



Title: **New Code of Conduct for Members**

Public Agenda Item: **Yes**

To: **Council**

Date: **12 July 2012**

Wards Affected: **All**

Key Decision: **No**

Change to Budget: **No**

Change to Policy Framework: **No**

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1. What are we trying to achieve?

1.1 The Localism Act 2011 abolishes the Standards Board regime and replaces it with a requirement that authorities promote and maintain high standards of conduct by members. Part of this requirement is that the Council has a code of conduct dealing with what is expected of members and co-opted members of the authority when they are acting in that capacity and that such code of conduct makes appropriate provision of the registration by members of pecuniary and other interests of members. This report recommends the adoption of such a code of conduct, a draft of which is at Appendix A.

2. Recommendation(s) for decision

2.1 That the Code of Conduct at Appendix A be adopted by the Council.

2.2 That the existing Standards Committee be disbanded and a new Standards Committee be established to comprise of seven members (the political composition of the Committee to be determined in line with the overall review of the political balance of the Council – see separate agenda item) with terms of reference as set out at Appendix B. Group Leaders to notify the Governance Support Manager of their nominations for membership as soon as possible.

2.3 That the Monitoring Officer, in consultation with the new Standards Committee develop a protocol as to how complaints will be dealt with under the new code of conduct and be requested to make the necessary amendments to the Council's Constitution.

2.4 That the existing independent members of the original Standards Committee be asked to continue to act as Independent Persons under the new arrangements until the recruitment of new Independent Persons has been completed.

2.5 That the Monitoring Officer in consultation with the Group Leaders be requested to carry out a review of the new code of conduct and protocol (to be adopted pursuant to paragraph 2.3) after 6 months and if necessary provide a further report to Council should it be considered substantial amendment is required.

3. Reasons for recommendation(s)

- 3.1 The Localism Act 2011 ('the Act') provided for the abolition the Standards Board regime, which consists of the Standards Board for England, existing standards committees of local authorities, the jurisdiction of the First Tier Tribunal in relation to local government standards in England and a codes of conduct for councillors. The abolition of the Standards Board for England took place on 1 April 2012 and the revocation of the codes of conduct took place on 1 July 2012. None of the functions of the Standards Board for England have been preserved.
- 3.2 The Act requires that a local authority must adopt a code of conduct that is consistent with the following principles: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership. The Act also requires that the adopted code includes such provision as the authority considers appropriate in respect of the registration in its register, and disclosure, of pecuniary interests, and interests other than pecuniary interests by members.
- 3.3 As well as the adoption of a code of conduct the Council is required to have in place arrangements for the investigation of allegations and arrangements for how decisions will be made following those investigations. Part of these arrangements must include provision for the appointment of one or more independent persons whose views are to be sought, and taken into account, before a decision is made on an allegation that has been investigated. It had been hoped that the Secretary of State would provide for a transitional period whilst the old code and its associated protocol continued to apply, however this is not the case and this is the reason why a new protocol has not been prepared in time for this meeting.
- 3.4 The terms of reference of the new Standards Committee will be as set out in Appendix B.
- 3.5 The Draft Code at Appendix A is based upon a code of conduct drafted by Devon County Council. The majority of council's within Devon have chosen to adopt codes based on this model in order to ensure consistency across the Council. Torbay Council may find that parts or all of the Code of Conduct once adopted are not appropriate which is the reason for the recommendation at 2.5 that the conduct and protocol be reviewed 6 months for their adoption.

3. Other options considered

- 3.1 None.

4. Combined Impact Assessment (CIA)

I confirm that I have not completed a Combined Impact Assessment because it is not required.

For more detailed information on this proposal please refer to the supporting information attached.

**Anthony Butler
Monitoring Officer**

Appendices

Appendix 1 Draft Code of Conduct

Appendix 2 Draft Terms of Reference for New Standards Committee