

QUICK GUIDANCE ON COMPLIANCE WITH THE ETHICAL FRAMEWORK FOR PARISH AND TOWN COUNCILS

May 2007

LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) ORDER 2007

Just a reminder that ALL Councils regardless whether councillors started a new term of office in May 2007 or not must adopt the new Code by 1 Oct 2007. The Code is a statutory requirement and provides legal guidelines for fulfilling a role in public office. To assist Parish Councils the Standards Board for England has published a bespoke model which has been sent to Parish Councils. Councils have been given an option whether to adopt para 12 (2), which must be clearly stated in the minutes if they do. The Association recommends that Councils do adopt this as it will allow those councillors reporting on the activities of those outside bodies where they are responsible for the finances, to speak although not vote. This gives Councillors in this situation the same right to speak as members of the public. Therefore Councils must ensure that they have a Standing Order in place which allows members of public to speak.

Recommended Wording for such a Standing Order

"With the permission and at the discretion of the Chairman any member of the public may comment on an issue being debated by the council in order to provide information or clarification of items relevant to the matter being debated. If this occurs during a meeting the Chairman will formally close and adjourn the meeting. This facility will normally be limited to a maximum of only three minutes per person on the subject being debated"

Advertising the Adoption of the New Code in a Commercial Newspaper

S.51 (6) of the Local Government Act 2000 states local authorities, *as soon as reasonably practicable after adopting or revising a code of conduct* must give notice of this adoption in one or more newspapers circulating in their area. Since sending out NALC Circular L08-07 attached to WALC e mail of 10 May 2007, WALC has been informed that Monitoring Officers from the borough and district authorities will be meeting on 21 June. One of the items to be discussed is the possibility of including parish and town councils in the borough and district authorities' adverts giving notice of the adoption of the Code in local newspapers. WALC has supported this as it would obviously save expense by parish and town councils. Therefore councils may wish to delay placing their own adverts until they hear further from their respective Monitoring Officers.

Just as a reminder the notice must:

- (i) state that they have adopted or revised a code of conduct,
- (ii) state that copies of the code or revised code are available at an office of the authority for inspection by members of the public at such times as may be specified in the notice,
- (iii) specify the address of that office

Declarations of Acceptance of Office by Councillors and Chairman when starting a new term of office

Councillors and Chairman starting a new term of office must sign a Declaration of Acceptance of Office form within 2 months of taking up office. If councils have not adopted the 2007 Code at their Annual General Meetings, this is acceptance to abide by the Parish Council Code of Conduct 2001. Councils may also agree that declarations may be signed at a future date in presence of a witness, (the Clerk) if they cannot be signed at first meeting. Clerk keeps these on file.

Registration of Members Financial and Other Interests

A councillor is required to fill out his entry in the council's Register of Members' Interests within 28 days of the council adopting the Code or within 28 days of election or co-option.

Part 2 8 (1) (a) of The Local Authorities (Model Code of Conduct) Order 2007 No 1159 - The Model Code of Conduct for Parish and Town Councils contains those things that must be registered. If there are any changes to the interests that a member has registered he should ensure his entry in the Register of Members Interests is amended with 28 days of the change. This Register is maintained by the Monitoring Officer of the relevant authority. The Monitoring Officer should provide relevant forms for the Register of Members' Financial Interests.

Sensitive information

Where a member considers that the information relating to any of his personal interests is sensitive information, and the authority's Monitoring Officer agrees, a member need not include that information when registering that interest, or, as the case may be, a change to that interest.

(1) A member must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the authority's Monitoring Officer asking that the information be included in the authority's register of members' interests.

Registration of Gifts and Hospitality

A Councillor should also register any gift or hospitality over the value of £25 that they receive but only those they receive as a result of their position as a member of the local council. In some cases, of course, it will not always be easy to judge the value of gift or hospitality. In these cases, the member should make a reasonable attempt at judging whether the value was over £25. If in doubt it is better to err on the side of caution and register the gift.

Declaring Interests As they Arise at Meetings Through the Year and Maintaining a Separate Book Recording Members' Declarations

All local councils have long been required to maintain a Register of Declarations. This requirement still holds. Clerks should maintain a separate book for the Register of Declarations as they are made at meetings. **It is important to remember that all Councillors are required to declare an interest when they arise, even if they have previously registered it in the Registration of Members Interests.** This declaration must then be minuted and registered in the register of declarations. The register of declarations must be made available for public inspection.

Briefings on the New Code of Conduct

All Monitoring Officers are proposing to offer free of charge briefings on the new Code in June and July and every councillor should make every effort to attend one of these briefings, so that they are fully aware of their responsibilities under the Code.

Cracking The Code - The New Ethical Regime For Parish And Town Councillors - 19th July 2007 Hilton Metropole, NEC Birmingham

The National Association of Local Councils (NALC), supported by the Standards Board for England, is holding this one-day conference for councillors, clerks and interested parties on the revised model Code of Conduct and the new ethical framework, and how these will impact on parish and town councils. It includes a study of new provisions relating to personal and prejudicial interests, bullying, and disclosure of confidential information, guidance for parish councillors and councils facing multi-allegations. Speakers include: John Findlay, Chief Executive NALC, from the Standards Board and the Association of Council Secretaries and Solicitors (ASES). The delegate rate is £70 plus vat for members, and £110 plus vat for non-members. Small member councils with a BI under £25K are entitled to discounted rate of £35 plus vat. Places at this rate are limited to 50 and will be on a first come first served basis and are filling up fast. Booking Form and Draft Programme: visit www.nalc.gov.uk