

KENNET DISTRICT COUNCIL

FULL COUNCIL 5th June 2007

New model code of conduct

**Report by Mike Rowan, Head of Legal Services and
Monitoring Officer**

PURPOSE OF REPORT

- To report on the new Model Code of Conduct for Local Authority members (the Code) and to agree that it be adopted by Kennet District Council in place of its existing Code of Conduct, and to recommend that Town and Parish Councils within Kennet District do likewise.

1. FINANCIAL IMPLICATIONS

Some financial implications may be incurred in training members and as a result of any investigations that may be referred and/or hearings as a result of a complaint of an alleged breach of the code.

2. RISK IMPLICATIONS

None

3. STAFFING IMPLICATIONS

None

4. LEGAL IMPLICATIONS

As contained in the report

5. INTRODUCTION

The Local Government Act 2000 introduced a new ethical standards regime part of which was the creation of Standards Committees. Another part was the introduction of mandatory Codes of Conduct for all local authorities including Town and Parish Councils. The mandatory Code was adopted by Kennet District Council at its meeting on 23rd April 2002

2. National experience over the last five years has demonstrated that although the mandatory Codes have been overwhelmingly successful, practice suggests that improvements can be secured by introducing a number of changes. The Government has therefore, after appropriate consultation, published a single revised mandatory Code of Conduct for all local authorities. The regulations containing the new Code came into force on the 3rd May 2007. Local Authorities have six months in which to adopt the revised Code, otherwise it will be applied to them automatically.

3. The Standards Board for England has advised that in order to ensure consistency across local authorities, and to assist members to understand the Code, Councils adopt the revised Code at the earliest opportunity and without amendment (it is possible to extend the provisions of the Code by amendment

but not to diminish in any way its mandatory scope). Early adoption will, it is claimed, give certainty to both councillors and the public as to what standards are expected, ensure consistency nationwide and minimise the legal risk of adopting additional provisions which are unenforceable. Additionally, the Standards Board recommend the adoption of the ten underlying principles as a non-enforceable preamble or annex to the Code to remind both members and the public of the principles underlying it.

4. Appendix A comprises the new Code. Appendix B sets out the ten general principles.

5.. It had been anticipated that the ten general principles published by the Government in 2001, would have been incorporated into the Code. This has not however, proved to be the case. Nevertheless, for the reasons explained earlier in this Report, and in order to provide a comprehensive background it is recommended that the Council also adopts the Statement of General Principles (Appendix B) as a non-enforceable annex to the Revised Code. Once the Revised Code has been adopted, its existence must be published in the local press and a copy sent to the Standards Board. This will be undertaken by the Monitoring Officer.

7. Further information and guidance from the Standards Board for England. on the operation of the Revised Code has been circulated to Members in the Members Bulletin and was the subject of Members Induction training. Further advice and guidance will be provided to members by the Monitoring Officer as this becomes available from the Standards Board.

8. The Standards Committee considered the revised changes to the Code of Conduct at its meeting on 21st March 2007 and further training will be provided to the Standards Committee at it's meeting on 19th June 2007.

9. Finally, the new Code will also apply to all Town/Parish Councils in the District. They will be encouraged to adopt the Code voluntarily at the first available opportunity to ensure consistency and a training programme for Parish Councillors will be devised by the Standards Committee.

6. RECOMMENDATIONS

It is Recommended that:

- Council be recommended to adopt the Model Code of Conduct issued by the Secretary of State for Communities and Local Government as set out in the Local Authorities (Model Code of Conduct) Order 2007 ['the Code'], together with a preamble incorporating the ten general principles governing the conduct of members, in place of its existing Code;
- Town and Parish Councils within Kennet District be recommended to adopt the Code and preamble;

Background papers:-

Appendix 1 – The new Model Code

Appendix 2 – Preamble setting out the 10 Principles

