

PLEASE NOTE VENUE

STANDARDS COMMITTEE AGENDA



Tuesday 24 April 2007

at 4.00 pm

**in Conference Suite 1,
Belle Vue Community, Sports and Youth Centre,
Kendal Road, Hartlepool.**

STANDARDS COMMITTEE:

Councillors Brash, Griffin, Iseley, J Marshall, Morris, Preece and Shaw

Co-opted Members: Mr K Fisher, Mr B Gray, 1 Vacancy

Parish Councillor Miss Pauline Booth, Chair of Dalton Piercy Parish Council

Parish Councillor Ray Gilbert (For Information Only)

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 20 February 2007
4. **ITEMS FOR CONSIDERATION**
 - 4.1 Business Report *Chief Solicitor*

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

20th February 2007

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

Present:

Mr Barry Gray (in the Chair)

Councillors Jonathan Brash, John Marshall, George Morris, Arthur Preece
and Jane Shaw

Co-opted Members: Parish Councillor Pauline Booth (Dalton Parish Council)

Officers Tony Brown, Chief Solicitor
David Cosgrove, Principal Democratic Services Officer

18. Apologies for Absence

Apologies were received from Councillors Sheila Griffin and Bill Iseley.

19. Declarations of interest by members

None

20. Confirmation of the minutes of the meeting held on 19 December 2006.

Confirmed.

The Chief Solicitor reported that following the previous meeting he had established that an independent member of a Standards Committee was defined as not being a member of a local authority, which included parish councils, or a co-opted member of a local authority. This did mean that the resident representatives of the neighbourhood forums were eligible to be co-opted to the Committee. The Chief Solicitor indicated that he had been made aware that there was interest among the resident representatives. The Chief Solicitor indicated that he would seek applications from resident representatives and if there were only one or two applicants, interviews could be conducted at the next meeting of the Committee.

21. Local Government and Public Involvement in Health Bill and Consultation on Amendments to the Model Code of Conduct for Local Authority Members (*Chief Solicitor*)

The Chief Solicitor reported on two significant issues for the Committee's consideration: -

- a. The Government's proposals as set out in the Local Government and Public Involvement in Health Bill which seeks to introduce changes in the roles and responsibilities of the Standards Board for England and local Standards Committees; and
- b. The DCLG consultation paper "Consultation on Amendments to the Model Code of Conduct for Local Authority Members".

The Chief Solicitor in his report highlighted the principal issues in the Local Government and Public Involvement in Health Bill, which would impact on the work of the Standards Committee and the Standards Board for England. One of the issues still outstanding was the Officers Code of Conduct that was still outstanding from the Local Government Act 2000.

The Chief Solicitor clarified for Members that the new code of conduct would apply to them both in their professional activities as elected Councillors and also to their 'private' life. This followed the well publicised case involving the Mayor of London.

The Department for Communities and Local Government consultation paper sought responses from local authorities to a series of questions on the proposed changes to the Model Code of Conduct for Local Authority Members. The questions were set out in the Commentary of the Detailed Amendments Proposed and the Committee considered the individual amendments and any questions in turn.

Question 1 – Disclosure of Confidential Information – Members supported the proposed text but considered that the standards Board needed to produce some guidance.

Question 2 – Behaviour Outside Official Duties – Members considered that the amendments referred to 'criminal' (found to be unlawful in the courts) rather than the situation that came out of the Mayor of London case. The code was not therefore very clear, as Members had expected the Mayor of London case to be more clearly linked to this amendment.

Question 3 – Publicity Code – Members supported both elements referred to in relation to compliance with the Code of Recommended Practice on Local Authority Publicity.

Question 4 – Gifts and Hospitality – Members supported the proposed amendment.

Question 5 – Interests of family, friends and those with a close personal association – Members considered that this element needed further guidance to be issued from the Standards Board for England.

Question 6 – Prejudicial Interests – List of Exemptions – Members supported the proposed amendment.

Question 7 – Participation in relation to prejudicial interests – Members supported the proposed amendment.

Question 8 – Gender neutrality of language – Members did not consider this to be an issue.

