

STANDARDS COMMITTEE AGENDA



Tuesday 17 April 2012

at 4.00 p.m.

**in Committee Room C,
Civic Centre, Hartlepool.**

MEMBERS: STANDARDS COMMITTEE:

Councillors Barclay, Fleet, Griffin, Morris, Preece, Shaw and Sutheran.

Co-opted Members: B Footitt, B Gray and T Jackson, Reverend John Lund

Parish Councillors: A Bell, Hart Parish Council, R Musgrave, Elwick Parish Council and 1 vacancy

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 7 February 2012.

4. ITEMS FOR DECISION / INFORMATION

4.1 Business Report – *Chief Solicitor and Monitoring Officer (to follow)*

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

7th February 2012

The meeting commenced at 4.00 pm in the Civic Centre, Hartlepool

Present:

Mr Jackson (In the Chair);

Councillors Barclay, Morris, Preece, Shaw and Sutheran
Professor Footitt

Parish Councillor Representatives, Alan Bell (Hart Parish Council) and Ruth
Musgrave (Elwick Parish Council)

Officers: Peter Devlin, Chief Solicitor
Amanda Whitaker, Democratic Services Team Manager

32. Apologies for Absence

Councillors Fleet and Griffin and Mr Gray

33. Declarations of Interest

None

34. Minutes

The minutes of the two meetings held on 13th December 2011 were both confirmed.

35. Business Report (*Chief Solicitor and Monitoring Officer*)

(i) “The Standards Board Regime”

Members were advised that correspondence had been received from the Standards Board for England confirming that following the making of the relevant Commencement Order on 15th January, 2012, the regulatory role of the Standards Board in handling cases on behalf of Local Authorities and issuing guidance would cease on 31st January, 2012. Any referrals or investigations which had been unable to be completed by this date would be referred back to the relevant authority for completion. However, any

complaints which were currently being handled locally would still need to continue as would matters relating to completed investigations or appeals which had been referred to a First Tier Tribunal. It was expected that the Department for Communities and Local Government (DCLG) would make further provisions relating to such cases by way of transitional arrangements in due course. The role of the Standards Board for England in providing guidance on the current standards framework would therefore cease from 31st January, 2012.

It was noted that although the communication from the Standards Board indicated that DCLG had yet to confirm when the other elements of the Localism Act, 2011, relating to standards (such as the removal of powers from existing local Standards Committee, a requirement to adopt a new local Code and the appointment of an Independent Member), would come into force, it was earlier intimated by DCLG that the “*new*” system was to be effective from ‘*the start of the next municipal year*’. It now seemed that a later date may apply, as the Association of Council Secretaries and Solicitors had received separate communication from DCLG which indicated “*we envisage that the remaining local element of the current regime, including statutory Standards Committees with the power to suspend Councillors, will be abolished on 1st July, 2012*”. The communication from DCLG continues “*all standards matters – including consideration and determination of outstanding complaints made during the period the Standards Board regime of operating – will be the responsibility of local authorities, to be handled under the new arrangements*”.

(ii) The Localism Act, 2011

Members were advised that the Localism Act had received Royal Assent on 15th November, 2011. Certain provisions of this legislation were dependant upon formal Commencement Orders being made. The Chief Solicitor reminded the Committee of the ethical standards contained within the Localism Act.

It was noted that each ‘relevant authority’ had to adopt a code which dealt with the conduct expected of Members and voting Co-opted Members when acting in that capacity. There would be no national code as such but appended to the report was a slightly revised draft of a Code which was currently being developed through the Association of Council Secretaries and Solicitors. In respect of the Principles of Public Life, it was noted that criteria (viii) Respect for Others (ix) Duty to Uphold the Law and (x) Personal Judgement were not mandatory. The Chief Solicitor, therefore, sought the views of the Committee on the inclusion of those criteria in the Code of Conduct. Members spoke in favour of the inclusion of the criteria and expressed concern that inclusion of the principles was not mandatory.

Referring to the Interest section of the appended draft Code of Conduct, the Chief Solicitor sought the views of Members in relation to the threshold for disclosure of gifts. The Committee agreed that the threshold should

continue at the current level of £25.

(iii) Sanctions and Independent Persons – Counsel’s Advice

The Committee was informed that in order to assist local authorities in adopting the new standards arrangements, the Association of Council Secretaries and Solicitors had sought the advice of Clive Sheldon QC on areas which required some clarification.

