

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

16 OCTOBER 2008

**CONSULTATION PAPER ON NEW CODES OF CONDUCT FOR LOCAL
AUTHORITY MEMBERS AND EMPLOYEES**

Responsible Portfolio Holder	Cllr Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

1. SUMMARY

- 1.1 On 1 October 2008 the Department of Communities and Local Government released a consultation paper entitled “Communities in Control: Real people, real power – Codes of conduct for local authority members and employees” (“the Consultation Paper”). The Council’s response to the Consultation Paper must be submitted by 24 December 2008.
- 1.2 The Committee is requested to consider the Consultation Paper and to make recommendations to Council on the Council’s response.

2. RECOMMENDATION

- 2.1 That Members consider the Consultation Paper and make recommendations to Council on each of the 22 questions raised.

3. BACKGROUND

Consultation on changes to the Code of Conduct for Local Authority Members

- 3.1 The Local Authorities (Model Code of Conduct) Order 2007 came into force on 1 April 2007. It introduced a new model Code of Conduct for Local Authority Members. The Council adopted its Code of Conduct, based on the model Code, with effect from 19 July 2007.
- 3.2 The Consultation Paper seeks the Council’s views on proposed changes to the model Code of Conduct. A copy of the Consultation Paper is at Appendix 1. There are essentially 4 proposed changes to the Members’ Code of Conduct which are addressed by the Consultation Paper, namely:
- 3.2.1 clarification of the application of the Code to members’ conduct when acting in a non-official capacity;

- 3.2.2 reconfiguring the Code into two distinct sections, the first dealing with members' conduct in their official capacity and the second dealing with members' conduct in their non-official capacity;
 - 3.2.3 some minor changes reflecting the Standards' Board's experience of the practical operation of the Code over the last year; and
 - 3.2.4 associated amendments to the Relevant Authorities (General Principles) Order 2001 to clarify its application to members' conduct in their non-official capacity.
- 3.3 The Council has been requested to respond to 12 questions on the proposed changes to the model Code of Conduct for local authority members.

Consultation on a proposed Employees' Code

- 3.3 In addition the Consultation Paper seeks views on the introduction of a Code of Conduct for local government employees ("the Employees' Code"). Members may recall that in August 2004 the ODPM consulted local authorities and their employees on a proposed model Employees' Code. However, the introduction of such a Code has never been implemented. The DCLG considers that the time is right to consider again the introduction of an Employees' Code.
- 3.5 It is proposed that the Employees' Code would be separated into 2 sections. The first section would set out core values applicable to all staff. The second section would set out more detailed duties for more senior employees including a duty to register certain interests to give early warning of any potential conflicts of interest and to provide assurance to the public that the employee is acting transparently.
- 3.6 The consultation Paper seeks the Council's response to 10 questions on the proposed Employees' Code.
- 3.7 At its meeting on 21 October 2008 the Corporate Management Team will consider the Consultation Paper insofar as it relates to the Employees' Code and its comments and recommendations will be included in the report to full Council to enable it to formulate the final response to the Consultation Paper.

Parish Councils

- 3.8 Both Codes referred to in the Consultation Paper will apply to parish councillors and to parish council employees. Parish Councils are being consulted in their own right on the proposed changes.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of implementing a new Members' Code of Conduct are relatively low; the new Code adopted by the Council will need to be advertised in the

local press and officer time will be required to implement the changes, including assisting parish councils where necessary. However it is anticipated that these costs will be met from existing budgets.

5. LEGAL IMPLICATIONS

- 5.1 The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct and an Employees' Code, and this was amended by the Local Government and Public Involvement in Health Act 2007 insofar as it related to the application of the Members' Code of Conduct to their private lives. Further details have been provided by the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001.

6. COUNCIL OBJECTIVES

- 6.1 It is in the interests of the Council's objective of Improvement that members and officers are seen to be open and transparent when taking decisions.

7. RISK MANAGEMENT

There are no significant risks associated with this report.

8. CUSTOMER IMPLICATIONS

- 8.1 The Council's response to the Consultation Paper will be considered by full Council on 12 November 2008 and therefore details will be published as part of the agenda pack. When deciding the Council's response, the views and recommendations of the Standards Committee, any representations made by individual members and the views and recommendations of the Corporate Management Team (in relation to the Employees' Code only) will be taken into account.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 It is a requirement of the Members' Code of Conduct that Members do not do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006). The Employees' Code proposes that all employees must comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.

10. VALUE FOR MONEY IMPLICATIONS

- 10.1 None

11. OTHER IMPLICATIONS:

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director - Partnerships and Projects	No
Executive Director - Services	Yes
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All

14. APPENDICES

Appendix 1 The Consultation Paper

15. BACKGROUND PAPERS

None

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