

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

20 June 2012

AUTHOR/S: Monitoring Officer / Legal and Democratic Services Manager

CODE OF CONDUCT 2012

Purpose

1. The Localism Act 2011 introduces a new standards regime. The existing statutory Code of Conduct for Members will be repealed on 30 June 2012. Each local authority must adopt its own Code of Conduct to take effect "on or after 1st July 2012". The purpose of this report is to formally consider three draft Codes and to seek comments from the Committee on each to assist the Council at its meeting on 26 July 2012, when one will need to be adopted by Full Council.
2. This is a key decision because
 - it is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more wards.
 - it raises new issues of policy.
 - it is of such significance to a locality, the Council or the services which it provides that the decision-taker is of the opinion that it should be treated as a key decision.and it was first published in the January 2012 Forward Plan.

Recommendations

3. That the Standards Committee consider all three draft Codes of Conduct and recommend to Council one for adoption.

Reasons for Recommendations

4. The Council is required to adopt a Code of Conduct for Elected Members.

Background

5. The Council is required to put procedures in place in order to comply with the provisions of the Localism Act 2011, which places a statutory duty upon the Council to promote and maintain high standards of conduct amongst its own elected members and any co-opted members. All Parish Councils within South Cambridgeshire will be under the same duty for their members.
6. Strong ethical governance is critical to the Corporate Governance of the Authority and supports the Council's decision making processes across the organisation as a whole. It is important for the corporate governance of the Authority that the Council has the highest standards of conduct from its elected members and that the public has confidence that any complaints procedure is robust and transparent. If the Council fails to adopt a code of conduct which is fit for purpose or to establish an appropriate procedure for complaints to be effectively dealt with then there are risks to the Council from a reputational management viewpoint and also to the integrity of the Council's corporate governance and decision making process. Equally the Council

must ensure frivolous or tit for tat complaints are discouraged if the process is not to fail into disrepute.

7. Any local code must be consistent with the Nolan principles of:
 - (a) Selflessness
 - (b) Integrity
 - (c) Objectivity
 - (d) Accountability
 - (e) Openness
 - (f) Honesty
 - (g) Leadership
8. With the objective of achieving a common way forward across the Cambridgeshire authorities so that all councillors at all three tiers of local government were subject to the same code and in the absence of any published national model code at the time, all the Monitoring Officers in the county have drafted a Cambridgeshire Code. This code draws on guidance obtained through national networks such as the Association of Council Secretaries and Solicitors (ACSeS), and is based on the first section of the current Code of Conduct. A copy of the Cambridgeshire Code is attached as **Appendix 1**.
9. On 11 April 2012, DCLG published an "illustrative text" for a Code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity. A copy of the DCLG Code is attached as **Appendix 2**. It provides an example of what a local authority's Code of Conduct for the new standards arrangement might look like.
10. Shortly afterwards, following discussions with Members, Officers and professional bodies, the Local Government Association (LGA), SOLACE and ACSeS published their own draft Code. A copy of the LGA Code is attached at **Appendix 3**.
11. The National Association of Local Councils (NALC) have also issued a model code of conduct for parish councils and this is attached at **Appendix 4**. Parish councils in South Cambridgeshire are awaiting guidance from district councils about which code they should adopt and the Chief Executive of the Cambridgeshire and Peterborough Association of Local Councils (CPALC) has previously indicated that he would support the same code throughout the county for parishes, districts and county alike.
12. On 8th June 2012 Regulations were issued by the Department of Communities and Local Government (DCLG) outlining what 'Disclosable Pecuniary Interests' (DPIs) Members will have to declare. No opportunity was given to comment on a draft before publication. These have been included in an updated Cambridgeshire Code. There may be other, non-pecuniary interests which each Council will wish to specify.
13. It would be helpful to have the Standards Committee's comments on each of the three Codes, in order to inform the Council's debate. An analysis of each of the Codes is set out, below.
14. All the other councils in Cambridgeshire are understood to prefer the Cambridgeshire Code.

Considerations and Options: Analysis of Codes

15. Code 1 – The Cambridgeshire Code

Pros

- All other councils in Cambridgeshire have or will opt for this model
- Will give consistency across the tiers of local government in Cambridgeshire
- Acceptable across political groups
- Members familiar with it
- Members have been trained on it
- Guidance on it available
- Common Code across Cambridgeshire will make it easier to monitor and enforce
- Based on the seven Nolan principles – selflessness, integrity, objectivity, accountability, openness, honesty, leadership
- Also includes provisions on respect, confidentiality, bullying and intimidation, abiding by the equalities legislation and disrepute (all part of the current code)
- Will promote and maintain high standards of conduct

Cons

- Based on Part 1 of statutory Code
- The statutory Code was part of the previous regime
- Previous regime “top down”, centrally imposed
- Not innovative
- May be seen as having been a vehicle for vexatious complaints
- Any other declarable interests will need to be defined
- Longer than Codes 2 and 3
- Wording may be seen as prescriptive

16. Code 2 - DCLG Code

Pros

- Light touch Code
- Endorsed by DCLG
- Will promote and maintain high standards of conduct
- Based on seven Nolan principles
- Shorter than Codes 1 and 3
- Outcome based
- Less prescriptive

Cons

- Regulations about DPIs not built in
- Any other declarable interests will need to be defined
- Members will need to familiarise themselves with it
- No guidance on it
- Does not include respect, bullying, etc.

17. Code 3 – LGA Code

Pros

- Light touch Code
- Endorsed by LGA with input from SOLACE & ACSes
- Will promote and maintain high standards of conduct
- Based on seven Nolan principles
- Shorter than Code 1

Cons

- Regulations required about DPIs are not built in
- Any other declarable interests will need to be defined
- Longer than Code 2
- Wording open to wide interpretation, what is meant

- Outcome based
 - Less prescriptive
 - Includes respect and stewardship
- by 'championing the needs of local residents'?
- No guidance on it

Implications

18. Financial	None specific.
Legal	As detailed in the body of the report.
Staffing	None specific.
Risk Management	None specific.
Equality and Diversity	None specific.
Equality Impact Assessment completed	No. The Code of Conduct will apply to all councillors and co-opted members equally.
Climate Change	None specific.

Consultations

19. The Heads of Legal Services (or equivalent) at the Cambridgeshire councils have consulted their respective standards committees throughout the process. The South Cambridgeshire District Council Standards Committee indicated its preference for the Cambridgeshire Code at its 5 April 2012 meeting.

Consultation with Children and Young People

20. Not relevant.

Background Papers: the following background papers were used in the preparation of this report:

Localism Act 2011

Contact Officer: Fiona McMillan – Legal and Democratic Services Manager & Monitoring Officer
Telephone: (01954) 713027