Decision

1. That the Government's proposals as set out in the Local Government and Public Involvement in Health Bill which seeks to introduce changes in the roles and responsibilities of the Standards Board for England and local Standards Committees be noted.
2. That the Chief Solicitor respond to the DCLG consultation paper "Consultation on Amendments to the Model Code of Conduct for Local Authority Members" in line with the comments expressed by the Committee as detailed above.

CHAIRMAN

STANDARDS COMMITTEE

24th April 2007



Report of: Chief Solicitor

Subject: BUSINESS REPORT

1. THE LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) ORDER 2007

Members will be aware of the extensive consultation upon the revisions to the Model Code of Conduct initiated through the Department for Communities and Local Government and the Standards Board for England. Members of the Committee are now informed that the above mentioned Order was made on 2nd April, 2007 and came into force on 3rd May, 2007. A copy of the relevant statutory instrument (2007/No 1159) is attached herewith for the information and consideration of the Committee (**Appendix 1**).

The Secretary of State has power to issue such a code under Section 50 of the Local Government Act, 2000. Further, pursuant to Section 51, it is the duty of a relevant authority “before the end of the period of six months beginning with the day on which the first Order under Section 50 which applies to them is made, to pass a resolution adopting a code as regards the conduct which is expected of members and co-opted members of the authority”. Accordingly, this authority first adopted the Model Code of Conduct in 2002, under the Local Authorities (Model Code of Conduct) (England) Order, 2001. Section 51(2) further provides a duty upon a relevant authority “before the end of the period of six months beginning with a day on which any subsequent Order under Section 50 which applies to them is made, to pass a resolution –

- (a) adopting Code of Conduct in place of their existing Code of Conduct under this section, or
- (b) revising their existing Code of Conduct under this section”.

As the 2007 Order was “made” on 2nd April 2007, this entails that the authority need to adopt this new Model Code of Conduct on or before 1st October, 2007, otherwise it will apply automatically. Under article 9 of the

Constitution of Hartlepool Borough Council the “Role and Function” of the Standards Committee, includes the following;

- Promoting and maintaining high standards of conduct by the Mayor, Councillors, co-opted members and church and parent governor representatives;
- Assisting the Mayor, Councillors, co-opted members and church and parent governor representatives to observe the members Code of Conduct;
- Advising the Council of adoption or revision of the members Code of Conduct;
- Monitoring the operation of the members Code of Conduct;
- Advising, training or arranging to train the Mayor, Councillors, co-opted members and church and parent governor representatives on matters relating to the members Code of Conduct.

Accordingly, Members of the Committee will be requested to consider the appended Statutory Instrument in conjunction with the remit of the Committee. To assist, a summary of the main provisions of this Order is detailed below. Of note, this Order revokes the four Model Codes of Conduct Orders which applied to Local Authorities, Parish Councils, National Park and Boards Authorities and Police Authorities and replaces the same with one unified Model Code of Conduct. The Order again specifies which of the provisions of the Code are mandatory. Members are therefore requested to note and consider the following aspects of this Order;

- The Code has application to any member of an authority and a co-opted member and that it is the responsibility of each member to comply with the Code.
- The Code has application whenever a member/co-opted member is acting in his/her official capacity and in relation to conduct in a members private capacity where such conduct has resulted in a criminal conviction.
- The Code provides that members must treat others with respect and not do anything which may cause the authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimidate persons involved in Code of Conduct cases. Members will recognise this latter provision in relation to bullying or intimidation of persons, which follows the recommendations contained within the earlier consultation documents.
- As before, the Code provides that members must not without consent disclose confidential information they have acquired, but also they must not prevent others from gaining access to information to which they are entitled.
- A member must not conduct himself or herself in a manner which could bring his/her authority into disrepute.
- A member must not use his/her position improperly to gain an advantage or confer a disadvantage and when using or authorising the use of the authority's resources, he or she must act in accordance with

the authority's reasonable requirements, and must not permit those resources to be used for particular purposes and must have regard to the local authority's code of publicity. Again, this provision seeks to clarify the position as to members use of resources.

