

**STANDARDS COMMITTEE
4 JULY 2007**

NEW CODE OF CONDUCT FOR MEMBERS

Purpose of Report

1. To advise Members of the new Code of Conduct for members, to draw their attention to some of the key differences between the new Code and the existing one, and to advise on the adoption of the new Code.

Background

2. Following extensive consultation the Government introduced a new statutory Code of Conduct for members by means of the Local Authorities (Model Code of Conduct) Order 2007, which came into force on 3 May 2007. The Council has until 1 October 2007 to adopt the new Code. A copy of the Code has previously been circulated to all Members and co-opted Members – please bring your copy with you to this meeting.
3. The new Code is a model Code, which means that authorities do not have to adopt it exactly as it is set out in the Order. However, the model Code is *de minimis* – authorities may add to it, but may not delete any of its provisions, all of which are mandatory in their entirety.

Main Considerations for the Council

4. The provisions of the new Code are similar to the existing Code in the following areas:
 - The duty to treat others with respect
 - The requirement not to compromise the impartiality of officers
 - The requirement not to use one's position in seeking improperly to influence the functions of the authority
 - The provisions covering access to information
5. The main differences between the new Code and the old one are:
 - Requirement to read the Code in conjunction with the General Principles Order which sets out the 10 general principles governing the conduct of members of local authorities
 - A new duty to comply with equalities legislation
 - A new specific prohibition on bullying by members

- Provision for the circumstances under which a Member may disclose confidential information
 - Amendments to the scope of the Code with respect to bringing the office of member or the authority into disrepute, with particular reference to the difference between private behaviour and carrying out the functions of the authority or office
 - Use of the authority's resources
 - A duty to consider the advice of statutory officers and giving reasons for failing to follow such advice
 - A relaxation of the rules governing personal and prejudicial interests, with the intention of enabling ward members more effectively to represent the views of their constituents.
 - Removal of the duty to report breaches of the code
6. The majority of local authorities have already adopted the new Code, primarily because many of them held elections in May 2007, and wished newly elected Members to sign their acceptance of office and the new Code shortly after their election. Very few authorities have made any amendments to the Model Code.
 7. It is not recommended that Wiltshire County Council makes any changes to the Model Code, since it is difficult to see how any such amendments would be of benefit. Changes to the model Code would make the use of decided cases considered by the Adjudication Panel for England and other Standards Committees more difficult, since one would not be comparing like with like.
 8. Officers have anticipated the introduction of the new model Code by providing equalities training for elected Members, which was delivered in the spring of 2007. It is possible that Members will need more training on the specific requirements of the equalities legislation, which is extensive and relatively complex. However, this is not an immediate requirement.
 9. Officers organised training on the provisions of the new model Code on the 28th and 29th of June 2007. The timing of the training anticipated this meeting and the meeting of full Council on 10 July. It was thought to be important for Members to understand the principal provisions of the new Code before they were asked to vote in favour of its adoption and sign up to it at the July meeting of full Council.

Environmental Impact of the Proposal

10. None

Risk Assessment

11. If the Council does not adopt the minimum provisions of the model Code of Conduct by 1 October 2007, it will be in breach of its statutory obligations.

Financial Implications

12. There are likely to be further training requirements arising from the new Code, and these may incur costs in terms of officer time and the provision of training materials and room hire. However, until a training needs analysis has been conducted, it is not possible to predict the level of these costs.

Proposals

13. That the Standards Committee recommends Council at its meeting on 10 July 2007 to adopt the model Code of Conduct, as set out in the Local Authorities (Model Code of Conduct) Order 2007 with the inclusion of a preamble outlining the 10 general principles governing the Code of Conduct for members of local authorities, but otherwise without amendment.
14. That the Standards Committee recommends full Council to make the necessary consequential amendments to the Constitution.

STEPHEN GERRARD

Monitoring Officer

Report Author: Nina Wilton, Corporate Standards Manager

The following unpublished documents have been relied on in the preparation of this Report:

None