

## PART A

**Report to:** Standards Committee  
**Date of meeting:** 17<sup>th</sup> May 2012  
**Report of:** Head of Legal & Property Services  
**Title:** Draft Code of Conduct/ Appointment of an Independent Person

### **SUMMARY**

#### **1.0 Code of Conduct**

- 1.1 The Localism Act received Royal Assent on 15 November 2011. The provisions in the Act in relation to standards will come into effect from 1 July 2012
- 1.2 The current ten General Principles and Model Code of Conduct will be repealed and members will no longer have to give an undertaking to comply with the Code of Conduct. The Council is, however, required to adopt a new Code of Conduct governing elected and co-opted member's conduct when acting in that capacity. The Council's new Code of Conduct must, when viewed as a whole, be consistent with the following seven principles –
- Selflessness
  - Integrity
  - Objectivity
  - Accountability
  - Openness
  - Honesty
  - Leadership
- 1.3 A suggested Code drawn up by the Monitoring Officer ( Appendix A ) was considered by Standards Committee at its meeting on 12<sup>th</sup> January and its recommendations put to the Constitution Working Party on 23<sup>rd</sup> February 2012. The Working Party recommended that the Code be adopted by Council.
- 1.4 Draft Codes have since been issued by the Local Government Association (Appendix B) and the Department of Communities and Local Government Association (Appendix C)
- #### **2.0 Appointment of an Independent Person**
- 2.1 The arrangements adopted by Council must also include provision for the appointment by Council of at least one Independent Person. This report includes an update on the position regarding this appointment (paragraph 4.1)

### 3.0 **RECOMMENDATIONS**

- 3.1 The Committee is asked to consider which of the Codes it wishes to recommend to Council on 23<sup>rd</sup> May 2012.
- 3.2 The Committee is asked to note the position with regard to the appointment of an Independent Person.

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### 4.0 **DETAILED PROPOSAL**

- 4.1 The Council has discretion as to what it includes within its new Code of Conduct, provided that it is consistent with the seven principles.
- 4.2 Regulations to be made under the Act will also require the registration and disclosure of “Disclosable Pecuniary Interests” (DPIs) and these are expected to broadly equate to the current prejudicial interests. In addition, the provisions of the Act also require an authority’s Code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests. The regulations have still not been published but if they are available in time for the meeting they will be reported there.
- 4.3 The Act prohibits members with a DPI from participating in Council business and the Council can adopt a procedure rule requiring members to withdraw from the meeting room.
- 4.4 The Council’s new Code of Conduct will therefore have to deal with the following matters –
- General conduct rules, to give effect to the seven principles. This corresponds broadly with Paragraphs 3 to 7 of the current Code of Conduct; and
  - Registration and disclosure of interests other than DPIs – effectively, replacing the current personal interests provisions. The Act requires that the Code

contains “appropriate” provisions for this purpose but until the regulations are published defining DPIs, it is difficult to suggest what additional disclosure would be appropriate.

4.5 The Monitoring Officer submitted a suggested Code of Conduct to the Standards Committee and Constitution Working Party for them to consider. Draft Codes from the Local Government Association (LGA) and the Department of Communities and Local Government( DCLG) have since been received and are now put to the committee for consideration.

4.6 Both the LGA and DCLG Codes have been circulated to the Chair and Council members of the Standards Committee for the latter to seek the views of their Groups but, at the time of writing this report, no responses have been received

## 5.0 **Appointment of an Independent Person**

5.1 The Act establishes for a new category of Independent Persons. The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Council (not just of those present and voting).

5.2 A person is considered not to be “independent” if –

- He/she is, or has been within the last 5 years, an elected or co-opted member or an officer of the Council;
- He/she is, or has been within the last 5 years, an elected or co-opted member of any Committee or Sub-Committee of the Council (which would preclude any of the current co-opted independent members of Standards Committee from being appointed as an Independent Person)
- He/she is a relative or close friend of a current elected or co-opted member or officer of the, or of any elected or cop-opted member of any Committee or Sub-Committee of such Council.

The Standards Committee also recommended and the Constitution Working Party agreed that an additional criteria be added that the candidate had not stood for election on the Council for the last 5 years.

5.3 An advertisement was placed in the Watford Observer on 20<sup>th</sup> April. The advertisement also appeared on the Council’s website. Four people contacted the Democratic Services Manager regarding the position but none have yet taken their interest any further.

## 6.0 **IMPLICATIONS**

### 6.1 **Financial**

6.1.1 The Head of Strategic Finance comments that any financial implications can be contained within existing budgets.

6.2. **Legal Issues** (Monitoring Officer)

6.2.1 The Head of Legal and Property Services comments that the legal issues are covered in the report

6.3 **Equalities**

6.3.1 No specific implications

Appendices

Appendix A – Draft Code considered by Standards Committee on 12<sup>th</sup> January and Constitution Working Party on 23<sup>rd</sup> February 2012.

Appendix B - Draft Code issued by the Local Government Association

Appendix C - Draft Code issued by Department of Communities and Local Government Association

Background Papers

Localism Act 2011

Report and minutes – Standards Committee 12<sup>th</sup> January 2012

Report and minutes – Constitution Working party 23 February 2012

File Reference

None