



Council – 16 May 2012

New Code of Conduct for Councillors – Amendments to the Constitution

Purpose of report

This report has two purposes. The key purpose is to seek member approval of a new Code of Conduct for Councillors to take effect following the changes to the standards arrangements initiated by the Localism Act. Early agreement of the future Code of Conduct for Councillors is particularly important as it is hoped by doing so that all town and parish councils in the district will consider adopting the same code. The second purpose is to propose a change in relation to the notice period for motions under Part 4.1 of the Constitution to enable the wording of such motions to be included in the Summons to Council meetings

Attachment

Appendix 1: Proposed replacement Part 5.1 of the Constitution - Code of Conduct for Councillors.

1.0 Proposed Change to Code of Conduct for Councillors

- 1.1 As Members will be aware from previous reports, the Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted councillors (Sections 26-37 of the Act). In order to be ready for these changes the council needs to review its arrangements.
- 1.2 The exact start date for the new arrangements is not yet clear as the Government has not yet published the Transitional Arrangement Regulations or the Regulations defining the Disclosable Pecuniary Interests (DPIs) that will have to be declared by councillors on their Register of Interests. However, early agreement of the future Code of Conduct for Councillors is important as it is hoped by doing so that all town and parish councils in the district will consider adopting the same code. (Any further information received before the Council meeting will be reported verbally.)
- 1.3 The Code of Conduct presented in this report has been reviewed by the Members appointed at the last Council meeting. The Code has also been shaped by comments made over the past 4 months by the Policy and Resources Committee, Scrutiny Committee, Town & Parish Councils and the Standards Board.
- 1.4 It is proposed that the Code of Conduct for Councillors would continue to form part 5.1 of the ENC Constitution.
- 1.5 The accompanying procedure for handling complaints and dispensations, which will also form part of the Constitution, are currently being reviewed and will be presented at the next council meeting.
- 1.6 Training will be offered to all Councillors on the new Code and DPIs before the implementation of the new Code.

2.0 Proposed Change to Notice Period for Motions

- 2.1 The provisions of paragraph 11 of Part 4.1 of the Constitution are used only occasionally. As a consequence, it was not until the last Council meeting that it was realised that changes to ensure that the council complied with legislation by sending Summons and Agendas five clear working days before meetings meant that notice of

motions could be received after dispatch. This creates unnecessary additional work and costs in resending such agendas/summons. It is therefore proposed that the deadline for receipt of such motions be brought forward by two days.

2.2 It is proposed to change section 11 of Part 4.1 of the Constitution as follows:

11. MOTIONS ON NOTICE

11.1 Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by the Member or Members giving the notice must be delivered to the Chief Executive not later than 12 noon ~~five~~ **seven** working days before the date of the meeting at which it is to be considered. The notice will be dated, numbered in the order in which it is received, filed for seven years and open to public inspection.

11.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda for the Council meeting in the order in which they are received, unless the Member giving notice states, in writing, a wish to move it to a later meeting or subsequently withdraw it.

11.3 Scope

Every motion must be about a matter for which the Council has a responsibility or which affects East Northamptonshire and/or its constituents

11.4 Failure to move

If a motion set out on the agenda is not moved by the Member who gave notice of it, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice

3.0 Equality and Diversity Implications

3.1 There are no obvious equality implications from the Code as currently drafted. The Equalities Act 2010 provisions will still apply to the council, and to individual councillors in some instances.

4.0 Legal Implications

4.1 The draft Code has been reviewed for legal compliance. It should be noted that there is no legal requirement for town and parish councils to adopt the same Code of Conduct for their councillors. There are no known further legal implications.

5.0 Risk Management

5.1 In drafting a new Code of Conduct for East Northamptonshire Council, we will have to balance the risks of creating too onerous a code with the need for a code which meets the high public expectations of councillor behaviour but which does not encourage unnecessary complaints e.g. that are tit for tat.

6.0 Financial Implications

6.1 At this stage there are no known financial implications arising from the adoption of the proposed Code.

7.0 Corporate Outcomes

- 7.1 The duty to promote high standards of ethical governance links to the following Corporate Outcomes:
- Employees and members with the Right Knowledge, Skills and Behaviours
 - Effective Management – legal compliance
 - Value for money

8.0 Recommendation

- 8.1 That Members agree:
- a) The adoption of the Code of Conduct presented at Appendix A as part of the Council's Constitution, to replace the current Part 5.1 on the date appointed by Government for the implementation of the standards provisions of the Localism Act 2011
[Reason: to inform the further development of the Code and Procedure]
- b) The change to Part 4.1 of the Constitution outlined in paragraph 2.2 in relation to motions on notice.
[Reason: to reduce council costs by avoiding resending agendas/summons.]