- The Code provides that a member must have regard to advice given both by the Chief Financial Officer and Monitoring Officer with a requirement for the provision of reasons for decisions to be made.
- The Code provides a list of those matters which constitutes a personal interest and of note, a gift or any hospitality would have to be declared where the value is at least £25.00.
- As before, where a member has a personal interest that member will also have a prejudicial interest if that interest could be regarded by a member of the public as being so significant that is likely to prejudice his/her judgement of the public interest. However, the Code also provides circumstances where a member may regard himself as not having a prejudicial interest ie, where any business of the authority does not affect the member's financial position or the financial position of the person or body prescribed under paragraph 8 of the Code and is not related to the determination of any approval, consent, licence, permission or registration in relation to the member or any person or body as described within paragraph 8
- The Code further clarifies the position that a member who is involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.
- The Code further provides that a member with a prejudicial interest, must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he/she has obtained a dispensation, to withdraw from any meetings at which the business is being considered and must not improperly influence decisions in relation to that business.
- As before the Code obliges the member to notify the Monitoring Officer of his/her personal interests and any change to those interests must also be notified.
- The Code however does provide that a member may notify the Monitoring Officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or person who lives with him or her may be subjected to violence or intimidation.

2. SIXTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Members are advised that the Sixth Annual Assembly of Standards Committees will take place on 15th and 16th October, 2007, at the International Convention Centre, Birmingham. The advance programme is also annexed to this report for information purposes (**Appendix 2**). The programme entitled "Down to Detail – Making Local Regulation Work" has a varied schedule with cognisance to the implementation to the revised Code of Conduct and the responsibility upon Standards Committees as a "local

filter” of complaints from April, 2008. Members are therefore asked to consider the advance programme of the Sixth Annual Assembly as issued through the Standards Board for England

STATUTORY INSTRUMENTS

2007 No. 1159

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Model Code of Conduct) Order 2007

<i>Made</i>	<i>2nd April 2007</i>
<i>Laid before Parliament</i>	<i>4th April 2007</i>
<i>Coming into force</i>	<i>3rd May 2007</i>

The Secretary of State for Communities and Local Government makes the following Order in exercise of the powers conferred by sections 50(1) and (4), 81(2) and (3), and 105(2), (3) and (4) of the Local Government Act 2000[[1](#)].

The Secretary of State has consulted in accordance with section 50(5) of that Act.

The Secretary of State is satisfied that this Order is consistent with the principles for the time being specified in an order under section 49(1) of that Act[[2](#)].

Citation, commencement and application

1. —(1) This Order may be cited as the Local Authorities (Model Code of Conduct) Order 2007 and comes into force on 3rd May 2007.

(2) This Order applies—

(a) in relation to police authorities in England and Wales; and

(b) in relation to the following authorities in England—

(i) a county council;

(ii) a district council;

(iii) a London borough council;

(iv) a parish council;

(v) the Greater London Authority;

(vi) the Metropolitan Police Authority;

- (vii) the London Fire and Emergency Planning Authority;
- (viii) the Common Council of the City of London;
- (ix) the Council of the Isles of Scilly;
- (x) a fire and rescue authority;
- (xi) a joint authority;
- (xii) the Broads Authority; and
- (xiii) a National Park authority,

and in this Order references to "authority" are construed accordingly.

Model Code of Conduct

2. —(1) The code set out in the Schedule to this Order ("the Code") has effect as the model code issued by the Secretary of State under section 50 of the Local Government Act 2000 as regards the conduct which is expected of members and co-opted members of an authority.

(2) Subject to paragraphs (3) to (6), every provision of the Code in the Schedule to this Order is mandatory for an authority.

(3) Paragraph 6(c) of the Code is not mandatory for police authorities, the Greater London Authority, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, fire and rescue authorities and joint authorities.

(4) Paragraph 7 of the Code is not mandatory for parish councils.

(5) Subject to sub-paragraph (6)(c) and (d) below, paragraphs 10(2)(c)(i) and (ii), 11 and 12(2) of the Code are mandatory only for county councils, district councils and London borough councils, the Common Council of the City of London and the Council of the Isles of Scilly.

(6) The following provisions of the Code are mandatory only for an authority which is operating executive arrangements—

(a) in paragraph 1(4), in the definition of "meeting"—

(i) sub-paragraph (b);

(ii) in sub-paragraph (c), the words "or its executive's" and ", or area committees";

(b) paragraphs 9(6), 9(7) and 12(1)(b);

(c) in paragraph 11(a), the words "your authority's executive or"

(d) in paragraph 11(b), the word "executive,"; and

(e) in paragraph 12(2), the words in brackets.

