

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Monitoring Officer	Report Number: M33
To: Joint Standards Committee	Date of meeting: 7 June 2012

THE LOCALISM ACT 2011 – REVISED CODE OF CONDUCT FOR MEMBERS

1. Purpose of Report

- 1.1 To adopt the Suffolk Standards Code at Appendix 1 and to put in place arrangements for the complaints procedure.

2. Recommendations

- 2.1 That the Suffolk Local Code of Conduct For Members at Appendix 1 be adopted in place of the existing Code of Conduct with effect from the [earliest] date prescribed by law and subject to the Monitoring Officer being authorised to make additions in accordance with the law.
- 2.2 That the adoption of the Suffolk Local Code of Conduct be publicised on the Council's website.
- 2.3 That the Monitoring Officer be designated as the Proper Officer under section 33 of the Localism Act 2011 to receive applications for dispensations

Recommendation is made to Full Council.

3. Financial Implications

- 3.1 None

4. Risk Management

- 4.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
The Councils fail to adopt a revised Code of Conduct within the period prescribed by law	Low	Critical	Recommendation to Full Council – June 2012

5. Consultations

- 5.1 The draft Suffolk Standards Code is in a form agreed by Suffolk Chief Executives Group and Suffolk Leaders Group.
- 5.2 The Suffolk Association of Local Councils has been consulted on the draft Suffolk Standards Code.

6. Equality Analysis

6.1 Not relevant to this report

7. Shared Service / Partnership Implications

7.1 The intention is for there to be one Code of Conduct across Suffolk which parish and town councils may also choose to adopt. Other Suffolk authorities have begun to adopt the Suffolk Standards code in the form at Appendix 1.

8. Key Information

8.1 The Localism Act 2011 makes significant changes to the standards regime for councillors. When Part 7 of the Act is implemented all local authorities (including town and parish councils) will be required to have a Code of Conduct to replace the existing Code which continues in force until then. It is anticipated that the revised Code will need to come into operation from 1 July 2012.

8.2 There is no prescribed form for the revised Code of Conduct, but it must be based upon the seven Nolan principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Code must also require councillors to register their pecuniary and non-pecuniary interests. Details of the type of interests to be registered will be set out in Regulations which are still awaited.

8.3 The Suffolk Monitoring Officers Group has compiled a draft Code of Conduct to fulfil the new requirements and which is based upon the general obligations within the existing Code (see Appendix 1). Appendix A to the Code, detailing the type of interests to be registered, will be completed upon publication of the Regulations. For this reason, authority is sought to enable the Monitoring Officer to update the Code.

8.4 At its meeting on 23 April 2012, the Joint Standards Committee considered the draft Suffolk Standards Code of Conduct along with another version prepared by the DCLG. In common with other standards committees across the County, the Committee resolved to recommend the Suffolk Standards Code of Conduct for adoption (subject to re-formatting, which has now been undertaken).

8.5 The adoption of the Suffolk Standards Code of Conduct must be publicised so as to bring it to the attention of residents of each Council's area. It is recommended that this be achieved through publication on the Council's website.

8.6 Whilst details are awaited on what will be considered to be a pecuniary interest, it is clear from section 31 of the Localism Act that members with a pecuniary interest in an item of council business will not be permitted to participate or vote on the matter unless a dispensation has been granted. Section 33 of the Act requires the Councils to appoint a Proper Officer to receive written requests for dispensations. It is recommended that this should be the Monitoring Officer who would then report the application to the appointed Committee for determination.

8.7 A dispensation may only be granted where, either (i) the number of councillors otherwise prohibited from participating in a particular item would be so great as to impede the transaction of business (ii) political balance would be upset as to alter the likely outcome of any vote on the matter (iii) a dispensation would be in the interests of persons living in the council's area, or (iv) it would be appropriate for the dispensation to be granted.

8.8 All members will be provided with details and training on the requirements under the revised Code following publication of the awaited Regulations.

