

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 15, Priory House, Monks Walk, Shefford on Wednesday, 11 April 2012

### PRESENT

Cllr Mrs J G Lawrence (Chairman)  
Cllr R C Stay (Vice-Chairman)

Cllrs J A E Clarke  
J G Jamieson  
D Jones

Cllrs M R Jones  
K C Matthews

Members in Attendance: Cllrs P N Aldis  
B Saunders

Officers in Attendance: Mr J Atkinson – Head of Legal and Democratic Services  
Mr L Manning – Committee Services Officer

#### GPC/11/39 **Minutes**

##### **RESOLVED**

**that the minutes of the meeting of the General Purposes Committee held on 9 February 2012 be confirmed and signed by the Chairman as a correct record.**

#### GPC/11/40 **Members' Interests**

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

#### GPC/11/41 **Chairman's Announcements and Communications**

The Chairman reminded Members that at the last meeting (minute GPC/11/35 refers) she had advised that a report on the possible warding of the Parish of Stotfold, as a part of the Community Governance Review for the area of Fairfield, would be submitted to this meeting of the Committee. At the request of the Chairman the Head of Legal and Democratic Services then explained that it had taken longer to analyse the outcome of the recent public consultation

on a proposal to divide the Parish of Stotfold into electoral wards than had been anticipated and the results had only just been received. He added that the headline result indicated that the majority of consultation respondents did not support the warding of the Parish. The Head of Legal and Democratic Services stated that a full report on this matter would be submitted to the next ordinary meeting of the Committee.

The Chairman next referred to the need to increase the number of meetings for the General Purposes Committee should the annual meeting of the Council approve the expansion of the Committee's role. Members noted that the Committee would consider a revised timetable at its first ordinary meeting and make its recommendations to the Council in June.

**GPC/11/42 Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

**GPC/11/43 Questions, Statements or Deputations**

No questions, statements or deputations were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

**GPC/11/44 Localism Act 2011 - Standards**

Members considered a report by the Chairman of the Committee regarding the requirements contained in the Localism Act 2011 relating to ethical standards. The meeting noted that the statutory framework governing the Council's Code of Conduct and the arrangements for dealing with complaints that Members had failed to comply with the Code had been repealed by the Act. Further, the Act contained new arrangements governing ethical standards in local authorities which would come into force on 1 July 2012.

The meeting was aware that the Ethical Standards Task Force, drawn from members of the General Purposes Committee and including representation from the Bedfordshire Association of Town and Parish Councils, had considered how the Council should prepare for the implementation of the Act's provisions. The Committee was also aware that the Constitution Advisory Group had given consideration to whether any changes should be made to the Council's committee structure in respect of corporate governance, including ethical standards, and that the Advisory Group had recommended to Council that the General Purposes Committee's governance remit be expanded. It was intended that all the changes proposed would be submitted to the annual meeting of the Council on 19 April 2012.

The Committee considered the outcome of the work by the Task Force and Advisory Group on the following issues:

- New Code of Conduct
- Arrangements for Handling Complaints
- Register of Interests
- Town and Parish Councils
- The Standards Committee
- Appointment of Independent Persons

To assist Members a copy of a proposed replacement draft Code of Conduct was attached at Appendix A to the report. In addition, a description of the transitional arrangements to apply until 30 June 2012 was circulated as Appendix B.

Full discussion followed during which Members sought clarification on a number of points including the possible adoption of the new Code of Conduct by town and parish councils in Central Bedfordshire, requirements relating to the appointment of independent persons and the register and declaration of interests. The Committee acknowledged the need to await the issue of regulations by the Government to bring clarity regarding disclosable pecuniary interests. The meeting strongly supported the preparation of an easy to follow guide to the Register of Interests once this information was available.

With regard to the adoption of a new Code of Conduct, the Chairman reported that the Local Government Association's suggested template for this document had been received but was not particularly helpful. The Vice-Chairman stated the Council was relatively advanced in its production of a new Code of Conduct and that other local authorities had expressed an interest in adopting it.

The Chairman expressed her thanks to all those who had participated on the Ethical Standards Task Force for their efforts.

#### **RECOMMENDED TO COUNCIL**

- 1 that the draft Code of Conduct, as set out at Appendix A to these minutes, be adopted with effect from 1 July 2012;**
- 2 that, subject to the approval of recommendation 1 above, the Monitoring Officer contact the Clerks to the town and parish councils in Central Bedfordshire and invite them to consider recommending the Code of Conduct for adoption by their councils;**
- 3 that the General Purposes Committee be authorised to take any decisions necessary to implement the provisions contained in Chapter 7 of the Localism Act 2011, so that arrangements are in place when the relevant provisions take effect on 1 July 2012.**

#### **RESOLVED**

- 1 that the Head of Legal and Democratic Services prepare a guide on the Code of Conduct in 'Plain English';**

- 2 that the Head of Legal and Democratic Services amend paragraph 5 of the Code of Conduct to reflect the regulations governing disclosable pecuniary interests as soon as the regulations have been issued by the Government;**
- 3 that the Head of Legal and Democratic Services amend Part F of the Constitution to reflect any changes for the provision of ethical standards approved at the annual meeting of Council and submit the amended document to the next ordinary meeting of the General Purposes Committee for approval in order that the arrangements are ready to be applied from 1 July 2012;**
- 4 that the Head of Legal and Democratic Services continue to investigate the possible use of existing independent Members of the Council's Standards Committee, or those of neighbouring local authorities, in the role of independent persons for a transitional period;**
- 5 that the Head of Legal and Democratic Services draw up the person specification and associated criteria relating to the appointment of independent persons together with the public advertisement for the posts.**

**NOTED**

**the transitional arrangements for ethical standards until 30 June 2012 as set out at Appendix B to these minutes.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 10.40 a.m.)

