

<b>NAME OF COMMITTEE</b>	<b>Standards Committee</b>
<b>DATE</b>	<b>11 February 2014</b>
<b>REPORT TITLE</b>	<b>Review of the Code of Conduct</b>
<b>Report of</b>	<b>Monitoring Officer</b>
<b>WARDS AFFECTED</b>	<b>All</b>

---

**Summary of report:**

The Standards Committee has a duty to advise the Council on the adoption and revision of the Members' Code of Conduct. The West Devon Members' Code of Conduct was adopted in June 2012 and Members' are asked to review the Code in the light of experience to date.

**Financial implications:**

There are no financial implications to this report.

**RECOMMENDATIONS:**

1. That Members recommend to Council that the West Devon Members' Code of Conduct is amended as shown highlighted in appendix A to this report

**Officer contact:**

Catherine Bowen, Monitoring Officer  
[cbowen@westdevon.gov.uk](mailto:cbowen@westdevon.gov.uk)

---

**1. BACKGROUND**

- 1.1 Following the abolition of the previous standards regime from 1 July 2012 (including the abolition of the National Code of Conduct) the Council adopted a West Devon Members' Code of Conduct on 26 June 2012 (attached at Appendix A) together with new processes to deal with allegations of a breach of the Code.

The Standards Complaints Process is considered in a separate report on this agenda.

- 1.2 The Localism Act says that all Councils are now responsible for adopting their own local Codes and can include such provisions as they deem appropriate save that the Code must:
  - be consistent with seven principles based on the Nolan Principles (see paragraph 1.2 of the Code at Appendix A), and
  - must include a requirement that Members register and declare Disclosable Pecuniary Interests (see Part II of the attached Code).
- 1.3 In order to provide consistency for Councillors across Devon who may serve on more than one Authority, most Devon Councils adopted either the 'Devon Code' (on which the West Devon Code is based) or the National Association of Local Council's (NALC) Code. Town and Parish Councils are also responsible for adopting their own local Codes, but those within the Borough of West Devon have largely adopted either the West Devon or the NALC Code.
- 1.4 In addition to the statutory provisions, the Council's Code also includes the General Obligations that were contained in the previous Code, and a requirement to declare Personal Interests (but in respect of which Members may take part and vote).
- 1.5 The Borough Council remains responsible for maintaining Registers of Interest, and dealing with allegations of a breach of the Code on behalf of Parish and Town Councils within its area.

## **2. ISSUES FOR CONSIDERATION**

- 2.1 There have been no major issues with the West Devon Members' Code of Conduct since its adoption in June 2012. However, on the basis of feedback from Members, and from the Monitoring Officer's perspective on an operational level, it would be clearer if there was an express provision that set out the rules for Members in situations where s/he does not have a Disclosable Pecuniary Interest, but where there would be a reasonable perception that the Member has an interest. For example, where a Member lives next door to an Application site or with regards to a matter that affects a member of the councillor's family or a close associate. Members are referred to suggested clause 7.3 at Appendix A for the Committee's consideration, together with consequent amendments to the definitions.
- 2.2 It is also recommended that (aside from Disclosable Pecuniary Interest where the law prohibits it) Members are permitted to speak on a matter where the public also has this right before leaving the meeting room. Please see paragraph 8.1(d) in Appendix A.

2.3 There is no express provision for the declaration of gifts and hospitality in the current Code. Whilst no issues have arisen on this matter to date (Members continue to declare such gifts in accordance with the spirit of the General Obligations set out in the Code) it would clarify matters if an express provision was included in the Code. Not all the Devon Councils' Codes include a gifts/hospitality provision but where express provision exists, the value ranges between £25 (which was the value in the old Code) and £100.

### 3. LEGAL IMPLICATIONS AND STATUTORY POWERS

3.1 The Localism Act 2011 introduced from July 2012 the requirements for a local Code of Conduct.

3.2 The Constitution requires the Standards Committee to advise the Council on the adoption of, and any revisions to, to the Members' Code of Conduct.

### 4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications to this report.

### 5. RISK MANAGEMENT

5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

### 6. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	All
<b>Considerations of equality and human rights:</b>	Considered on a case by case basis
<b>Biodiversity considerations:</b>	N/a
<b>Sustainability considerations:</b>	N/a
<b>Crime and disorder implications:</b>	N/a
<b>Appendices attached:</b>	Appendix A: West Devon Members' Code of Conduct (as amended)

**STRATEGIC RISKS TEMPLATE**

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1.	Failure to review the Members' Code of Conduct to ensure that it is fit for purpose and reflects current legislation and best practice	Consistent and clear rules regulating Members' Conduct	3	2	6	↔	Review and recommendation of changes to the Members' Code of Conduct	Monitoring Officer

Direction of travel symbols ↓ ↑ ↔