It was recognised that the Localism Act, 2011, was silent on the ‘action’ potentially open to an authority where a Member was found to be in breach of its revised or newly adopted Code of Conduct in the new standards regime. The report set out the existing standards regime (which would remain in force until the new provisions were formally implemented). The existing Regulations would be repealed under Schedule 4 of the Localism Act, 2011. Section 28(11) of the 2011 Act provided that where an authority finds that a Member or “voting” Co-opted Member had failed to comply with the Code they must decide what action (if any) to take. The Act does not describe the range of “actions” that a local authority can take. However, it was envisaged that some action could be taken. Section 34 of the Localism Act, 2011 provided for a criminal sanction, namely where a local authority Member failed to notify the existence of a disclosable pecuniary interest but this would be a Court sanction following conviction. Counsel in his advice had considered the statutory and also the common law position and had indicated that sanctions set out in the report were lawfully available, subject to the particular facts and circumstances of a case and the same “action” being both lawful and proportionate in the manner of their application. It was highlighted that Counsel had also had regard to the possible engagement of Article 6 of the European Convention of Human Rights which would have application where “civil” rights are engaged but not those of a ‘political’ nature.

Members expressed concern at the apparent limitations in terms of potential sanctions which would be available to the Committee. In response to concerns expressed regarding the inclusion of an item on the next Council meeting agenda, the Chief Solicitor clarified that where a Member is suspended it was a consideration for the local authority whether or not that part of a Member’s basic allowance covering the period of suspension should be withheld.

In respect of the Independent Person on the Standards Committee, in the opinion of Counsel “it is not permissible for an Independent Member to serve as the “independent person”. The role of the “independent person” is set out within Section 28(7) of the 2011 Act. The definition of such an “independent person” was further set out at Section 28(8) as detailed in the report.

The Committee was advised that a vacancy for an independent must have been advertised, the person had responded with an application, and an appointment had been approved by the majority of Members of the

authority. It appeared therefore that a person cannot be an “independent person” if he or she was a “Member, Co-opted Member or Officer” of the authority, any time during the five years ending with the date of the intended appointment. Whilst, Regulation 5 of the 2008 Regulations did not prevent the reappointment of Independent Members the same “saving” provision is not contained within the 2011 Act. Counsel had indicated;

There is “therefore, a clear textural difference between the 2011 Act and the 2008 Regulations. Under the existing standards regime, there is no prohibition against an Independent Member of a Standards Committee being reappointed in that role. However, the same language does not appear in the 2011 Act: it would have been possible to repeat the language had Parliament intended to do so”.

It was noted, that in the instructions to Counsel, “that there is a serious concern of loss of experience for local authorities if past Independent Members cannot serve as the “independent person”. Members of the Committee concurred with the view which had been expressed. However, upon a statutory interpretation of the Localism Act, 2011, Counsel had concluded that “the role of the “independent person” was therefore different, and there was “not necessarily a complete overlap of skill sets and experience between the two roles”. Whereas under the existing standards regime, there was a requirement for a Standards Committee to be chaired by an independent person and the same individuals to be Co-opted Members with a vote, the new “arrangements” indicated a more passive role for the independent person.

Decision

The report was noted.

The meeting concluded at 4.40 p.m.

CHAIR

STANDARDS COMMITTEE

17th April 2012



Report of: Chief Solicitor and Monitoring Officer

Subject: BUSINESS REPORT

1. THE “NEW STANDARDS REGIME”

1.1 Previous reports have been brought to the Committee as to the emerging “new arrangements” relating to complaints alleging Member misconduct. The Localism Act, 2011, received Royal Assent on 15th November, 2011, and although Regulations and/or guidance is still awaited as to transitional arrangements and formal commencement of certain provisions, the main features of this new regime are covered below.

(i) Duty to promote high standards of conduct.

Every “relevant authority” (including Town and Parish Councils) must promote and maintain high standards of conduct by elected and co-opted Members.

(ii) Code of Conduct

Each “relevant authority” must adopt a Code dealing with the conduct that is expected of Members “when they act in that capacity”. Further that Code must be consistent with seven “Nolan principals, namely;

- Selflessness
- Honesty
- Integrity
- Objectivity
- Accountability
- Openness
- Leadership

Note: The other “general principals” including personal judgement, respect for others, duty to uphold the law and stewardship are not mandatory.

Further, on present information, such a Code must be adopted by full Council before 1st July, 2012. The Code must also contain “appropriate provisions” for the registration and disclosure of non-disclosable pecuniary interests and non-pecuniary interests. Again, Regulations and/or guidance is awaited, in this respect.

