

# **HERTFORDSHIRE COUNTY COUNCIL**

## **STANDARDS COMMITTEE 4 DECEMBER 2001**

### **New Code of Conduct**

Report of the County Secretary

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Agenda Item No.

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#### **1. Purpose of Report**

- To update members of the Committee on its status and terms of reference
- To advise the Committee of the Model Code of Conduct
- To ask the Committee to agree a way forward to draw up a Local Code of Conduct for Hertfordshire County Council.

#### **2. Standards Committee – Status and Terms of Reference**

2.1 On 27 November the County Council adopted its new Constitution which fully implements the requirements of the Local Government Act 2000. Key features of the new system are:

- The Cabinet becomes a decision-making body (previously its proposals had to be ratified by a cross-party Executive Committee).
- 5 Scrutiny Committees (previously called Select Committee) have power to scrutinise decisions and policies.
- The Standards Panel becomes a Standards Committee.

2.2 The Constitution provides that

- The 4 independent members of the former Standards Panel may continue to serve on the Standards Committee until 27 August 2003 (as permitted by transitional regulations).
- The Chairman of the Committee is appointed by the Committee from among the 4 independents.
- The Committee determines its own procedures.

- 2.3 The terms of reference of the Standards Committee are:
- a) promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives
  - b) advising the Council on the adoption or revision of the Councillors' Code of Conduct
  - c) assisting Councillors, co-opted members and church and parent governor representatives to observe the Code
  - d) monitoring the operation of the Code
  - e) advising training or arranging to train Councillors co-opted members and church and parent governor representatives on matters relating to the Code.
  - f) granting dispensations from requirements relating to interests set out in the Code
  - g) dealing with reports from a case tribunal, or from the Monitoring Officer on any matter referred by an ethical standards officer.

### **3. Model Code of Conduct**

- 3.1 The Government has issued a Model Code of Conduct. A copy has been circulated with the Agenda.
- 3.2 The Standards Committee must draw up a local Code to recommend to the Council for adoption which incorporates all the elements of the Model Code together with any local additions (provided they do not conflict with the Model Code).
- 3.3 Once the local Code has been adopted, each Councillor must within 2 months give a written undertaking to observe the Code. A Councillor who fails to give an undertaking is automatically disqualified from office. Newly elected members must give the same undertaking before taking up office.
- 3.4 Once the local Code has been adopted, a person who alleges that a member has breached the Code should complain to the Ethical Standards Board. The Board will consider whether to investigate the matter; if so it will be assigned to an Ethical Standards Officer (ESO). The ESO will conduct an investigation and issue a report. The report may recommend that the matter be considered by a Case Tribunal. The Tribunal has power to suspend or disqualify a member.
- 3.5 The Secretary of State has power to make Regulations which will enable less serious complaints to be referred by the ESO to the Standards Committee, via the Monitoring Officer. No such Regulations have yet been made.

### 3.6 Some points to note in the Model Code:

- The obligations not to bring the Authority into disrepute, and not to secure improper advantage or misuse the Council's resources, apply to conduct in private life as well as official life. So for example a criminal conviction which has no connection to the Member's work as a Councillor might be said to be a breach of the Code as bringing the Authority into disrepute.
- A Member must report any breach of the Code by another member to the Ethical Standards Board. Failure to do so will itself be a breach.
- Members are required to register certain interests with the Monitoring Officer. These registerable interests are wider than the pecuniary interests which have to be registered at present.

## 4. **Suggested Way Forward**

1. The Standards Committee should familiarise itself with the Model Code. This may be possible at this meeting or may require a further meeting.
2. The Committee should come to a preliminary view about whether there should be any local additions to the Model Code. The view of the Ethical Standards Board seems to be that these are to be discouraged.
3. The Committee should inform all members of the Council (and co-opted members of the Children, Schools & Families Scrutiny Committee) of the requirements of the Model Code. They should ask for views on the issue of local additions; and on how members should be trained in understanding the new Code.
4. The Committee should meet to consider views received and aim to make a recommendation to the Council on 14 February 2002 to enable the local Code to be adopted at that meeting.