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## **Review of Members Code of Conduct - 6 June 2013**

To: **Standards Committee**

By: **Monitoring Officer**

Classification: **Unrestricted**

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**Summary:** **To approve a review of the Members' Code of Conduct adopted by Thanet District Council and by the majority of the Town & Parish Council's established in Thanet.**

### **For Decision**

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#### **1.0 Introduction**

1.1 It is nearly a year since the Council adopted a revised Member Code of Conduct based on the 'model' Kent Members Code of Conduct and it is considered appropriate that a review should now be conducted into the operation of the Code and related processes. This review should align with the officer level review of the Kent Model Code currently being undertaken by the Kent Secretaries Group.

#### **2.0 Review - Scope**

2.1 In terms of scope, it is recommended that the review considers both the precise terms of the Members' Code of Conduct and the related processes and procedures that support the enforcement of the Code.

2.2 Issues for the Members Code of Conduct are likely to include:-

- Consideration whether a 'treat others with respect' requirement should be re-introduced into the General Conduct Requirements;
- Whether the scope of the Register of Members Interests should be widened to include declarations in respect of e.g. non corporate tenancies with the Council, or membership of or a position of general control or management of charities or body directed to charitable purposes;
- Whether any extensions to the scope of the Register of Members Interests should apply to spouses/civil partners;
- The value at which the receipt of gifts and hospitality have to be declared;
- Whether 'one size fits all' should continue as e.g. amendments considered necessary or desirable for TDC may not be appropriate for a Parish Council.

2.3 Issues relating to the processes and procedures supporting the enforcement of the Members' Code of Conduct are likely to include:

- Whether TDC should conduct hearings in respect of Town and Parish councillors; and
- The apparent lack of effective sanctions

#### **3.0 Review - Stakeholders**

3.1 It is therefore recommended that the review consists of:-

- The re- establishment of, consultation with and receipt of feedback from the Standards Working Party;
- Consultation with and receipt of feedback from the Group Leaders and Group Whips
- Consultation with and receipt of feedback from the Town & Parish Council's established Thanet including the Town & Parish Council's Representatives on the Standards Committee;
- Consultation with and receipt of feedback from the Independent Members of the Standards Committee;
- Consultation with and receipt of feedback from the Independent Person and Nominated Substitute;
- Consultation with and receipt of feedback from the Kent Secretaries Group
- Consultation with and receipt of feedback from complainants who are members of the public;
- Consideration of all stakeholder feedback by the Constitutional Review Working Party prior to consideration by the Standards Committee;

3.2 The Standards Committee will then make recommendations to full Council.

#### **4.0 Corporate Implications**

##### **4.1 Financial and VAT**

There are no direct financial or VAT implications arising from this report.

##### **4.2 Legal**

TDC and the Town & Parish Council's established in Thanet have the power to amend their adopted Codes of Conduct provided they retain consistency with the five 'Nolan principles governing public life

##### **4.3 Corporate**

The Members Code underpins the high standard of ethical conduct expected of District, Town and Parish Councillors.

##### **4.4 Equity and Equalities**

None specific

#### **5.0 Recommendation(s)**

5.1 That the Standards Committee approves the commencement of a review of the Members Code of Conduct and related processes and procedures on the terms set out in the report of the Monitoring Officer.

5.2 That full Council be requested to re-establish the Standards Working Party.

5.3 That the review be concluded within a maximum period of five months

#### **6.0 Decision Making Process**

6.1 Stakeholder responses will be considered by the Constitutional Review Working Party prior to consideration by the Standards Committee who, in turn, will make recommendation to full Council

<i>Contact Officer:</i>	<i>Harvey Patterson, Monitoring Officer</i>
<i>Reporting to:</i>	<i>Sue McGonigal, - Chief Executive</i>

***Annex List***

<i>N/A</i>
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***Background Papers***

<b><i>Title</i></b>	<b><i>Details of where to access copy</i></b>
<i>None</i>	

***Corporate Consultation Undertaken***

<i>Finance</i>	<i>N/A</i>
<i>Legal</i>	<i>N/A</i>