conduct to apply to elected members regardless of district boundaries. The Monitoring Officer is due to meet with the Cumbrian Monitoring Officers on the 27th April, and is also discussing with Monitoring Officers within Lancashire the likely preferred Code of their Councils. Any further information will be reported at the meeting. The Monitoring Officer had a preliminary discussion with LALC (Lancashire Association of Local Councils) following the January meeting, and LALC were supportive of the view that there was merit in all Councils within Lancashire adopting the same Code.

3.0 Details of Consultation

- 3.1 The views of the Committee are sought, as the body responsible for advising Council on its Code of Conduct

4.0 Options

- 4.1 At this stage, it is not possible to finalise a new Code of Conduct, as the Regulations on interests have not yet been published. The Committee's views are, however, sought on the LGA and DCLG documents, with a view to informing discussions with neighbouring authorities, and making recommendations to Council on the form and content of its Code of Conduct.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising from this report.

LEGAL IMPLICATIONS

The Council is required under the Localism Act 2011 to adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. The code must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership, and must include provisions in respect of pecuniary and other interests.

FINANCIAL IMPLICATIONS

There are no direct financial implications at this stage.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Deputy Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Committee

BACKGROUND PAPERS

None

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