(iii) Complaints

Relevant authorities, other than Parish Councils, must have in place “arrangements” for dealing with complaints. The Council’s Constitution Committee have recommended retention of a Standards Committee to deal with such complaints, the composition of which would need to reflect political balance requirements. However, as it appears there will no longer be a requirement for this Committee to include the level of representation of ‘independent members’ it has been proposed that there should be an ‘Independent Person’ who can be consulted upon a complaint together with a substitute ‘Independent Person’ and appropriate Parish Council representation (a representative and one substitute) to be co-opted onto the Committee, to deal with Parish Council business. However, it should be noted that such “co-opted Members” will only be able to act in an advisory capacity. It appears, the emphasis is now placed on local resolution rather than by way of formal investigation which allows more scope for the Monitoring Officer (in consultation with the “Independent Person”) to deal with complaints in order to seek some form of resolution.

(iv) Sanctions

Unlike previously, there will be a limited range of “actions” that can be taken in the new arrangements, comprising the following;

- Censure
- Report to full Council
- Recommendation of action to Group Leaders
- Withdrawal of facilities, if necessary and proportionate but which would not prevent the Councillor in performing their duties. NB: the previous “sanctions” as to suspension and disqualification will no longer apply.

(v) Register of Interests

As previously, the Monitoring Officer must establish and maintain a Register of Interests of Members. This will include “disclosable pecuniary interests” (to be defined by Regulations) and as now, such a register must be available for public inspection and the Monitoring Officer must also assist the Parish Councils in maintaining such registers.

(vi) Criminal Offences

A failure to register a disclosable pecuniary interest within 28 days of election or co-option without reasonable excuse, or to provide false or misleading information or be reckless as to the accuracy of information, can lead to the commission of a criminal offence. This can also lead to the disqualification from being a Councillor for up to five years. Any prosecution would be required to be instigated through the Director of Public Prosecutions.

2. CODE OF CONDUCT

- 2.1 The Committee had previously received a report with a draft Code of Conduct and it is to be noted that an authority can either revise or adopt a new Code of Conduct in order to comply with the localism provisions. As mentioned, Regulations and/or guidance is still awaited from the Department of Communities and Local Government as to what, for example, may constitute a disclosable pecuniary interest and which would also need appropriate reference within any Code of Conduct. There has been dialogue between the Department of Communities and Local Government and the Local Government Association over a “model” Code of Conduct, but it appears that those discussions are still ongoing. Consequently, it may well be the case, that a revised Code of Conduct will need to be reported to the Standards Committee early in the next municipal year in order to allow formal adoption by Council, on or before 1st July, 2012, the present anticipated date for the operation of the “new” standards regime.
- 2.2 The Constitution Committee as indicated, will recommend to Council at its meeting on 12th April, 2012, that there be retention of a dedicated Standards Committee to deal with complaints surrounding alleged Member misconduct. Although, presently there is requirement for independent Members to comprise at least 25% of the membership of a Standards Committee, with appropriate Parish Council representation (a minimum of two representatives under present Regulations). This will alter under the “new regime” wherein a relevant authority will only be required to appoint at least one ‘Independent Person’ to be consulted in relation to complaints received. As primarily, the work of the Standards Committee will centre around (as presently) consideration of any reports following an investigative process, it is also the recommendation of the Constitution Committee that the meetings of the Standards Committee be held every six months, with intervening meetings, dependant upon the number of complaints received. The Standards Committee as before will still have certain delegated functions including, by way of example, the discretion to grant dispensations and such other delegations as prescribed through Council.

3. INDEPENDENT PERSONS

- 3.1 Previously, a report was presented to the Standards Committee which indicated the advice as secured through the Association of Council Secretaries and Solicitors dealing with the appointment of the 'Independent Person' as a part of the complaints process. Many local authorities have written to the Secretary of State as to their concerns and it now appears that transitional arrangements will include the option to appoint an 'Independent Member' as an 'Independent Person' if a local authority so wishes. However, this is likely to be for a limited period of time after a Commencement Order brings into force the "new regime". It also appears that the advertising requirements, which is a feature of the existing standards regime and that proposed will still be required to be met, although this is still the subject of confirmation through central government. For the information of the Committee, the attached item of correspondence as sent to Bradford Metropolitan Borough Council seems to contemplate the above scenario (**Appendix 1 refers**).