Disapplication of certain statutory provisions

3. The following provisions shall not apply (where they are capable of doing so) to an authority which has adopted a code of conduct or to which such a code applies—

(a) sections 94 to 98 and 105 to the Local Government Act 1972^[3];

(b) section 30(3A) of the Local Government Act 1974^[4];

(c) regulations made or a code issued under section 19 and 31 of the Local Government and Housing Act 1989^[5];

(d) paragraphs 9 and 10 of Schedule 7 to the Environment Act 1995^[6]; and

(e) any guidance issued under section 66 of the Greater London Authority Act 1999^[7].

Revocation and savings

4.—(1) Subject to paragraphs (2) and (3), the following orders are revoked—

(a) the Local Authorities (Model Code of Conduct) (England) Order 2001^[8];

(b) the Parish Councils (Model Code of Conduct) Order 2001^[9];

(c) the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001^[10]; and

(d) the Police Authorities (Model Code of Conduct) Order 2001^[11].

(2) The Orders referred to in paragraph (1) continue to have effect for the purposes of and for purposes connected with —

(a) the investigation of any written allegation under Part 3 of the Local Government Act 2000, where that allegation relates to conduct which took place before the date when, pursuant to section 51 of that Act—

(i) the authority adopts a code of conduct incorporating the mandatory provisions of the Code in the Schedule to this

Order in place of their existing code of conduct;

(ii) the authority revises their existing code of conduct to incorporate the mandatory provisions of the Code in the Schedule to this Order; or

(iii) the mandatory provisions of the Code in the Schedule to this Order apply to members or co-opted members of the authority under section 51(5)(b) of that Act;

(b) the adjudication of a matter raised in such an allegation; and

(c) an appeal against the decision of an interim case tribunal or case tribunal in relation to such an allegation.

(3) Any order made under section 83 of the Local Government Act 1972^[12] shall have effect for the purpose of prescribing the form of a declaration of acceptance of office in relation to a county council, district council, London borough council and a parish council.

Signed on behalf of the Secretary of State for Communities and Local Government

Phil Woolas

Minister of State Department for Communities and Local Government

2nd April 2007

SCHEDULE

THE MODEL CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State^[13].

(3) It is your responsibility to comply with the provisions of this Code.

(4) 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's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006[[14](#)]);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) 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

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) 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—

(i) you have the consent of a 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 advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) 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

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986^[15].

7. —(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.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. —(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000[[16](#)].

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position

of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) 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

(b) 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 (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee 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 purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order contains a model code of conduct as regards the conduct which is expected of members and co-opted members of relevant authorities in England and police authorities in England and Wales. The Secretary of State has power to issue such a code under section 50 of the Local Government Act 2000. Under section 51 of that Act, each authority must adopt a code of conduct applying to its members and co-opted members which must incorporate any mandatory provisions of the Code. Under section 51(5), where an authority does not adopt such a code within six months of the Order coming into force, the mandatory provisions of the Code will apply to the members of the authority until it adopts its own code.

Article 1 provides that this Order applies to specified authorities in England and police authorities in England and Wales.

Article 2 provides that a model code is set out in the Schedule to the Order, and states which of its provisions are mandatory.

Article 3 disapplies the statutory provisions relating to the National Code of Local Government Conduct and members' interests.

Article 4 revokes—

the Local Authorities (Model Code of Conduct) (England) Order 2001[[17](#)];

the Parish Councils (Model Code of Conduct) Order 2001[[18](#)];

the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001[[19](#)]; and

the Police Authorities (Model Code of Conduct) Order 2001[[20](#)].

These Orders continue to have effect in relation to misconduct committed before the date when the new code is adopted or applied to an authority.

Article 4(3) provides that orders made under section 83 of the Local Government Act 1972 shall have effect for the purpose of prescribing the form of a declaration of acceptance of office.

In the **Schedule to the Order**—

Paragraph 1 of the Code provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

Paragraph 2 of the Code provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into

disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a member must have regard to advice given by the chief finance officer and monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

Paragraph 11 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

Paragraph 14 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.

