

DECISION-MAKER:	COUNCIL		
SUBJECT:	LOCALISM ACT 2011 – PROPOSAL FOR A PAN-HAMPSHIRE MEMBERS' CODE OF CONDUCT		
DATE OF DECISION:	19 NOVEMBER 2014		
REPORT OF:	HEAD OF LEGAL AND DEMOCRATIC SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

This report recommends a revision to the Members Code of Conduct to enable there to be a pan-Hampshire Members' Code of Conduct. At its meeting on 22 November 2013, HIOWLA (Hampshire and Isle of Wight Local Authorities) Leaders agreed that all HIOWLA authorities would be asked to review and, where necessary, revise their existing Code and Standing Orders, with a view to ensuring that these include the proposed core provision to achieve consistency of approach to Member Conduct. Since that time the Head of Legal Services at Hampshire County Council has led on redrafting proposals which can now be placed before Council.

RECOMMENDATIONS:

- (i) That in the interests of achieving a consistent approach to Member Conduct across the HIOWLA authorities, the Members' Code of Conduct be amended to include provision regarding gifts and hospitality as detailed in the report.

REASONS FOR REPORT RECOMMENDATIONS

1. To ensure greater consistency of the Members Code of Conduct across Hampshire authorities.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. Not to revise the code. It would be prudent to achieve consistency of approach if at all possible hence the recommendations.

DETAIL (Including consultation carried out)

3. Previously the Head of Legal and Democratic Services has advised that following the adoption of local Codes officers were to explore scope for cooperation and collaboration with other local authorities in Hampshire, in connection with the development of a pan-Hampshire Members' Code of Conduct and arrangements for handling complaints. The issue has been considered by HIOWLA Leaders at various meetings over the last year or so

and it was agreed in November 2013 there is merit in exploring scope for a Hampshire-wide code of conduct.

HIOWLA's considerations

4. At its meeting on 22 November 2013, HIOWLA considered the finalised report of the Clerk to HFRA (reproduced in Appendix 1 to this report). An appendix to the report set out the core provision to be made in the Codes of Conduct and Standing Orders of HIOWLA to achieve consistency of approach to Member Conduct.
5. HIOWLA Leaders considered that it would be in the interests of the Members of the constituent authorities, a number of whom are Members of more than one authority, and the public that those authorities serve, to adopt a consistent approach to the registration and disclosure of Members' pecuniary and non-pecuniary interests. It was considered that such an approach would reduce confusion as to when relevant interests should be disclosed, and would minimise the risk of inadvertent failure to comply with relevant requirements. HIOWLA Leaders agreed that Option 2 was the preferred way forward. Option 2 reflects current Council code requirements save for gifts and hospitality obligations.
6. Under the Localism Act 2011, it is for each local authority to adopt and, where necessary, revise its code of conduct. It was agreed by HIOWLA Leaders that all their authorities would be asked to review and, where necessary, revise their existing Code and Standing Orders, with a view to ensuring that these include the core provision set out in the appendix to the report.

Proposed Amendments to the Council's Members' Code of Conduct

7. The full core provision relates to:
 - a. personal interests;
 - b. gifts and hospitality; and
 - c. the exclusion of Members from meetings at which any discussion or vote takes place on a matter in which the Member has a disclosable pecuniary interest, unless a dispensation has been granted.
8. Only minor revisions regarding gifts and hospitality are required to accord with HIOWLA's recommendations. For completeness the other proposals are detailed below.
9. With regard to personal interests, a number of HIOWLA authorities (including Southampton) already require there to be at least some registration and/or disclosure of personal interests. In order to achieve a consistent approach in this regard by Hampshire and Isle of Wight local authorities, it is proposed that all the authorities include in their Members' codes of conduct the following core provision relating to personal interests. This element does not require any changes to the Council's current Code:

10. It is further proposed that there would be a requirement to disclose a personal interest orally at a meeting, where it is relevant to an item of business being considered at that meeting. There would be no requirement to enter the interest in the published register of interests, although the oral disclosure at a meeting would be recorded in the minutes of that meeting. Once the interest has been disclosed, there would be no requirement for the Member to leave the room, and the Member would be able to participate in discussion and vote on the matter. Again, the Council already has this provision in its Code.
11. With regard to gifts and hospitality, the Council's Members' Code of Conduct does not currently make provision for registering receipt of gifts or hospitality. This provision was dropped when the new Code was adopted in July 2012. However, it is the view of the Head of Legal and Democratic Services that such a provision would be sensible to ensure transparency. In addition the officer requirement remains but has been revised, updated and the minimum threshold raised to £50. It would be prudent to apply the same standards and thresholds to members. The only exception would be to the official Mayoral events attended through the Mayor's Office as these are formal arrangements, the details of which are already available for inspection if needs be. Practically, acceptance of gifts and hospitality, provided reasonable, does not impinge on members attending functions or accepting small gifts (which is rare) etc. A number of the HIOWLA authorities have adopted a requirement to register receipt of gifts or hospitality, with the threshold of value for registration varying between £25 and £50. It is proposed that all of the HIOWLA authorities include in their Members' codes of conduct the following core provision:

"A Member shall enter in the authority's register of interests the receipt of any gift or hospitality, where the Member estimates the value to be at least £50, within 28 days of receipt."
12. The Council's register of interests is maintained by the Democratic Services Manager and notification from a Member would be in writing/by e-mail.
13. With regard to making provision for the exclusion of a Member of the Authority from a meeting while any discussion or vote takes place on a matter in which the Member has a disclosable pecuniary interest, unless a dispensation has been granted, the current Code already makes provision for this, there is no need to make any amendment.
14. The matter was considered by Governance Committee at its meeting on 15th September 2014 where it was resolved to recommend this inclusion. It is proposed therefore that the Council's Members' Code of Conduct be amended to include the core provision relating to gifts and hospitality, as detailed above.

15. In summary, the proposals accord with good practice, ensure consistency and transparency. The main risk of not adopting a pan-Hampshire Members' Code of Conduct is that having to adhere to a number of slightly different rules on registering and disclosing interests may lead to confusion for multi-hatted Members. Members of the public may also be confused regarding the nature of, and reason for, the different rules applying to this aspect of Members' conduct. There is no risk associated with adopting a pan-Hampshire Members' Code of Conduct.

RESOURCE IMPLICATIONS

Capital/Revenue

16. There are no resource implications of the proposed action.

Property/Other

17. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

18. Localism Act 2011

Other Legal Implications:

19. None

POLICY FRAMEWORK IMPLICATIONS

20. None

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	None
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SUPPORTING DOCUMENTATION

Appendices

1.	Report of the Clerk to HFRA
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Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s) Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt / Confidential (if applicable)

1.	HRFA Report on revised code recommendations	
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