Chairman .....

Dated .....

**CENTRAL BEDFORDSHIRE COUNCIL****CODE OF CONDUCT****1.0 Introduction**

- 1.1 This Code of Conduct (“the Code”) has been adopted by the Council as required by Section 27 of the Localism Act 2011 (“the Act”).
- 1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Members and co-opted Members of the Council (“Members”) and the Code sets out the standards that the Council expects Members to observe.
- 1.3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.
- 1.4 The Code is consistent with the following principles (the “Nolan” principles of standards in public life):

Selflessness  
Integrity  
Objectivity  
Accountability  
Openness  
Honesty  
Leadership

**2.0 Who does the Code apply to?**

- 2.1 The Code applies to all Members of the Council and to all co-opted Members of any committee, sub-committee or joint committee of the Council.

**3.0 When does the Code apply?**

- 3.1 The Code applies whenever a person is acting in his/her official capacity as a Member of the Council or co-opted Member in the conduct of the Council’s business or acting as a representative of the Council.

**4.0 What standards of Conduct are Members expected to observe?****Selflessness:**

- 4.1 Members must always act in the public interest.

## Appendix A

- 4.2 Members must never use their position as a member of the Council improperly to secure for themselves or any other person, an advantage or disadvantage.
- 4.3 Members must not use the Council's resources improperly for personal or party political purposes.

**Integrity**

- 4.4 Members must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 4.5 Members must not disclose information given to them in confidence.

**Objectivity**

- 4.6 When making decisions on behalf of the Council, including awarding contracts or making appointments, Members must do so on merit.
- 4.7 Members must have regard to any relevant advice provided to them by the Council's officers and, in particular, the Head of Paid Service, Chief Finance Officer and Monitoring Officer, where such advice is provided pursuant to their statutory duties\*.

*(\*Note: This paragraph will need to be revised in the case of town and parish councils).*

**Accountability**

- 4.8 Members must act in accordance with their legal obligations, including the following Acts of Parliament that confer special obligations on elected councillors:

Local Government Act 1972  
Employment Rights Act 1996  
Data Protection Act 1998  
Freedom of Information Act 2000  
Bribery Act 2010  
Equality Act 2010  
Localism Act 2011

- 4.9 Members must act in accordance with the Council's policies and reasonable requirements, including any protocols and codes of practice that may apply. (e.g. in respect of Member/Officer Relations, ICT, Member Allowances etc).

**Openness**

- 4.10 Members must give reasons for any decisions taken on behalf of the Council in accordance with any statutory requirements and the Council's Constitution.
- 4.11 Members must not prevent another person from gaining access to information to which that person is entitled by law.

**Honesty**

- 4.12 Members must declare any disclosable (pecuniary and non-pecuniary) interests or conflicts of interest that may arise in respect of their responsibilities as a member of the Council.
- 4.13 Members must at all times ensure that any claims for expenses, allowances, and any use of facilities and services provided by the Council are strictly in accordance with the rules laid down on these matters.

**Leadership**

- 4.14 Members must set an example by their behaviour and shall act in a way that enhances public trust and confidence in the integrity of the Council and its Members.
- 4.15 Members must show respect and courtesy to others.
- 4.16 Members should value the Council's officers and work alongside them to achieve the Council's objectives.
- 4.17 In their dealings with the Council's employees, Members must have regard to the Council's protocol on Member/Officer Relations and on no account should they behave in a manner that might constitute bullying.

**5.0 Register of Interests \***

*(\*Note: The regulations governing disclosable pecuniary interests have yet to be published. Therefore, paragraphs 4.12 and 5.1 – 5.4 will need to be reviewed when the regulations become available).*

- 5.1 The Council's Monitoring officer maintains a register of interests of Members and co-opted Members of the Council.
- 5.2 The Council has determined what interests Members are required to enter in the register of interests, including those disclosable pecuniary interests prescribed by regulations. These disclosable interests are listed in Schedule 1.

## Appendix A

- 5.3 Members must notify the Council's Monitoring Officer of any disclosable pecuniary and non-pecuniary interests that should be recorded in the Council's register of interests.
- 5.4 Within 28 days of becoming a councillor, all Members must submit to the Monitoring Officer a list of their disclosable interests and must notify the Monitoring Officer of any changes as and when they arise.



**Appendix B****ETHICAL STANDARDS****TRANSITIONAL ARRANGEMENTS**

1. The Localism Act 2011 repeals the existing statutory framework regulating ethical standards for Members. The Act introduces new arrangements which are less prescriptive. This change will take effect on 1 July 2012. The purpose of this note is to explain the transition between the existing framework and the new arrangements.
2. The Council's Standards Committee will remain in place until 30 June and will be responsible for handling any complaints received during this period in accordance with existing framework. Complaints received will be assessed, investigated and determined by the Standards Committee through the existing system of Assessment, Review and Hearing Sub-Committees. During this period, the appointments of Independent Members and Town and Parish Council representatives serving on the Standards Committee will continue.
3. The Monitoring Officer will process all complaints received from now until 30 June 2012 in accordance with the existing framework. However, as 1 July 2012 approaches it will be more likely that any new complaints received will need to be handled under the new arrangements.
4. Currently, there are six active complaints. Every effort will be made to complete these cases before 30 June 2012.
5. Any complaints that remain outstanding on 1 July 2012 will be handled from that date in accordance with the new arrangements. The new arrangements will need to be in place by that date, including the appointment of at least one independent person, as required by the Localism Act 2011.

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