Notes:

[1] 2000 c.22.[back](#)

[2] *See* the Relevant Authorities (General Principles) Order 20001 (S.I. 2001/1401).[back](#)

[3] 1972 c.70.[back](#)

[4] 1974 c.7. Section 30(3A) was inserted by section 32(1) of the Local Government and Housing Act 1989 (c. 42), with effect from 1st April 1990.[back](#)

[5] 1989 c.42.[back](#)

[6] 1995 c.25.[back](#)

[7] 1999 c.29.[back](#)

[8] S.I. 2001/3575.[back](#)

[9] S.I. 2001/3576.[back](#)

[10] S.I. 2001/3577.[back](#)

[11] S.I. 2001/3578.[back](#)

[12] Orders made under section 83 of the Local Government Act 1972 were disapplied, by the Orders mentioned in article 4(1)(a) and (b) of this Order, and are here being revived.[back](#)

[13] *See* the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).[back](#)

[14] 2006 c.3.[back](#)

[15] 1986 c.10.[back](#)

[16] *See* the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I 2000/3272).[back](#)

[17] S.I. 2001/3575.[back](#)

[18] S.I. 2001/3576.[back](#)

[19] S.I. 2001/3577.[back](#)

[20] S.I. 2001/3578.[back](#)

down to detail

making local regulation work

Sixth Annual Assembly of Standards Committees
15-16 October 2007, International Convention Centre, Birmingham

Advance programme – issue one

Key to conference session symbols

Where delegates are given the choice to attend one of a number of conference sessions, each of these sessions has a symbol to indicate the format it will take and what delegates can expect from it. The definitions of the session symbols are as follows.



Plenary sessions take place in Hall 1, with a maximum attendance of 500. They are informative sessions.



Mini plenary sessions are informative sessions taking place in smaller halls, with an attendance of up to 100, but in a more informal setting than the main plenary sessions. They usually incorporate an opportunity for questions and answers.



Workshops take place in smaller halls, with a maximum attendance of 70. These sessions take a practical approach to topics, giving delegates the chance to get hands-on experience by working through case studies and/or more structured activities, such as role-play.



Presentation and discussion sessions take place in smaller halls, with a maximum attendance of 70. These sessions involve presentations on key topics, followed by facilitated discussion amongst delegates.



Q & A sessions take place in smaller halls, with a maximum attendance of 70. They provide an open house for delegates to put questions to the Standards Board for England. Representatives from our legal and policy and guidance teams and an ethical standards officer are usually on the panel.



Fringe events are optional and take place in medium-sized halls. These sessions are organised and run independently of the main conference programme by a range of bodies from the local government family. They cover topics of key interest to delegates.

If you require this programme in another format or language, please contact the Standards Board for England by emailing annualassembly2007@standardsboard.co.uk or calling 01483 205432.



Welcome to the Sixth Annual Assembly of Standards Committees, the leading conference on all issues concerned with the local government Code of Conduct and improving ethical standards.

This year's conference comes at a crucial time for local government. From May 2007 the revised Code of Conduct should be up and running and the local filter is no longer just on the horizon – it's on our doorstep.

Down to detail: Making local regulation work will help you to tackle all the key issues raised by these developments, as we move beyond theory to focus in depth on the detail and practice of making local regulation work.

In depth, in detail

As you will see, this year our conference programme gives you a range of informative plenaries and hands-on workshops that map out all the steps you need to take to put the local filter and the revised Code into action.

Of course, in addition to this practical focus, *Down to detail* will provide plenty of opportunities to network and share experiences and opinions with fellow practitioners.

I wish you a successful and productive conference.

Sir Anthony Holland

Chair, the Standards Board for England

Day 1 Monday 15 October 2007

08.30 – 10.15

Registration



Light breakfast available

9.15 – 10.00



Getting up to speed

David Prince, Chief Executive, the Standards Board for England

An introduction to the Code of Conduct and the Standards Board, for those delegates new to the Code or the conference. Attendance optional.

Opening plenary

Hall 1

10.15 – 10.25

Welcome

Sir Anthony Holland, Chair, the Standards Board for England

10.25 – 10.40

Defining the detail

Phil Woolas MP, Minister for Local Government and Community Cohesion

The Minister highlights how meeting the dual challenge of the local filter and the revised Code of Conduct depends on getting the details right – and sets out the government's focus for the future.

