
CODE OF CONDUCT

Responsible Cabinet Member(s) – Councillor John Williams, Leader

Responsible Director(s) – Paul Wildsmith, Director of Corporate Services

Purpose of Report

1. To seek Members approval of a revised Code of Conduct for members, following a national change to the model Code of Conduct.

Background

2. The Council adopted its current Code of Conduct for Members in compliance with the requirements of the Local Government Act 2000. A model Code of Conduct is contained within a statutory instrument, the provisions of the model code must be adopted by the Council.

Revised Model Code

3. The revised Code of Conduct came into force on 3rd may 2007. Every local authority must adopt the revised Code of Conduct by resolution of Council by 1st October 2007. Failure to do so will result in the new provisions coming into force automatically without resolution of the Council. Adoption of the revised Code of Conduct at the first Council meeting after the election of new members avoids the need for them to be trained on both the old and the revised code of conduct. The Constitution provides that the Standards Committee recommend changes to the Code to Council. The Standards Committee has considered draft revisions to the Code and supported those revisions.

Summary of Changes

4. The key changes to the Code of Conduct are:-
 - (a) The Code applies to Members when they act in their official capacity. The Code applies to a Member's private life if the Member is convicted of a criminal offence, and then only in relation to certain paragraphs of the Code.
 - (b) There are some new offences:-
 - (i) Members must not bully any person including other councillors, council officers or members of the public.

- (ii) Members must not intimidate or victimise witnesses in relation to any proceedings for breach of the Code of Conduct.
- (c) Members are no longer bound to report breaches of the Code of Conduct by other Members.
- (d) Members must have regard to the Local Authority Code of Publicity, when using the authority's resources.
- (e) A new defence is available for Members who have disclosed confidential information, if they can show that they did so in the public interest.
- (f) The provisions in relation to **personal** interests are relaxed:-
 - (i) Members who have a personal interest because of their membership of another body to which they were appointed by the authority or another public body they need not declare that personal interest unless they intend to speak
 - (ii) Where the decision affects a particular ward, Members need only declare a personal interest if they are affected more than others in the particular ward, not the authority's area.
- (g) The provisions in relation to **prejudicial** interests are relaxed:-
 - (i) The Code creates exempt categories which are truly exempt in relation to Council tenants, school meals or school transport, sick pay, allowances and indemnity for members, ceremonial honours and setting Council Tax.
 - (ii) Prejudicial interests are confined to financial or regulatory matters including planning, licensing and other specific permissions and registration.
 - (iii) Members have the same rights to speak to meetings as Members of the public. (this would enable a member to speak to a planning committee if they had a prejudicial interest, but not to take part in the debate or observe the vote).

Amendments to the Code of Conduct

5. The Standards Board for England has issued guidance in relation to the revised Code of Conduct to assist Members and Officers in its interpretation. The SBE recommends, as it did with the previous code, that it is adopted in its model form without amendment. This is to enable it to have the benefit of national guidance and interpretation and avoid confusion for Members.
6. The SBE do however recommend that every local authority includes a preamble to the code which outlines the ten general principles governing the conduct of members of local authorities. The adoption of the preamble is broad principle only, and the SBE cannot investigate an allegation that a Member has breached one of the ten principles. The attached Code of Conduct for Darlington includes a preamble as recommended. It is recommended that the Code of Conduct attached at Appendix 1 is approved by Members together with the preamble, and without any other changes to the Code of Conduct.

Implementation of the Revised Code

7. It is not necessary for Members to make new declarations in relation to the Code, as the declaration requires that Members undertake to adhere to the Council's Code, and not any particular version of that Code of Conduct. The register of interests is not changed by the revised Code, but members should review their register of interests regularly to ensure that it continues to be up to date. Members have been asked to complete a new register of interests with the start of the new Council.
8. A copy of the revised Code will be provided to all Members following its adoption. The Code will apply with immediate effect from the moment of its adoption.
9. The Monitoring Officer will:-
 - (a) Ensure that copies of the revised Code of Conduct are available for inspection at the authority's offices;
 - (b) Publish a Notice of the adoption of the revised Code of Conduct in a local newspaper, and
 - (c) Notify the Standards Board for England that the authority has adopted the model Code, or send a copy of the adopted Code of Conduct to the SBE.

Training

10. A programme of induction training has been put in place for all new Members. Existing Members will also need to attend training on the revised Code of Conduct. The Council requires that all Members attend at least five training sessions per calendar year. At least one of those training sessions this year for all Members old and new should be on the revised Code of Conduct. It is therefore recommended that this is reflected in Members Personal Development Reviews and be a requirement on all Members. The Standards Committee will be responsible for ensuring that Members receive appropriate training on the revised Code of Conduct.

Legal Implications

11. This report has been prepared by the Borough Solicitor, any legal implications are highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

12. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

13. The issues contained within this report are required to be considered by Council, however it does not alter the Council's policy framework.

Recommendation

14. The Council is requested to :-
- (a) Adopt the revised Code of Conduct attached at Appendix 1 with effect from 18th May 2007.
 - (b) Require that at least one of the five training sessions which Members attend during this training year, covers the provisions of the revised Code of Conduct.

Reasons

15. The recommendations are supported by the following reasons :-
- (a) The Council is required to adopt the revised Code of Conduct.
 - (b) All members will require training on the revised Code of Conduct.

**Catherine Whitehead
Borough Solicitor**

Background Papers

The Local Authorities (Model Code of Conduct) Order 2007
The Code of Conduct: Guide for Members May 2007

Catherine Whitehead: Extension 2306
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