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## The new Code of Conduct

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The revised Model Code of Conduct came into force on 3 May 2007. Authorities have until 1 October 2007 to adopt the Code formally. If an authority fails to adopt the Code before that date, the mandatory provisions of the Code will apply until the authority adopts its own Code.

There are a number of major changes to the Code and these are summarised below:

- The definition of a **personal interest** has been relaxed. Interests that are shared with most people in the ward or electoral division affected by the decision will not have to be declared. However, the definition will not change for many parishes or other authorities that do not have wards or electoral divisions.
- **Dual-hatted members** and those members appointed or nominated by the authority to outside bodies will also benefit from changes to the rules regarding declaration of interests. Where a matter that affects the other body is being discussed at a meeting of the authority, these members will not be required to declare that they have a personal interest in the matter before they vote, unless they wish to speak on the matter or where the personal interest is also a prejudicial interest.
- **Prejudicial interests** now only arise if a matter affects a member, their family, or their close associates in the following ways:
  - it relates to their finances ~~or well being~~
  - it concerns regulatory functions such as licensing or planning which affect them
  - and a reasonable member of the public with knowledge of the facts
- **Gifts or hospitality** over the value of £25 must now be included in the member's register of interests. This means that a personal interest must be declared at any meeting where a matter relating to that interest is discussed.
- The **unlawful discrimination provision** has been replaced by a duty not to do anything that may cause the authority to breach its statutory duties under equality laws (including anti-discrimination laws). As a result, discriminatory behaviour can now be dealt with through the Code.
- A new provision makes it clear that **bullying** is prohibited by the Code.
- Another new provision states that members must not **intimidate or attempt to intimidate** anyone involved in an investigation, such as a complainant, a witness or an officer involved in the conduct of an investigation.
- The Code does not incorporate the **Ten General Principles of Public Life** but

would believe their ability to judge the public interest would be impaired.

Even where members have a prejudicial interest, the Code supports their role as a community advocate and enables them, in certain circumstances, to represent the community and to speak on issues important to it and to the member. Paragraph 12(2) of the Code gives members with a prejudicial interest in a matter the same rights as members of the public to speak to a meeting on the matter. However, once they have done so, the member must immediately leave the meeting room, as currently required, and cannot remain in the public gallery to observe the vote on the matter.

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members are required to read the Code together with these general principles. Although members are not legally obliged to observe the principles, a failure to follow them may indicate behaviour that could potentially breach the Code.

- Subject to the enactment of the Local Government and Public Involvement in Health Bill, the Code will apply where **criminal activity** has been committed in a private capacity, but not in relation to other conduct which solely concerns a member's private life.
  
- The ban on **disclosing confidential information** has been relaxed to allow disclosure of confidential information where:
  - the disclosure is made to a third party for the purpose of obtaining professional advice (provided that person agrees not to disclose it)
  
  - the disclosure is reasonable and in the public interest, made in good faith, and does not breach the reasonable requirements of the authority