



1. **PURPOSE OF REPORT**

The purpose of this report is to present to Members a revised Members' Code of Conduct following consideration by the Ethical Governance and Personnel Committee of the potential for a County wide single code of conduct.

2. **RECOMMENDATION**

That Council adopt the revised Code of Conduct

3. **BACKGROUND TO THE REPORT**

- 3.1 The Localism Act 2011 ('the Act') places the Authority under a duty to promote and maintain high standards of conduct by members and co-opted members of the Authority. In discharging this duty, the Authority is required to adopt a Code dealing with the conduct that is expected of members and co-opted members, when acting in that capacity.
- 3.2 The Act abolished the previous national model Code of Conduct which had been adopted by authorities at all levels and instead imposed a simple requirement that each authority put in place a Code which when viewed as a whole, is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership, and which includes provisions in respect of the registration and disclosure of pecuniary interests and interests other than pecuniary interests.
- 3.3 As Leicestershire is a two tier authority area, many Members of the Borough Council serve on the County Council as well as the Borough. There is therefore concern about the potential difficulties which might arise if each authority across Leicestershire adopted Codes which applied different obligations and levels of responsibility. Members at Leicestershire County Council have expressed a desire to achieve a single Code for members across Leicestershire.
- 3.4 In the time available it was not possible to consider adopting a common Code of Conduct for Members across the whole of Leicestershire before the new Regulations relating to standards matters came into force on 1 July 2012. Therefore, the Borough Council at its meeting on 19 July 2012 approved the adoption of a new Code of Conduct which met the requirements of the new legislation.
- 3.5 Following initial discussions with Monitoring Officers across the County through the Local Association of Council Secretaries and Solicitors (ACSeS) group, the County Council subsequently undertook to prepare an initial draft of a common Code of Conduct for consideration.

- 3.6 The area that generated the most debate related to 'Interests'. After considerable discussion a form of words was proposed which would introduce three categories of interest:-
- i. 'disclosable pecuniary interests' (DPIs), which are defined in the Act; breach of the requirements relating to DPIs could lead to prosecution; (this is already contained in HBBC Code of Conduct)
 - ii. 'personal interests' which have been largely retained from the previous Code and which once declared by a member, will not prevent them from taking part in the debate;
 - iii. 'personal interests that might lead to bias' i.e. those interests which a member of the public, with knowledge of the facts, would reasonably regard as so significant as to prejudice a member's judgement of the public interest. Breach of the requirements relating to these interests (which are not DPIs) would not lead to prosecution but could lead to a complaint relating to a Members conduct.
- 3.7 In addition, it was proposed that a distinction is made between those interests which must be registered, and those interests which are of a kind that might arise at a meeting but which a member could not be expected to register in advance.
- 3.8 Other changes were also proposed to the Code of Conduct in relation to the Obligations.
- 3.9 The Ethical Governance and Personnel Committee met in April 2013 and decided that they did not want to recommend to the Council that the County Council's Code of Conduct be adopted. However they did feel that the distinction regarding Interests should be included in Hinckley and Bosworth's Code of Conduct. The Committee felt that it would assist dual hatted members as well as making things clearer for all Councillors.
- 3.10 The Monitoring Officer was asked to include this element and refer the Code of Conduct shown at appendix one to Council for adoption.
- 3.11 In addition this version of the Code contains revised definitions of the Nolan Principles, the seven Principles of Public Life adopted by the Committee on Standards in Public Life in January 2013

4. FINANCIAL IMPLICATIONS [AB]

- 4.1 There are no financial implications relating to this report.

5. LEGAL IMPLICATIONS LH

Within the body of the report

6. CORPORATE PLAN IMPLICATIONS

Strong and Distinctive Communities

7. CONSULTATION

Ethical Governance and Personnel Committee

8. RISK IMPLICATIONS

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to adopt a common code leading to confusion for members for declaring interests	Agree common code or ensure that differences and responsibilities are understood	LH

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

This applies to Councillors

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: None

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