

CODE OF CONDUCT FOR MEMBERS

Report of the Chief Legal Officer

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1. Purpose of Report

- 1.1 To invite Council to adopt a revised Code of Conduct for Members.

2. Summary

- 2.1 The Localism Act 2011 (the 'Act') introduced a number of changes to the standards regime applying to local authorities. This included the provision that each local authority determine locally the form of its Code of Conduct for Members.
- 2.2 In May 2012 Council approved the current form of the Code of Conduct. Having reviewed the Code of Conduct in light of comments from Members and the Independent Person it is proposed that some changes are made to the Council's Code of Conduct for Members with effect from the Council election in May 2017.
- 2.3 Standards Committee considered a report on this item of business at its meeting on 27 February 2017 and recommended certain amendments to the Code of Conduct for Members which have been incorporated into the document attached to this report.

3 Recommendations

- 3.1
1. That Council adopts the Code of Conduct for Members attached as Annex 1 to the Report with effect from the date that Members assume office following the election on 4 May 2017 and that the revised Code of Conduct for Members be adopted as Annex 18 to the Constitution.
 2. That the Chief Legal Officer be authorised to make any amendments necessary to ensure that the change mentioned in 1 above is reflected consistently throughout the Constitution.

4 Background - The Code of Conduct

- 4.1 The 2011 Act provides that each Council has a discretion as to what to include in the Code in their Code of Conduct for Members although when viewed as a whole the Code must be consistent with the following seven principles of public life - namely selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 4.2 The current Code of Conduct for Members was adopted by Council on 15 May 2012 and came into effect on 1 July 2012. The Council chose to the template Code of Conduct which had been produced by Department of Communities and Local Government. This template was not followed by most authorities and is generally viewed as relatively broad brush.
- 4.3 The number of complaints against members that have been received by the Chief Legal Officer since the 2011 Act came into force is quite small and none of them have involved a potential breach of the Code. It is difficult to judge, therefore, how effective the Code is in practice. A review of the Code, however, following discussions with members, the Independent Person, the nature of the complaints that have been raised and consideration of Codes of Conduct adopted by other authorities the Chief Legal Officer considers that the Code of Conduct should be amended as set out in this Report.
- 4.4 It is proposed that the Code of Conduct for Members be amended:
 - 4.4.1 to include specific obligations on the part of Members relating to equalities, respect for others, compliance with the policies of the Council where they set out required conduct for members and confidentiality. These obligations are set out in paragraphs 3.1 - 3.4 of the suggested revised Code of Conduct attached as Annex 1 to the report.
 - 4.4.2 to require members to include on the register of interests not only their Disclosable Pecuniary Interests (these are required by law) but also personal interests (e.g. membership of other public bodies). The proposed amendments to the Code in this regards are set out in paragraph 5.1 of the revised Code of Conduct attached as Annex 1 to the report.
- 4.5 Many of the district councils in Hertfordshire require their members to disclose on the register of interests personal interests such as those mentioned in paragraph 4.4.2 above. By revising the Code in this regard would achieve some consistency of approach for many twinned members. It would also assist all members as many include interests on the Disclosable Pecuniary Interests form which do not fall within the definition of Disclosable Pecuniary Interests – presumably for purposes of transparency.

- 4.6 Attached as Annex 1 to this report is the proposed revised Code of Conduct for Members. The suggested revisions to the current Code of Conduct are shown by way of bold italics. Annex 2 comprises a draft of what the members' interests disclosure form would look like if the suggested changes in paragraph 5 of the revised code are agreed.

5 Financial Implications

- 5.1 None arising specifically from this Report.

Background Information

The Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents>
County Council Constitution – Annex 18
<https://beta.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/who-we-are-and-what-we-do.aspx>