

COUNCIL

DATE: 20 February 2013

SUBJECT: Members Code of Conduct and Registering
Member Interests

REPORT BY: Monitoring Officer

CONTACT OFFICER: Head of HR & Monitoring Officer

IMPLICATIONS:

LEGAL

COMMUNITY SAFETY

EQUALITIES

ENVIRONMENT

FINANCIAL

CONSULTATIONS

STAFFING

OTHER

WARDS AFFECTED:

PURPOSE

1. To adopt a new Code of Conduct for Members and Co-opted Members which complies with the requirements of the Localism Act 2011 and to make arrangements for the registration of members' disclosable pecuniary interests.

RECOMMENDATION(S)

2. Council is recommended to:
 - (i) Approve the new Member Code of Conduct (Appendix A);
 - (ii) Instruct the Monitoring Officer to prepare and maintain a Register of Interests that is compliant with the requirements of the Localism Act 2011.

BACKGROUND

3. Under the Localism Act 2011 Councils are required to adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. The Localism Act requires that a Member Code of Conduct must, “when viewed as a whole” be “consistent with the following principles”:
 - selflessness;
 - integrity;
 - objectivity;
 - accountability;
 - openness;
 - honesty;
 - leadership.

4. In addition, the Localism Act requires that a Member Code of Conduct must include “the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of –
 - pecuniary interests; and
 - interests other than pecuniary interests.”

REPORT

5. At a meeting of the Full Council on 17 July 2012 it was resolved that the Council should adopt a new Member Code of Conduct. The Code that was adopted consisted of a Guidance Note to an approved Code that had been published by the Association for Council Secretaries and Solicitors (ACSeS). The full Code of Conduct for Members to which that Guidance referred is appended to this Report at **Appendix A**. This Code of Conduct is compliant with the requirements of the Localism Act 2011 and is recommended to Council for adoption.

6. One of the major changes to the Standards Regime brought about by the Localism Act 2011 was the abolition of personal and prejudicial interests and the creation of “Disclosable Pecuniary Interests”.

7. Members are required to comply with the statutory requirements to register, disclose and withdraw from participating in any meeting in respect of any matter in which they have a Disclosable Pecuniary Interest, as defined by the Localism Act 2011 and as set out at Table 1 to the New Code of Conduct (**Appendix A**).

8. The Monitoring Officer is required to prepare and maintain a new Register of Members Interests which is to be made available for inspection under the Localism Act. A register, under the legislation previously in force, of Members' Personal and Prejudicial Interests has, until now, been maintained by the Monitoring Officer. Upon adoption of the new Code of Conduct for Members, the old Register will no longer be maintained with all interests being registered in the new register.
9. The new Register of Members Interests will be divided into two parts. The first consisting of Disclosable Pecuniary Interests, which members are required by law to register, and personal interests of the kind listed in **Table 2 to Appendix 1**, being those which may be added to the Member's Register of Interests for reasons of openness and transparency.
10. Upon adopting the new Code of Conduct for Members, the Monitoring Officer will consult with Members to establish which of the interests in the old register are to be included in the new register and whether there are any previously unregistered interests which are to be registered.

PROPOSAL/OPTION

It is proposed that the Council:

1. Adopt the Member Code of Conduct (**Appendix "A"**);
2. Instruct the Monitoring Officer to prepare and maintain a new Register of Members' Interests and to ensure that it is available for inspection as required by the Localism Act 2011 (the Localism Act).

APPENDIX

Appendix A: Member Code of Conduct

LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Local Government Act 2011