

**Meeting:** Council  
**Date:** 12 July 2007  
**Report of:** Director of Strategy & Governance  
**Subject:** Adopting New Local Codes of Conduct  
**Ward(s) affected:** All

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON 12 JUNE 2007**

**Present:** Councillor Councillors Carden, Drake (Deputy Chair), Lepper (OS), Roy, Simson and Watkins.

Independent Members: Dr M B Wilkinson (Chair), and Mrs H Scott,

Rottingdean Parish Council Representative: Mr G Rhodes

Apologies : were received from Ms M Carter

**PART ONE**

**8. ADOPTING NEW LOCAL CODES OF CONDUCT**

8.1 The Committee considered a report of the Director of Strategy and Governance relative to the Order made recently by the Government prescribing a new national model Code of Conduct. The local Codes of both Brighton & Hove City Council and Rottingdean Parish Council needed to be revised to take account of this by 1 October 2007. The report provided the Committee with information on which to base its recommendations for revised local Codes to (a) the Council meeting on 12 July 2007 and (b) the Rottingdean Parish Council meeting on 2 July 2007 (for copy see minute book).

8.2 The Standards Committee noted that it was responsible under Part 111 of the Local Government Act 2000 for advising the Council and Rottingdean Parish Council on the adoption of a Local Code for each of these Councils and for assisting their Members (including any co-opted Members with voting rights) to observe their respective Codes. The Committee also noted the main changes in the new national model code as they affected both Councils and as summarised in Paragraph 4.9 of the report.

8.3 When both respective Councils had considered their current local Codes in 2002, they had accepted the guidance of the Standards Board that the national model Code should be adopted with no or very limited additions and the only additions they had made to the national model Code had been as follows:

- Made the local Codes gender neutral (not necessary this time);
- Added some introductory words which were not actually part of the general principles of public life (still desirable at this time);
- In the City Council's case (a) incorporated some overview and scrutiny provisions that otherwise would not have applied even though the City Council had overview and scrutiny committees (not necessary this time) and (b) added that Members could voluntarily provide written notification of their membership of any private club (as this was not covered by the Code)[could be included again this time if the City Council so wished].

8.4 It was recommended, and the Committee agreed, that both Councils adopt a similar approach to that used in the past. Accordingly the draft local codes attached as Appendices 2 and 3 of the report which were recommended for adoption were the national code. Only non-relevant provisions relating to other types of authority had been removed. The following additions were also suggested and approved by the Committee:

- Similar suitable introductory words which were not formally part of the codes;
- For the City Council: the provision that Members could voluntarily provide written notification of their Membership of any private club (Paragraph 15);
- For Rottingdean Parish Council: incorporation of Paragraph 12(2) of the national model code (which was not mandatory for the Parish Councils) enabling Parish Council Members with a personal and prejudicial interest to address meetings in circumstances where the public had the same right. (The Standards Board had indicated that it would be appropriate for parish councils to include this provision which they could then use if and when they granted public rights of address.)

8.5 The Committee noted that there might be potential disparities in the information contained in the Members Register of Interests and that it was quite easy to set out information on the wrong part of the current declarations form. The Committee agreed that as the time approached for Members to submit fresh declarations under the new local Code, guidance should be given to Members regarding both the type of information it was appropriate to include and how it should be included on the form.

8.6 In relation to the proposed voluntary registration of "private clubs" in the City Council's new local Code, Members sought clarification regarding the definition of this term. It was confirmed that it covered, for example, sports

clubs and would include membership of any private body group or organisation except those which had charitable status. Those with charitable status would be excluded from the voluntary register because it was compulsory to include "bodies directed to charitable purposes" on the register of Members' interests. It was noted that a number of Members did voluntarily declare private club membership under the current local Code and the Committee agreed to recommend retaining the provision in the new local Code. It was recognised that whilst the onus would be on individual Members regarding what they chose to declare on this voluntary register, any such information declared would be useful for other Members of the authority as well as the public.

- 8.7 Mr Rhodes confirmed that Rottingdean Parish Council would be happy to adopt the code in the terms set out in relation to the Parish Council and the Committee's recommendations would be considered at the next scheduled meeting of the Parish Council to be held on 2 July 2007. It was agreed that details of the proposed local Codes of Conduct appertaining to both authorities would be advertised together as it would be more cost effective to do so. Mr Rhodes stated that any targeted training which could be provided for Members of the Parish Council would be welcomed and it was agreed that Officers would make appropriate arrangements.

**RESOLVED TO RECOMMEND -**

- (1) That the council adopts as its local Code of Conduct taking effect on Sunday 30 September 2007 all the mandatory provisions of the national model Code of Conduct set out in the Local Authorities (Model Code of Conduct) Order 2007 applicable to the Council together with the following non - mandatory provision :

- a provision for Members to make voluntary declarations of membership of private clubs ;

As shown in the draft local Code at Appendix 2 of the report.

- (2) That the Monitoring Officer be instructed to issue the local Code , as approved to all Council Members;
- (3) That the Monitoring Officer be authorised to issue and update as necessary in the future, (a) such amended form(s) as he considered appropriate for declaration by Council Members of interests, gifts and hospitality and (b) the associated explanatory note as item 5.2 of the Council's constitution;
- (4) That on the adoption of the Local Code taking effect on 30 September all Council Members be requested to return forthwith to the Monitoring Officer for the public register their completed declarations of interests, gifts and hospitality on the amended form(s);
- (5) That all Council Members be encouraged to complete the voluntary

declaration relating to their membership of private clubs;

- (6) That the Monitoring Officer be instructed to take further ancillary action necessary to comply with requirements of Part III of the Local Government Act 2000 in respect of the adoption of the local Code, including advertising the adoption of the local Code, making it publicly available and sending a copy to the Standards Board for England ; and
- (7) That the Standards Committee recommends to Rottingdean Parish Council:
- (i) That the Parish Council adopts as its local Code of Conduct taking effect on 30 September 2007 all the mandatory provisions of the national model Code of Conduct set out in the Local Authorities (Model Code of Conduct) Order 2007 applicable to the Parish Council together with the following non-mandatory provision -
- Incorporation of Paragraph 12(2) of the national model Code of Conduct (which is not mandatory for parish councils) enabling Parish Council Members with a personal and prejudicial interest to address meetings in circumstances where the public have the same right;

As shown in the draft local Code in Appendix 3 to the report ;

- (ii) That the Parish Council Clerk be instructed to issue the local Code as approved to all Parish Council Members;
- (iii) That the Parish Council Clerk be authorised to issue such amended form(s) as are agreed with the Monitoring Officer for declaration by Parish Council Members of interests, gifts and hospitality ;
- (iv) That on the adoption of the Local Code taking effect on 30 September all Parish Councillors be requested to return forthwith to the Monitoring Officer (through the Parish Council Clerk) for the public register their completed declarations of interests, gifts and hospitality on the amended form(s); and
- (v) That the Parish Council Clerk, working with the Monitoring Officer, be instructed to take all further action necessary to comply with the requirements of Part III of the Local Government Act 2000 in respect of the adoption of the local Code, including advertising the adoption of the local Code, making it publicly available and sending a copy to the Standards Board for England.

**NB** This item has been referred to the Council for decision under Procedural Rule 20.3(b)