

HAMPSHIRE COUNTY COUNCIL**Report**

Decision Maker:	Conduct Advisory Panel
Date:	4 July 2012
Title:	Localism Act 2011 – Draft Code of Conduct for Members of the County Council
Reference:	4106
Report From:	Chief Executive

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1. Executive Summary

1.1. This report suggests a revised Code of Conduct for Members of the County Council and related matters in accordance with the requirements of the Localism Act 2011, for the Conduct Advisory Panel to consider prior to submission to the County Council for approval..

2. Contextual information

- 2.1. Section 7 of the Localism Act and Schedule 4, which it introduces contain revised arrangements in respect of a Member's Code of Conduct which the County Council is required to adopt, and revised arrangements in respect of the registration and disclosure of Members' Interests.
- 2.2. A report containing an initial draft Code of Conduct, including initial provisions in respect of the registration and disclosure of Member's Interests, was presented to the Conduct Advisory Panel on 15 June 2012. At this meeting Members considered the draft new Member's Code of Conduct, and asked that their comments from the meeting be incorporated in a revised draft.
- 2.3. At this meeting Members also considered the revised statutory provision contained in the Localism Act 2011, in respect of the registration and disclosure of Members' Interests. Members indicated that they wished to retain provision in respect of the registration and disclosure of personal interests not included within the new statutory regime of Disclosable Pecuniary Interests. Similarly Members wished to retain in the new Code of Conduct provision in respect of the disclosure of Prejudicial Interests not falling within the statutory list of Disclosable Pecuniary Interests.
- 2.4. The revised draft Code of Conduct includes therefore a new Part 4 in respect of Personal Interests. This Part includes residual Personal Interests

contained in the current Code of Conduct not included within statutory list of Disclosable Pecuniary Interests. A copy of the revised draft Code of Conduct is attached at Annex 1 to this report. A copy of the existing Members' Code of Conduct is also included at Annex 2 to this report for ease of reference.

- 2.5. Included at Part 5 of the revised draft Code of Conduct is a new section on Prejudicial Interests. This section reflects the content of the current Code of Conduct. Members will note that since provision is now included in respect of the Prejudicial Interests in the revised Code, Part 2 of the revised Code of Conduct (Registration and Disclosure of Disclosable Pecuniary Interests and Personal and Prejudicial Interests) is now split into two parts for ease of understanding. The first section 'General Obligations' sets out provision in respect of the Registration and Disclosure of Members' Interests, with the second section covering additional requirements in the case of participation in the business of the County Council in cases of Disclosable Pecuniary Interests and Prejudicial Interests.

3. Recommendations

It is recommended that the Conduct Advisory Panel :

- 3.1. Consider the revised draft new Members' Code of Conduct attached at Annex 1 to this report, including the revised provision in respect of the registration and disclosure of Members' Interests, and approve the draft incorporating any comments of the Conduct Advisory Panel for submission to the County Council at its meeting on 19 July 2012.

CORPORATE OR LEGAL INFORMATION:

This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because of the requirements of the Localism Act 2011 and for the good governance of the County Council.

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Localism Act 2011 – Standards Update	3757	2 March 2012
Localism Act 2011 – Revised Standards Arrangements	3882	30 April 2012
Localism Act 2011 – Revised Standards Arrangements – Interim Code of Conduct for Members of the County Council and related matters	3932 4056	17 May 2012 15 June 2012

Direct links to specific legislation or Government Directives		
<u>Title</u>		<u>Date</u>
Localism Act		2011
Localism Act 2011 (Commencement No;6 and Transitional, Savings and Transitory Provisions Order Relevant Authorities (Disclosable Pecuniary Interests) Regulations		2012

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

1.1. N/A

2. Impact on Crime and Disorder:

2.1. N/A

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption? N/A
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? N/A