Legal	Power: Localism Act 2011				
	Other considerations:				
Background Papers: Previous Reports to Standards Board					
Person Originating Report: Sharn Matthews – Monitoring Officer					
Date: 2/5/12					
CFO		MO		CX	

Draft Code of Conduct for East Northamptonshire Councillors

This Code applies to all Councillors when they act in their role as Councillors of the Council. This Code is a requirement of the Localism Act 2011 and forms part of the Constitution of ENC which all Councillors will follow. This code is based on the seven Nolan¹ principles of public life:

1.0 Introduction

As a Councillor you are a representative of the Council, and the public and other stakeholders will form a view of East Northamptonshire Council as a result of your actions. As such you must conduct yourself in a manner which is consistent with the Council's duty to promote and maintain high standards of conduct of Councillors.

2.1 Selflessness

As a public figure, your public role as a Councillor may overlap with your personal or professional life and interests. However, as a Councillor you will serve only the public interest and will never improperly confer an advantage or disadvantage on any person. At all times you will act in accordance with the trust that the public is entitled to place in you.

2.2 Integrity and honesty

You will consider your actions carefully to avoid placing yourself in situations where your honesty and integrity may be questioned and will on all occasions avoid improper behaviour or the appearance of improper behaviour.

2.3 Objectivity (in decision making)

You will make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits. You must approach decisions with an open mind and listen to the views of others and assess the information presented at the decision making meeting. You must then reach your own conclusions on issues and act accordingly. Failure to do so may expose the decision to challenge on the basis of pre-determination.

2.4 Accountability

Everything East Northamptonshire Council does must be able to stand the test of scrutiny by the public, the media, other stakeholders, and the courts. You are accountable to the public for your actions and the manner in which you carry your responsibilities, and will co-operate fully and honestly with any scrutiny appropriate to your particular office.

2.5 Openness

2.5.1 East Northamptonshire Council strives to maintain an atmosphere of openness throughout the organisation to promote confidence of the public, stakeholders, staff and regulators.

You will be as open as possible about your actions and those of the council, and should be prepared to give reasons for those actions.

2.5.2 You will review your Register of Interests (including Disclosable Pecuniary Interests as required by the Localism Act and related regulations) at least annually to ensure ongoing accuracy

¹ The Committee on Standards in Public Life (the Nolan Committee) recommended in 1996 seven principles of conduct that should underpin the work of public authorities.

- 2.5.3 You need to reconsider carefully your position before participating in any decisions or activity, especially those relating to regulatory activities such as planning or licensing. Where the decision or activity is so closely tied to your personal or professional life that your ability to make an impartial decision may be called into question you must consider whether you need to declare, at any relevant meeting, any new Disclosable Pecuniary Interests (DPI) or other conflict of interest or circumstance. These will be added to your Register of Interests after the meeting.
- 2.5.4 The law says that if you have a DPI you must **not** become involved in the discussions nor must you **vote** in relation to such matters. If you have other interests in the matter you should also consider if it is appropriate for you to take part in the discussions or debate.
- 2.5.5 You must declare any gifts or hospitality valued over £50 (on one occasion or from the same donor within one year) given in respect of your role as a Councillor in your Register of Interests.

2.6 Leadership

You will promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence and avoids bringing your role or the council into disrepute

3.0 Other obligations

In addition to the above principles, you will:

- a) strive to establish respectful and courteous relationships with everyone you come into contact with as Councillors. You will also respect the political impartiality and professional role(s) of the council's statutory officers and its other employees.
- b) uphold the law in relation to the policies of the council and its legal obligations
- c) not disclose or use confidential information for any purpose other than that provided for by the law.
- d) use those particular council resources provided for the undertaking of council duties in accordance with council policies or constitution and not for any other purposes.

4.0 Training

Participation in training and development activities is not a legal requirement to be a Councillor. However this council expects that you will participate, in induction and other training and development activities in relation to standards matters.

5.0 Summary

This code is intended to provide a guide and protection for councillors in carrying out their duties. However, a breach of any part of this code may result in a complaint being made. A complaint will be assessed according to the arrangements outlined in Part 9 of the Council's Constitution.