STANDARDS COMMITTEE

17th April 2012



Report of: Chief Solicitor and Monitoring Officer

Subject: LOCAL GOVERNMENT ASSOCIATION - TEMPLATE CODE AND GUIDANCE NOTE ON CONDUCT

1. BACKGROUND

1.1 At its meeting on 7th February, 2012, the Committee received a report upon the changes to the standards regime through the Localism Act, 2011. That report also appended a draft Code of Conduct as developed through the Association of Council Secretaries and Solicitors, with some modifications, as indicated within that earlier report. The Committee will be aware that under the Act, each “relevant authority” must adopt a Code which deals with conduct expected of Members and voting Co-opted Members when acting in that capacity. For this purpose, a relevant authority may either revise its existing Code or adopt a new Code. That draft is again appended herewith (**Appendix 1**). It was also noted that Regulations were awaited, not least upon definitions covering, for example, what constituted a “disposable pecuniary interest”, which would need to be accommodated within a Code of Conduct.

2. LOCAL GOVERNMENT ASSOCIATION - TEMPLATE CODE AND GUIDANCE NOTE

2.1 On 10th April, 2012, the Local Government Association circulated to Leaders and Chief Executives a “Template Code and Guidance Note on Conduct”. That document is appended herewith for the consideration of the Standards Committee (**Appendix 2**). It has been mentioned through the Association of Council Secretaries and Solicitors the ‘surprise’ at the brevity of the document that is now being produced through the Local Government Association.

2.2 The attached “template” comprises two parts, one based upon principles and the other based upon outcomes, focused around what those principles seek to achieve. Members will be aware that any new or revised Code of Conduct must be consistent with the seven “Nolan” principles namely those relating

to; selflessness, integrity and objectivity, accountability, openness, honesty and leadership. It was the earlier expressed view of Standards Committee that those existing principles of personal judgement, duty to uphold the law, stewardship and respect for others, should be included within a new or revised Code of Conduct in addition to those mandatory principles.

- 2.3 It has also been indicated through the Association that there is no mention of “indicative behaviours” that are required to produce those outcomes. Whilst, such themes could already be incorporated within existing documentation, for example, the Officer/Members Protocol, Council Procedure Rules etc it is felt that there is some deficiency in the template as produced through the Local Government Association. It is therefore anticipated, that some Councils may prefer to adopt a more ‘traditional’ Code of Conduct with some firm indications as to what a Member/voting Co-opted Member can and cannot do. Subject to the mandatory requirements, it is of course open to a local authority to decide upon their own Code to comply with the Localism Act, 2011. As before, the documentation appended herewith must necessarily remain as “working drafts” as Regulations are still awaited to define the descriptions of disclosable interests, which would need to be incorporated within any finalised Code.
- 2.4 On the 11 April 2012, communication was received from Bob Neill MP, Parliamentary Under Secretary of State for the Department for Communities and Local Government, attaching an example of a local code. A copy of this communication and accompanying document is also attached herewith (**Appendix 3**).

3. RECOMMENDATION

1. For Members to note and discuss.

CODE OF CONDUCT

INTRODUCTION

This code applies to you as a member of Hartlepool Borough Council and when you act in your role as a Member it is your responsibility to comply with the provisions of this code. The code will also have application to voting co-opted Members.

You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is adopted through the requirement for Hartlepool Borough Council to promote and maintain high standards of conduct by its members, under Section 27 of the Localism Act, 2011. The Code has application to those “principles of public life” as set out below under paras (i) – (vii) as specified under the Localism Act, 2011 and the Council has decided to incorporate the additional principles as set out within (viii) – (x).

PRINCIPLES OF PUBLIC LIFE

(i) 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.

(ii) 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.

(iii) OBJECTIVITY

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

(iv) 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.

(v) 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.

(vi) HONESTY

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

(vii) LEADERSHIP

Holders of public office should promote and support these principles by leadership and example, and should act in a way that secures or preserves public confidence.

((viii) RESPECT FOR OTHERS

Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

(ix) DUTY TO UPHOLD THE LAW

Members should uphold the law and, on all occasions act in accordance with the trust that the public is entitled to place in them.

(x) PERSONAL JUDGEMENT

Members may take account of the view that others, including their political groups, but should reach their conclusion on the issues before them and act in accordance with those conclusions.

Interpretation

In this Code;

“Meeting” means any meeting of;

- (a) the authority;
- (b) the Executive of the authority;

- (c) any of the authority's or its Executive Committee, Sub-Committees, Joint Committees or Area Committees;
- (d) whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members.

"Member" includes a co-opted Member and any appointed Member.