10.40 – 10.55

Evolving standards

David Prince, Chief Executive, the Standards Board for England

Drawing on local authorities' experience of putting the revised Code into practice, we provide a timely update on how implementation is progressing. The session also brings delegates up-to-date on the development of the Standards Board and our future support for authorities.

10.55 – 11.15

Local filter: Countdown to 2008

Patricia Hughes, Deputy Chair, the Standards Board for England

What key challenges, changes and implications will the local filter bring? We look at how the new legislation will impact on authorities and shape their future responsibilities, as well as setting out the timetable for implementation of the local filter.

11.15 – 11.30

Question time

An opportunity to pose questions to the morning's speakers.

11.30 – 12.00

Refreshments

Tea and coffee available



12.00 – 13.15

The Local filter: In detail

Various halls



A step-by-step guide to the local filter, essential for anyone working with the Code of Conduct. Using a case example, this session takes delegates through every stage of the local filter process, from handling the initial complaint to evaluating the outcome.

Delegates will have the opportunity to discuss solutions and draw on expert advice at every stage of the session.

Up to eight workshops, each with a maximum of 100 delegates.

Delegates will choose between:

- A monitoring officer focused session
- A standards committee focused session
- A mixed attendance session

13.15 – 14.30

Lunch



Hall 3

14.30 – 15.45

Breakout sessions

Breakout sessions on day one of the conference aim to prepare delegates for the changes expected in April 2008. They look in depth at the process and practice of managing the local filter and focus on helping delegates to develop the skills and knowledge they need to deliver a high standard of effective local governance.

Please note that these sessions run again at 16.15, with the exception of *Investigations: The essentials* and *Investigations: Tackling complex cases*.

Delegates can choose to attend one of the following session options.



Safeguarding local standards

An informative session mapping out the monitoring and auditing role of the Standards Board and how it fits in with other regulatory bodies such as the Audit Commission. Delegates learn what local filter data they will have to supply from 2008 and how we intend to collect it. The session also explores ways in which the Standards Board can support delegates in ensuring local arrangements are working effectively – and when we will intervene to support authorities who face difficulties.

Useful for all delegates.



Referrals: Lessons learnt

Drawing on over five years' experience, the Standards Board referrals team use practical case examples to explain the essential technical components and key skills involved in effectively managing referrals. **Useful for all delegates.**



Investigations: The essentials

Delegates work through a range of practical scenarios, based on the requirements of the new local filter system, to build the key technical skills required at each stage of the investigations process. This is an opportunity to share experiences and discuss best practice. **Particularly useful for monitoring officers new to the investigations process or those wanting a refresher.**



Investigations: Tackling complex cases

Not every case is straightforward. In this practical workshop delegates work in groups to review a case complicated by a number of issues. This session helps delegates to anticipate and respond effectively to potentially serious impacts on the decision-making process. **Particularly useful for experienced monitoring officers who want to develop their skills in this area.**



Managing the filter: Resources, challenges and solutions

The local filter brings benefits, not least increased local ownership of the ethical agenda. But it also brings challenges. This session shares the results of the Standards Board pilot looking at joint arrangements for standards committees, and explores ways of dealing with some of the pressures on local resources. Delegates discuss solutions and share best practice on this important issue.

Useful for all delegates.



Cracking the revised Code

An overview of the revised Code of Conduct, using practical case examples to bring delegates up-to-date with all the major changes and how they work in practice.

Useful for all delegates.



Talking it over: Why mediation works

Speakers explain how they have used mediation to successfully resolve a range of cases, demonstrating the key benefits of this valuable alternative to investigation and helping delegates to identify opportunities to apply this approach in their own work.



Standards committee member open house Q&A

An open house for standards committee members to ask questions on any topic to representatives from the Standards Board for England. **Useful for standards committee members.**

15.45 – 16.15

Refreshments

Tea and coffee available



16.15 – 17.30

Breakout sessions

Please note that in this part of the conference the sessions *Investigations: The essentials* and *Investigations: Tackling complex cases* have been replaced by two new sessions, *Hearings: The essentials* and *Spotlight on sanctions*.