9. Appendices

9.1 Appendix 1 – Draft Suffolk Standards Code of Conduct

10. Background Documents

10.1 None

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Babergh & Mid Suffolk District Councils**Suffolk Local Code of Conduct for Members**

In accordance with S 26 to 37 of the Localism Act 2011 on [date] Babergh / Mid Suffolk District Council (the Council) resolved to adopt the Suffolk Local Code of Conduct for the purposes of discharging its duty to promote and maintain high standards of conduct within its area.

Until otherwise amended or replaced by a decision of the Council, the Suffolk Local Code of Conduct set out below shall hereafter apply to all elected members and any co-opted members entitled to vote on any decisions of the council or its committees, sub committees or joint committees when acting in their capacity as a member of the Council.

Preamble

The Suffolk Local Code of Conduct shall be interpreted in accordance with the following 7 principles of public life identified by the Committee on Standards in Public Life chaired by Lord Nolan:

Selflessness - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Holders of public office should promote and support these principles by leadership and example.

**SUFFOLK LOCAL CODE OF CONDUCT APPLICABLE TO ELECTED MEMBERS AND CO-
OPTEES APPOINTED TO THE COUNTY BOROUGH DISTRICT [AND PARISH] COUNCILS IN
SUFFOLK**

1. You must treat others with respect.
2. You must not —
 - (1) do anything which may cause your authority to breach any of the Council's duties under the Equality Act 2010
 - (2) bully any person;
 - (3) intimidate or attempt to intimidate any person who is or is likely to be—
 - (a) a complainant,
 - (b) a witness, or
 - (c) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (4) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
3. You must not —
 - (1) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (d) the disclosure is reasonable, in the public interest, made in good faith and in compliance with the reasonable requirements of the authority; or
 - (2) prevent another person from gaining access to information to which that person is entitled by law
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
5. You —
 - (1) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (2) must, when using or authorising the use by others of the resources of your authority—
 - (a) act in accordance with your authority's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,where that officer is acting pursuant to his or her statutory duties.
6. (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

7) Registration of interests (pending issue of the Regulations**)**

- 7.1. You must register within 28 days of becoming a member of the Council (and to notify the Council's Monitoring Officer of any changes within 28 days) any Disclosable Pecuniary Interests (DPIs) you may have for publication in the Register of Members' Interests.
- 7.2. You may not at any time discharge any function or participate in any Council business or discussions, or vote on any issues that relate to or concern any of your DPIs where you are aware that you have a relevant DPI. You may not remain in the chamber or meeting room or in the public gallery when any matter that relates to any of your DPI is under discussion or debate unless you have requested and obtained a written dispensation from your [*Council's Monitoring Officer or other arrangement*] in advance of the relevant meeting.
- 7.3. You must register within 28 days of becoming a member of the Council and to notify your Council's Monitoring Officer of any changes within 28 days any non statutory Local Non Pecuniary Interests (LNPIs) set out in Appendix A to this code but you may participate in any discussions or debates relating or concerning any of your LNPIs after the date of registration.
- 7.4. You must declare any DPIs or LNPIs to a meeting where business is relevant to those interests, including those interests that are already registered with the Monitoring Officer or where registration is pending.
- 7.5. You must register, within 28 days, any gifts and hospitality received by you in accordance with the instructions issued within your Council by the Monitoring Officer.
- 7.6. The Council's Register of Interests will be available for inspection at the Council offices during normal office hours, and will be published on the Council's website.

8) Sensitive Interests

You may also apply to your Council's Monitoring officer for non publication of the full details of any of your DPIs or LNPIs where you reasonably believe that publication of the details of a particular DPI or LNPI could result in you being subjected to violence or intimidation. In considering such applications the Monitoring Officer shall have regard to any representations made by you in determining whether he or she considers the relevant DPI or LNPI should be treated as a Sensitive Interest and excluded from the published version of the Register of Members' Interests.

Description of categories of Local Non Pecuniary Interests:

(None)

or

List of categories of Local Non Pecuniary Interests adopted by the relevant Council