

WEST WILTSHIRE DISTRICT COUNCIL

REPORT TO STANDARDS COMMITTEE

30 APRIL 2007

Title: **Adoption of the Revised Code of Conduct**

Reporting officer: **Tim Darsley, Monitoring Officer
Nicola Mathiason , Head of Legal and
Democratic Services and Deputy Monitoring
Officer**

Purpose

- To consider the adoption of the revised Code of Conduct which comes into force on 3 May 2007, and to recommend its adoption to Council. To determine whether to adopt the principles of conduct in public life.

Background

- On the 2 April 2007 the Statutory Instrument establishing the revised Code of Conduct was made. The Code will come into force from 3 May 2007 and local authorities have six months from the date within which to adopt the Code. Once the Code is adopted there is a requirement to notify the Standards Board and publish a notice in a local newspaper.
- The Code applies to all Members whether they are elected, appointed or co-opted. To facilitate implementation, ensure consistency across authorities and assist members to understand the revised Code the Standards Board recommends that it be adopted without amendment. As the Code applies to Parish and Town Councils, as well as this Council and the County Council this will give certainty to Members and the public of the standards expected, and ensure consistency of effect.
- The Code was initially established following the publication of the report of the Committee on Standards in Public Life which established ten general principles of conduct in public life. These principles underpin the provisions of the Code and the Standards Board have recommended that these should be included as a preamble to the Code. It is, however, to be acknowledged that they do not form part of the statutory code and are not enforceable. The ten principles are attached as Appendix A to this report.
- The Standard Board have indicated that they will be publishing a general guide to the revised Code which should be available in electronic form initially from 3 May 2007. It will be published in paper format shortly

thereafter. They will also produce a further range of training material to assist local authorities in informing their Members of the provisions of the revised Code; this will include a DVD and be available from July. Additionally standard presentations and scenarios will be available from their website in May.

- The main changes to the Code made by the Order are to –
 - simplify and clarify the drafting of the Code, including making the language in which it is written gender-neutral;
 - amend the rules in the Code relating to prejudicial interests, so that a member only has a prejudicial interest where his interest is greater than that of the majority of people in the ward affected by the matter, rather than merely greater than the interest 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; and
 - allow Members with a prejudicial interest to speak at a Council meeting providing this is solely to allow them to make representations, answer questions or give evidence, but not to vote.

The revised Code of Conduct is attached as Appendix B.

Key Issues

- It is proposed that this Committee recommends that the Council should adopt the Code with effect from the Annual Council meeting on 15 May. This will enable training to be provided to members on 10 May. Further training sessions will be arranged and the Committee's views on the extent and nature of these are sought.

Effect on Strategies and Code

- It is to be noted that the Code affects all Members whether elected, co-opted or appointed. It will also apply to the Parish and Town Councils within West Wiltshire when those Councils adopt it.

Risk Implications

- Members will have an existing awareness of the current Code of Conduct and the immediate availability of training and awareness opportunities should minimise the potential of failing to comply with the terms of this revised Code. A training session is to be held on 10 May to which all members will be invited. Further training sessions will be arranged once Guidance and training material is available from the Standards Board.

Financial and Performance Implications

- There are no significant financial implications as Member training and awareness sessions were proposed following the local elections. Similarly there should be no performance implications arising from these revisions as Members will have the opportunity to be made aware of the scope and extent of the changes to the Code.

Legal and Human Rights Implications

- None beyond those which related to the current Code.

Recommendations

To recommend Council to:

- adopt the Model Code of Conduct as set out in the Schedule to the Local Authorities (Model Code of Conduct) Order 2007.
- adopt the 10 principles of conduct in public life (Appendix A) as a non-enforceable preamble to the Code
- inform the Standards Board of England of the adoption and publish a notice in a local newspaper.

To require officers to provide training on the revised Code for all Members whether elected, co-opted or appointed

To advise Parish and Town Councils on the adoption of the revised Code.