Delegates can choose to attend one of the following session options.



Safeguarding local standards

An informative session mapping out the monitoring and auditing role of the Standards Board and how it fits in with other regulatory bodies such as the Audit Commission. Delegates learn what local filter data they will have to supply from 2008 and how we intend to collect it. The session also explores ways in which the Standards Board can support delegates in ensuring local arrangements are working effectively – and when we will intervene to support authorities who face difficulties.

Useful for all delegates.



Referrals: Lessons learnt

Drawing on over five years' experience, the Standards Board referrals team use practical case examples to explain the essential technical components and key skills involved in effectively managing referrals. **Useful for all delegates.**



Hearings: The essentials

Delegates work through a range of practical scenarios, based on the requirements of the new local filter system, to build the key technical skills required at each stage of the hearings process. Delegates have the opportunity to share experiences and discuss best practice. **Particularly useful for standards committee members new to the investigations process or those wanting a refresher.**



Spotlight on sanctions

A practical workshop focusing on assessing the findings of a problematic case and agreeing a proportionate sanction. Delegates take an in depth look at the alternative sanction options and their implications and how they have been applied in recent cases. **Particularly useful for experienced standards committee members who want to develop their skills in this area.**



Managing the filter: Resources, challenges and solutions

The local filter brings benefits, not least increased local ownership of the ethical agenda. But it also brings challenges. This session shares the results of the Standards Board pilot looking at joint arrangements for standards committees, and explores ways of dealing with some of the pressures on local resources. Delegates discuss solutions and share best practice on this important issue.

Useful for all delegates.



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An overview of the revised Code of Conduct, using practical case examples to bring delegates up-to-date with all the major changes and how they work in practice.

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Talking it over: Why mediation works

Speakers explain how they have used mediation to successfully resolve a range of cases, demonstrating the key benefits of this valuable alternative to investigation and helping delegates to identify opportunities to apply this approach in their own work.



Monitoring officers open house Q&A

An open house for monitoring officers to ask questions on any topic to representatives from the Standards Board for England. **Useful for monitoring officers.**

17.30

Close of day one

17.45 – 18.45

Fringe events

Various optional fringe events including:



Association of Council Secretaries and Solicitors (ACSeS)



The Association of Independent Members of Standards Committees in England (AIMSce)



Improvement and Development Agency (IDeA)



Local Government Information Unit (LGIU)



Society of Local Authority Chief Executives and Senior Managers (SOLACE)

19.30 – 20.00

Drinks reception



20.00 – late

Conference dinner

Dress code is smart or smart-casual.

Cash bar available.

Live music.



Day 2 Tuesday 16 October 2007

08.00 – 09.00

Refreshments

Tea and coffee available. Delegates attending for today only should register at the Enquiries desk.



09.00 – 10.15

Breakout sessions

Breakout sessions on day two of the conference address vital issues linked to managing the wider impact of the local filter and the revised Code. Training and hands-on workshops help delegates to focus on raising their authorities' standards to an even higher level, improving communications with their stakeholders and confidently delivering effective local regulation.

Please note that these sessions run again at 13.15, with the exception of *Anything to declare? Understanding interests*.

Delegates can choose to attend one of the following session options.



Key case review

A detailed review of key cases which have had a significant impact on procedure and application of the Code. Delegates gain an insight into how the lessons learned from the cases can be applied to their work. **Useful for all delegates.**



State of independence

This session helps independent chairs and members build the key skills they need to respond effectively to the challenges of the local filter, including chairing successful meetings, dealing with complaints, problem solving and effective communication skills. **Particularly useful for independent members of standards committees.**



Positive about towns and parishes

Delegates hear a series of short presentations identifying positive ways to improve engagement with town and parish councils. The session focuses on key issues including how to maximize the role of town and parish representatives, the most effective techniques for training and building a useful and productive dialogue with town and parish councils and the benefits of working with County Associations.

Particularly useful for officers and members working closely with town and parish councils.



