



Ward: N/A
Key Decision: No

Members Code of Conduct

Report by the Executive Head of Legal and Democratic Services

1.0 Summary

- 1.1 On 14 April 2008 the Council adopted a new Constitution, this came into effect from the Annual Meeting on 20 May taking the Council to executive decision making.
- 1.2 The Council in July 2007 adopted the Model Code of Conduct for Members but not all the sub-paragraphs in Section 9 relating to Disclosure of personal interests - these that related to 'executive decisions'.
- 1.3 The Committee should recommend to Council that it formally adopt two additional paragraphs in the Model Code of Conduct.

2.0 Background

- 2.1 The Committee had a report in June 2007 regarding the new Code of Conduct for members. The Model Code before that committee and subsequently adopted by Council had, in paragraph 9, 5 sub-paragraphs – these being appropriate for the Council at that time when it did not have a Cabinet or individual members making decisions. Sub-paragraphs 6 and 7 were not necessary as these related to executive decision making.
- 2.2 By moving to a Cabinet and Leader form of decision making under the Local Government and Public Involvement in Health Act 2007, sub-paragraphs 6 and 7 are now required, as detailed in the extract as Appendix A.
- 2.3 These two sub-paragraphs (in bold font) directly affect Cabinet Members but the Council should make the adoptions to have a complete Code of Conduct.

3.0 Proposals

- 3.1 The Committee is invited to recommend to Council on 8 July that the two additional sub-paragraphs, fully detailed in Annex A and in the recommendations be adopted.

4.0 Legal

- 4.1 The functions of the Council, Cabinet, Individual Cabinet Members and Committees are defined in the Local Government Act 2000 and the Local Government Public Involvement in Health Act, 2007 and regulation made under those Acts.
- 4.2 The Local Authorities (Model Code of Conduct) Order 2007 is a regulation made under the 2000 Act.

5.0 Financial implications

- 5.1 There are no direct financial implications from this report.

6.0 Recommendation

That the Committee recommends to Council

That two sub-paragraphs be added to Part 2 Paragraph 9 (Disclosure of personal interests) in the Council's Code of Conduct for Members as follows:

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Local Government Act 1972

Background Papers:

Adur District Council, Constitution adopted 15 April 2008
The Local Authorities (Model Code of Conduct) Order 2007 No.1159

Contact Officer:

Julia Smith, Democratic Services Manager, Civic Centre, Ham Road, Shoreham-by-Sea
julia.smith@adur.gov.uk 01273 263021

Schedule of other matters

1.0 Council Priority

- 1.1 None

2.0 Specific Action Plans

- 2.1 **(A) None**

(B) None

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered and no issues identified

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 The Committee has a role to ensure that the Code is maintained and that via the Code and Members conduct the Council's reputation is maintained.

8.0 Consultations

8.1 (A) This Committee is the Council's advisory and consultation forum for Member's conduct.

8.2 (B) the Committee's decision should be taken into account by Council.

9.0 Risk assessment

9.1 Members, especially Cabinet Members, are at risk of not having clear advice from the Committee in the declaration of Personal Interests, putting individual councillors at risk of a complaint.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership working

12.1 Matter considered.

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.