

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN
THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
TUESDAY, 10 JULY 2007 AT 7.30 PM

PRESENT: District Council Members

Councillor J Warren (Chairman).
Councillor N C Poulton.

Independent Member

Mr A Walker

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services (and Monitoring Officer)
Jeff Hughes	- Head of Democratic Services

136 APOLOGIES

Apologies for absence were submitted on behalf of
Councillor M Wood and Mr J Morphew.

137 CHAIRMAN'S ANNOUNCEMENT

At the request of the Chairman, the Head of Democratic
Services detailed the progress being made to fill the Town
and Parish Councils' representatives' seats on the
Committee.

The Head of Democratic Services also advised that it was
the Authority's intention to provide training to all of its
Members and to offer such training to Parish/Town
Councils within the District, on the revised Code of
Conduct.

RECOMMENDED ITEM**ACTION****138 ADOPTION OF THE REVISED CODE OF CONDUCT**

The Monitoring Officer submitted a report advising that the revised Code of Conduct for Members had recently been published. The revised Code came into force on the 3 May 2007 and every local authority in England was obliged to adopt it with or without amendments by the 1 October 2007. If a local authority did not formally adopt the revised Code within six months of 3 May 2007, the mandatory text therein would apply in default.

The Committee recalled that it had considered a draft of a proposed new Model Code of Conduct for Local Authority Members at its meeting held on 6 March 2007 (Minute 639 refers). It had agreed a response to the specific questions listed within the Government's consultation paper.

The Monitoring Officer stated that, following completion of the consultation process, the Secretary of State for Communities and Local Government had made a statutory instrument bringing the provisions of a revised Code of Conduct into effect.

The Monitoring Officer highlighted the main provisions within the revised Code of Conduct. He stated that the duty to report breaches of the code by other Members had been removed. Additionally, new requirements had been introduced to prevent bullying, victimisation and intimidation of participants in proceedings, a new public interest defence to complaints of breach of confidentiality and new exceptions to enable Members to represent their local community.

The Monitoring Officer highlighted ten principles which formed a preamble to the Code. The principles, derived from the original Nolan Committee's Principles of Public Life, set out the basis for the obligations contained within the Code and would be a helpful

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summary for Members on the ethical framework within which they should act. Compliance with the principles was not of itself a statutory obligation but failure to act in accordance with them could potentially result in a breach of the Code. The Monitoring Officer explained that the Council could decide not to include the preamble. This would not change the nature of the obligations under the Code but would remove the context and basis within which the Code had been drafted and how it was likely to be interpreted.

The Committee noted the Monitoring Officer's detailed explanation and obligations within the revised Code and also his comments on declarations of interest (both personal and prejudicial) and the effect of prejudicial interests on a Members' participation at meetings.

The Committee noted that, unless dispensation had been obtained, a Member with a prejudicial interest must withdraw from the room or chamber in which a meeting was being held. Prior to withdrawing, however, a Member with a prejudicial interest may make representations, answer questions or give evidence at a meeting open to the public, provided that the public were also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. After speaking, a Member with a prejudicial interest must then immediately withdraw from the room or chamber.

The Monitoring Officer stated that, until the proposed amendments to Section 52 of the Local Government Act 2000 reinstated the situation prior to the decision in the "Livingstone case", only in very limited circumstances would the Code apply to conduct outside of a Member's official capacity.

The Monitoring Officer also stated that the revised Code did not include a specific section on bias and predetermination. Accordingly, Members would still

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need to consider separately whether they were approaching an issue with an open mind and therefore able to take part in the discussion, even if they did not have a prejudicial interest because the outcome would have no affect on their financial position.

The Monitoring Officer commented that the delicate balance between the freedom of Members to act as local advocates and the need to ensure decisions were made without the improper influence of personal interests had been re-examined in the revised Code. The revised Code allowed for greater participation by Members with prejudicial interests.

The Committee noted that there would be consequential changes to the Council's existing codes and protocols as a result of the adoption of the revised Code. These revisions would be considered by the Committee as part of its work programme for the current year.

The Committee supported the Monitoring Officer's suggestion that the Authority should adopt the revised Model Code of Conduct together with a preamble incorporating the ten general principles governing the conduct of Members.

It also supported the Monitoring Officer's suggestion that Parish and Town Councils within the District be recommended to adopt the code and preamble.

RECOMMENDED - that (A) the Model Code of Conduct issued by the Secretary of State for Communities and Local Government, as set out in the Local Authorities (Model Code of Conduct) Order 2007, together with a preamble incorporating the ten general principles governing the conduct of Members, be adopted, and

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(B) Parish/Town Councils within the District be recommended to adopt the Code and preamble.

RESOLVED ITEM

139 MINUTES

RESOLVED - that the Minutes of the Standards Committee meeting held on 6 March 2007 be confirmed as a correct record and signed by the Chairman.

The meeting closed at 7.55 pm.

Chairman
Date