

STANDARDS COMMITTEE - 18TH MARCH 2008

SUBJECT: THE REVISED CODE OF CONDUCT FOR MEMBERS

REPORT BY: MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To advise Members of contents of the proposed new and revised Code of Conduct for Elected Members, currently in its final draft stage.

2. LINKS TO STRATEGY

- 2.1 To promote and maintain high standards of conduct by Members and Co-Opted Members of the Authority.

3. THE REPORT

- 3.1 Part III of the Local Government Act 2000 ("the 2000 Act") introduced a new ethical framework for Local Government in England and Wales, including a model Code of Conduct for Members.
- 3.2 Under the terms of s.52 of the 2000 Act all elected Members and Co-Opted Members with voting rights ("Co-Opted Members") must give a written undertaking to observe the Code of Conduct for the time being adopted by the Authority. A Member may not act until he/she has given such an undertaking.
- 3.3 Following the decision in the case of Livingstone -v- the Adjudication Panel for England (2006) provision was made in S.183 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") to amend Part III of the 2000 Act to make it clear that the Code of Conduct can include provision that applies to Members whilst acting in either their official or private capacities.
- 3.4 Following consultation with the Welsh Assembly Government, the Department for Communities and Local Government (DCLG) made arrangements for S.183 of the 2007 Act to come into force in respect of Wales on 31st January, 2008.
- 3.5 With commencement of S.183 of the 2007 Act the way is now open for the Welsh Assembly Government to introduce a new revised Code of Conduct.
- 3.6 The minister for Social Justice has been invited to make the necessary Order to introduce the new Code of Conduct.
- 3.7 Currently the Order has not been made but the anticipated timetable is as follows:-

Order made: 20th March 2008

Laid before National Assembly: 25th March, 2008

To come into force: 18th April, 2008

- 3.8 The revised code is now in a final draft version, and a copy of the draft is attached to this Report as Appendix 1.
- 3.9 It is not anticipated that any further changes will be made to the draft Code. If amendments are made, Members will be notified and a further report will be prepared, if the amendments are substantial in nature.
- 3.10 The revised Code of Conduct follows the same broad structure as the Old Code of Conduct, but makes a number of substantial changes:-
- (a) In terms of when the Code applies to Members and Co-Opted Members, the revised Code of Conduct applies to Members whilst acting in either their official or private capacity (Section 2 and Section 6 of the New Code).
 - (b) The general conduct rules are extended to include new offences of bullying and harassment.
 - (c) The provisions of interests are reordered and appear in Part 3 of the New Code. Prejudicial interests are also introduced under Section 12 of the new Code, and new relaxations are introduced to make representations to a meeting in the same manner as a member of the public and to participate fully where the interest is shared with the majority of the residents of his/her ward or electoral division.
- 3.11 The options for the commencement date for the introduction of the new Code will be discussed at the meeting, which follows the meeting of the ACSES Group in Llandrindod on Friday, 14th March where the Group will be updated on the anticipated timetable for the making of the Order to implement the new Code.

4. FINANCIAL IMPLICATIONS

- 4.1 None other than the costs of the training for new Members on the new Code which will be met from existing budgets.

5. PERSONAL IMPLICATIONS

- 5.1 There are none.

6. CONSULTATIONS

- 6.1 There are no consultation responses which have not been taken into account in the recommendations to this Report.

7. RECOMMENDATIONS

- 7.1 That the Committee recommend to the Council that the Council adopt the final version of the revised Code of Conduct.
- 7.2 That the Monitoring Officer be instructed to secure that training on the final version of the revised Code of Conduct is made available to all Members and Co-Opted Members.
- 7.3 That all Members and Co-Opted Members be provided with a copy of the final version of the revised Code of Conduct.
- 7.4 That appropriate action be taken by the Monitoring Officer to ensure that the necessary

undertakings to abide by the final version of the revised Code of Conduct and (if necessary) to renew their registrations of interests under the Code.

8. REASONS FOR THE RECOMMENDATIONS

- 8.1 To satisfy the legislative requirements in relation to the mandatory adoption of the Code of Conduct.

10. STATUTORY POWER

- 10.1 Local Government act 1972, Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007 and all supporting secondary legislation.

Author: Daniel Perkins, Monitoring Officer & Head of Legal Services
(perkid@caerphilly.gov.uk)

Consultees: Stuart Rosser, Chief Executive (rossesa@caerphilly.gov.uk)
Nigel Barnett, Director of Corporate Services (barnen@caerphilly.gov.uk)
Councillor Gerald Jones (jonesg5@caerphilly.gov.uk)
Councillor Gwyn Price (priceg@caerphilly.gov.uk)

Appendices:
Appendix 1 Final draft of Model Code of Conduct