Engaging leaders

The local filter system positions local authorities as the foundation of the ethical framework, making an engaged leadership more vital than ever. Speakers share their experiences, suggesting practical measures to help delegates ensure that their own council leader and chief executive are fully prepared to take the lead and meet the challenges of greater local ownership. **Useful for all delegates.**



Anything to declare? Understanding interests

A practical session giving delegates the opportunity to build a sound knowledge of the detailed changes to the Code relating to interests. Delegates are presented with a series of short scenarios and are asked to debate the likely conclusion.

Useful for all delegates.



Message received? Managing communications

As the local filter comes into play, local authorities will be the first point of call for local media enquiries on complaints, investigations and case outcomes. This session uses practical examples to reveal the detail of how and why we deal with press interest in cases, before giving delegates the opportunity to discuss the implications of possible differing approaches. **Useful for all delegates.**



Practical mediation skills

A useful companion session to 'Talking it over'. Mediation can be a valuable tool in resolving disputes and reducing the potential of a complaint leading to a full investigation. This practical training session focuses on key mediation skills, equipping delegates with the competencies to mediate in disputes between individuals. **Useful for all delegates.**



Standards committee member open house Q&A

An open house for standards committee members to ask questions on any topic to representatives from the Standards Board for England. **Useful for standards committee members.**

10.15 – 10.45

Refreshments

Tea and coffee available



10.45 – 12.00



What's the score?

Hall 1



What is the current state of the regulatory framework? Is it fit for purpose and robust enough to deal with greater local ownership? Key opinion formers discuss and draw conclusions from the results of recent studies including Audit Commission research into ethics and standards committees. **All delegates attend this session.**

12.00 – 13.15

Lunch



Hall 3

13.15 – 14.30



Breakout sessions

Please note that in this part of the conference the session *Anything to declare? Understanding interests* has been replaced by a new session, *Striking a balance: Disclosure and public interest*.

Delegates can choose to attend one of the following session options.



Key case review

A detailed review of key cases which have had a significant impact on procedure and application of the Code. Delegates gain an insight into how the lessons learned from the cases can be applied to their work. **Useful for all delegates.**



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Striking a balance: Disclosure and public interest

A practical session giving delegates the opportunity to build a sound knowledge of the key changes to the Code relating to public disclosure. Delegates hear a series of short scenarios and debate whether they constitute disclosure in good faith, or are examples of disclosure in the interests of political gain. **Useful for all delegates.**



Message received? Managing communications

As the local filter comes into play, local authorities will be the first point of call for local media enquiries on complaints, investigations and case outcomes. This session uses practical examples to reveal the detail of how and why we deal with press interest in cases before giving delegates the opportunity to discuss the implications of possible differing approaches. **Useful for all delegates.**



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Monitoring officer open house Q&A

An open house for monitoring officers to ask questions on any topic to representatives from the Standards Board for England. **Useful for monitoring officers.**

14.30 – 14.45

Comfort break

osing plenary

Hall 1

14.45 – 15.00

All clear

Sir Anthony Holland, Chair, the Standards Board for England

A review of the conference.

15.00 – 15.30

The next step

David Prince, Chief Executive, the Standards Board for England

The conference has provided delegates with a wealth of knowledge and the confidence to make local regulation work. What happens next?

15.30

Networking

Refreshments available



16.00

Close of conference

How to get there

The ICC is located in the centre of Birmingham. You can travel there in a number of ways. A location map will be sent to delegates in a final mailing, shortly before the conference. The map will indicate the train stations, motorways and car parks.

By train

Services to Birmingham New Street Station travel from locations all over the country. Services to Birmingham Snow Hill Station run in the local area. Please telephone National Rail Enquiries on 08457 48 49 50 for further information.

By taxi

The venue is a short taxi ride from Birmingham New Street and Birmingham Snow Hill stations.

On foot

The venue is approximately 10 minutes walk from Birmingham New Street Station.

By car

Birmingham is easily accessible via a network of motorways.

Car parking

There are five public multi-storey car parks close to the ICC.

Further information

If you have any enquiries regarding the conference, please contact:

Benedict Business Resources
St Jude's Place
PO Box 617
Albury, Guildford
Surrey, GU5 9XU

Telephone: 01483 205 432

Fax: 01483 202 335

Email: annualassembly2007@standardsboard.co.uk

Alternatively, visit our conference website at

www.annualassembly.co.uk

All information contained within this programme was correct at the time of publication, but may be subject to change.

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