

**STANDARDS COMMITTEE
25 NOVEMBER 2011**

LOCALISM ACT 2011 – ACS_eS DRAFT MODEL CODE OF CONDUCT FOR MEMBERS

REPORT OF THE EXECUTIVE DIRECTOR OF COMMERCIAL AND CORPORATE SERVICES

1. Members have previously received reports on the proposals contained in the Localism Bill in respect of the reform of the ethical standards regime. The bill received royal assent on 15th November and the provisions, as enacted, reflect a number of amendments that were proposed as the bill proceeded through the parliamentary stages. The Act now contains a requirement for authorities to have a code of conduct, which must be in accordance with Nolan Principles and must include a requirement for members to register and disclose pecuniary and non pecuniary interests. It will be necessary for authorities to put in place a system to deal with allegations of breaches of the code and they must also appoint an independent person whose view will be taken into account before an authority reaches a decision following an investigation. The person against whom a complaint is made may also seek the views of the independent person.
Parish councils will also be required to have a code, but may adopt their principal council's code.

2. The latest information is that the Government intends to abolish the Standards Board by 31st March 2012 and therefore it is likely that the other standards provisions will be brought into effect at the same time. There will be a number of matters for authorities to deal with including the approval of a code, formulation of arrangements for investigation of breaches, determination of committee structures and appointment of the "independent person". The Association of Council Secretaries and Solicitors (ACSeS) is in contact with Communities and Local Government regarding the proposed implementation dates and it is expected that further information will be available in the near future.

3. Although there will not be a prescribed form of code, members previously expressed support for the principle of the Tyne & Wear authorities adopting the same code of conduct and at the meeting of the Standards Committee Chairs and Vice Chairs held earlier this year, support was also expressed for developing a consistent approach to procedures for investigating breaches. It is proposed that further discussions take place with monitoring officers from the other authorities regarding developing proposals in this regard.. In the meantime, ACSeS has developed a draft of a model code which was submitted to its Council meeting during October. This is attached for

members' information and consideration. Whilst the draft may be amended further in the light of the final version of the Act and any regulations which may be issued thereunder,, members may wish to .consider the draft and express views on it.

Recommendation

The Committee is recommended to note the report and if it so wishes, to comment on the ACSeS draft Code of Conduct.