
REPORT TO:	COUNCIL	AGENDA ITEM: 24
DATE OF MEETING:	19TH APRIL 2007	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ANDREA McCASKIE MONITORING OFFICER AND HEAD OF LEGAL & DEMOCRATIC SERVICES (EXT. 5831)	DOC: U:\JAYNE\Commtee\COMMREP\RevisedCode.doc
SUBJECT:	REVISED MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS	REF: AGM/JB
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Reason for Exempt (if appropriate)

1.1 Not applicable.

2.0 Recommendations

2.1 That the Council adopts the revised Model Code of Conduct for Local Authority Members, as attached to the report, with effect from 8th May 2007.

2.2 That the Council adopts the ten general principles as a non-enforceable preamble to the Model Code with effect from 8th May 2007.

3.0 Purpose of Report

3.1 Section 51 of the Local Government Act 2000 states that each authority must adopt a Code of Conduct applying to its Members and Co-opted Members which must incorporate any mandatory provision issued by the Secretary of State. A revised Model Code of Conduct, setting out the conduct which is expected of Members and Co-opted Members of relevant authorities was issued by Parliament on 4th April 2007, a copy of which is set out in this report.

4.0 Detail

4.1 The Council's current Code of Conduct is based wholly on the Model Code of Conduct set out in the Local Authorities (Model Code of Conduct)(England) Order 2001 which was adopted by this authority on 21st March 2002.

4.2 A revised Code of Conduct has been issued under the Local Authorities (Model Code of Conduct) Order 2007, which comes into force on 3rd May 2007. Every provision of the Model Code is mandatory and has to be adopted by this authority within six months of the date it was made. This means that if an authority has not adopted the Model Code of Conduct by 1st October 2007, it will apply automatically.

- 4.3 It is proposed that South Derbyshire District Council adopts the Model Code of Conduct, attached at Annexe 'A', unamended.
- 4.4 The Standards Board for England has strongly recommended to Councils that they adopt the revised Code at their first opportunity and without amendment, to facilitate implementation, ensure consistency across authorities and assist Members to understand the revised Code.
- 4.5 However, the Standards Board for England also recommends that each authority considers adopting the ten general principles which are listed in Annexe 'B' as a non-enforceable preamble to the Code to remind Members and the public of the principles underlying the Code.
- 4.6 It is anticipated that the Standards Board for England will be publishing a general guide to the revised Code for Members which will be available from 3rd May 2007.
- 4.7 It is proposed to adopt the Code of Conduct with effect from 8th May 2007, in order that it is enforceable from the start of the municipal year following the Elections at this authority on 3rd May 2007. This will ensure that new Members of the authority are bound by one Code only.
- 4.8 The main changes to the Code compared to the existing Code can be summarised as follows:
- simplify and clarify the drafting of the Code, including making the language in which it is written gender neutral
 - to amend the rules in the Code relating to prejudicial interests, so that a Member only has a prejudicial interest where his/her interest is greater than that of the majority of people in the ward affected by the matter, rather than merely greater than the interests of other people in the Council's area (a modified version of this rule applies where the Member does not represent a ward)
 - provide that the Code of Conduct will apply to Members' conduct in their private capacity, where such conduct has resulted in a criminal conviction
 - to allow Members with a prejudicial interest to speak at a Council Meeting, provided this is solely to allow them to make representations, answer questions or give evidence, but not to vote
- 4.9 Members will recollect that they have been asked to respond to two consultation documents on proposed changes to the Model Code of Conduct.
- 4.10 This matter was first considered by the Standards Committee and Full Council in June 2005, when an extensive consultation exercise was undertaken by the Standards Board for England. Following consideration of the consultation feedback, the Standards Board for England made recommendations to Government which would make the Code clearer and more proportionate, but with a rigorous approach to the identification of serious misconduct.

- 4.11 On 22nd January 2007, the Government published a consultation paper setting out its proposals for the detailed amendments needed to put into effect the Government's undertaking to amend the Code of Conduct so as to achieve the aims identified in the Local Government White Paper "Strong and Prosperous Communities" in which the Government announced its commitment to provide a clearer, simpler and more proportionate Code of Conduct for Local Government Members and to amend the rules on personal and prejudicial interests to remove barriers to Councillors being able to speak up as advocates for, and leaders of, their communities and for the public bodies on which they serve.
- 4.12 The Standards Committee and Full Council considered their responses to the consultation paper on 20th February and 1st March 2007 respectively.
- 4.13 The Government received in total 906 representations in response to the consultation. The main changes made following those representations are:
- to improve the accessibility and user-friendliness of the Code by replacing references to "the Member" and "him/her" with "you" throughout
 - to delete references to "public service interests" and extend the more relaxed provisions proposed for those with a public service interest to all Members. This will mean that no Member will have a prejudicial interest unless the matter affects his/her financial position or that of his/her family, or those with a close association with him/her, or if the matter relates to the determining of any approval, consent or licence in relation to him/her, his/her family or those with a close association with him/her
 - to provide revised drafting to ensure that Members with a prejudicial interest should have the same right to attend meetings so as to make representations, give evidence or answer questions, as would apply to a member of the general public, but not to vote.
 - to provide clearer drafting to ensure that the remit of the Code in respect of conduct in a Member's private capacity is restricted to behaviour for which a criminal conviction has been received

5.0 Financial Implications

- 5.1 None

6.0 Corporate Implications

- 6.1 Training sessions on the revised Code will be provided to Members as part of the induction programme. It is also anticipated that this will incorporate presentations and scenarios, as well as a DVD being produced by the Standards Board for circulation and distribution in July 2007.
- 6.2 It will also be necessary to provide training in consultation with the Derbyshire Association of Local Councils for the Parish Councils under the responsibility of the District Council.

7.0 Community Implications

- 7.1 By adopting the revised Model Code of Conduct, this will give certainty to Members and the public as to what standards are expected from Members and Co-opted Members of South Derbyshire District Council, maintaining the necessary public confidence and trust in our local leaders.

8.0 Background Papers

Report to Standards Committee on 9th May 2005 and 20th February 2007

Report to Full Council on 16th June 2005 and 1st March 2007

The Local Authorities (Model Code of Conduct) Order 2007, Statutory Instrument No. 1159