

# METROPOLITAN BOROUGH OF WIRRAL

STANDARDS COMMITTEE - 19 FEBRUARY 2002

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## ETHICAL STANDARDS FRAMEWORK: CODES OF CONDUCT FOR MEMBERS AND OFFICERS

### REPORT OF THE BOROUGH SOLICITOR AND SECRETARY

1. Executive Summary

This report sets out the Government's Code of Conduct for Councillors and asks the Standards Committee to make recommendations to Council about the adoption of such a code for Wirral.

2. Background Information

2.1 The Ethical Framework - The Terms of Reference of the Standards Committee specifically require that the Committee should offer advice and guidance to the Council on the adoption of a model Code of Conduct for Councillors.

2.2 In accordance with the new ethical framework which forms part of the Local Government Act 2000, all authorities are required to adopt a Member Code of Conduct, based on a national code. All Councillors must agree in writing to adhere to the Members' Code, and failure to do so within two months of the Code being adopted will result in a Councillor ceasing to be a member of the Authority. Once a Code is adopted, the Council must publish a notice advising of its adoption.

2.3 Local authorities have until 5 May 2002 to adopt a Model Code. Once a Code is adopted all complaints about breach must be referred to the Standards Board for investigation. They may decide to investigate the matter themselves or refer the matter back to the Council's Standards Committee. Penalties for breach of the Code may range from public censure through to disqualification as a Councillor for up to five years.

2.4 All Standards Committees will have an important role to play in maintaining and upholding the Code. In particular, this Committee may be asked to deal with 'minor' allegations referred back by the Standards Board. Once the Government has introduced the necessary regulations, Standards Committee will be able to recommend local 'disciplinary action' and issue dispensations to members with particular interests in very specific circumstances. Previously, such dispensations were issued by the Secretary of State for the Environment, but the Government intends to transfer these powers to the local Standards Committees.

2.5 Clearly, once the relevant regulations have been issued, and prior to any complaints being received, training will need to be arranged for Standards Committee members to guide and assist them through their obligations. I would propose to do this in late May/early June and would welcome a discussion with members in this respect. At the last meeting of committee I distributed a set of training material relating to the new ethical framework. At appendix 1, the Standards Board 'Guidance to Local Authorities' is attached for information.

2.6 The Model Code of Conduct - The National Code of Conduct for Councillors is attached to the report at Appendix 2. The Council's own Code must incorporate the mandatory conditions contained in this Model Code. The Standards Board have advised that of those authorities who have adopted a model code, over 95% have done so by adopting the National Code in its purest form i.e. without addition or implementation. They advise this as the best course of action, or suggest only minor amendment. Those authorities who have differed from the National Code appear to have done so in a minor fashion, e.g. by changing the requirement to register gifts of over £25 to a requirement to register all gifts. The views of the Standards Committee are sought. The Standards Board also advise that protocols, such as local planning codes (which Wirral has) are best viewed as local arrangements rather than an addition to the Model Code.

2.7 As I have stated earlier, the Code must be adopted by 5 May 2002. This matter will be considered by Council on 19 March as part of the arrangements to adopt a new Constitution. I would recommend that Standards Committee suggests an implementation date of 3 May 2002. This will allow for the local elections to take place and will tie in with the date that the new Constitution arrangements are adopted. It also provides sufficient time for training to take place during April on the requirement of the Code for Councillors and members of the Standards Committee.

3. Equal Opportunity Implications

The National Code places a positive duty upon members to promote equality by not discriminating unlawfully against any person and to treat others with respect.

4. Local Agenda 21 Implications

None.

5. Local Member Support

This report affects members of the all Wards.

6. Planning Implications

None.

7. Community Safety

None.

8. Financial and Staffing

None.

9. Background Papers

Training material from Members' Seminar on the Ethical Framework on 29 November 2001.

10. Recommendation

It is recommended that the Standards Committee advises Council on the adoption of a Model Code of Conduct and implementation date.

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Borough Solicitor  
and Secretary

14 February 2002  
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