GENERAL OBLIGATIONS

1. When acting in your role as a Member of the authority
 - 1.1 You must treat others with respect.
 - 1.2 You must not conduct yourself in a manner which is contrary to the authority's duty to promote and maintain high standards of conduct amongst its Member.
 - 1.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe or are reasonably to be aware, if of a confidential nature, except where –
 - (i) you have the consent of the person authorised to give it;
 - (ii) you are required by law to do so
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (c) you have consulted with the authority's Monitoring Officer prior to its release.
 - 1.4 You must not prevent any other person from gaining access to information to which that person is entitled by law.
2. When using or authorising the use by others of the resources of the authority –
 - 2.1 You must act in accordance with the authority's reasonable requirements including the requirements of the authority's applicable information technology policy and those related policies copies of which have been provided to you and which are deemed to have read;
 - 2.2 You must ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - 2.3 You have regard to any applicable Code of Recommended Practice on local authority publicity issued under Section 4 of the Local Government Act, 1986.

INTERSTS

3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a Member, you should act solely in terms of the public interest and should not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
4. You are required to register “pecuniary and other interests”. failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.
5. There will be no requirement for you to formally declare or register any gifts and hospitality; however you should not accept any gifts in excess of £25.

DISCLOSURE AND PARTICIPATION

6. At a meeting where such issues arise, you must declare any personal and/or professional interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
7. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a Member may be called into question and in turn raise issues about the validity of the decision of the authority. You should not become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and you should not vote in relation to such matters.
8. You should not improperly use knowledge gained solely as a result of your role as a Member for the advancement of yourself, your friends, your family members, your employer or your business interests.

PRE – DETERMINATION OR BIAS

9. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

10. When making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
11. In relation to any business before an Overview and Scrutiny Committee of the authority (or of a Sub-Committee of such a Committee) where –
 - 11.1.1 that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's Committees, Sub-Committees, Joint Committees or Joint Sub-Committees; and
 - 11.1.2 at the time the decision was made or action was taken, you were a Member of the Executive, Committee, Sub-Committee, Joint Committee or Joint Sub-Committee mentioned in paragraph 11.1 and you were present when that decision was made or action was taken; or
 - 11.1.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the authority's Constitution or under delegated authority,

you may attend a meeting of the Overview and Scrutiny Committee(s) of your authority or of a sub-committees of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purposes, whether under a statutory right or otherwise.

5.0 APPENDIX 2

Template Code of Conduct

As a member or co-opted member of *[X authority]* I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

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.

The Act further provides for registration and disclosure of interests and in *[X authority]* this will be done as follows: *[to be completed by individual authorities]*

5.0 APPENDIX 2

As a Member of [*X authority*], my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the [*county*][*borough*][*Authority's area*] or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.



Bob Neill MP
Parliamentary Under Secretary of State

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11 April 2012

Dear Colleague,

I am writing to let you know that my Department is today making available an illustrative text for a code of conduct for members and co-opted members of local authorities. This text provides local authorities with an example of what a local authority's code of conduct for the new standards arrangements might look like.

We have made provision in the Localism Act 2011 for the abolition of the Standards Board regime, and the Standards Board itself was abolished on 31 March. The Act also makes provision for new standards arrangements including the involvement of an independent person in allegations of misconduct, a new criminal offence for failing to declare or register interests, and the requirement for local authorities to adopt a code of conduct that is consistent with the seven 'Nolan' principles of standards in public life; selflessness, integrity, objectivity, accountability, openness, honesty and leadership, as well as making provision for the registration and disclosure of pecuniary and non-pecuniary interests.

The model code of conduct was a key part of the Standards Board regime, a top-down, centrally imposed regime that became a vehicle for vexatious complaints. Moving to new arrangements means that local authorities will be free to discard the model code and adopt their own, Nolan compliant, code. In order to give local authorities an idea of what a Nolan compliant model code featuring provisions about pecuniary and not pecuniary interests might look like, I am attaching an example. As you will see, it is very different to the model code that formed part of the Standards Board regime, while clearly requiring that members act in a manner that promotes and maintains high standards of conduct.

Together, these measures will ensure high standards in public life, prevent corruption, and put a stop to petty, vexatious complaints that consume local authority resources and damage the reputation of local government.

We have produced this example of a local code to provide certainty to local authorities who wish to adopt a lighter touch code compared to the centralist, top-down model code, and to help local authorities (especially parish councils) who might otherwise consider they need to commit valuable resource to creating a code to ensure compliance with the Localism Act. I hope you find the example code of conduct helpful.

A handwritten signature in black ink, appearing to read "Bob Neill", written in a cursive style.

BOB NEILL MP

Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.