
REPORT AUTHOR: SECRETARY/MONITORING OFFICER

SUBJECT: REVIEW OF CODE OF CONDUCT

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Background Papers: None

Implications (tick ✓):

LEGAL	✓	FINANCIAL	
HUMAN RESOURCES		EQUALITY IMPACT	
ENVIRONMENTAL		POLICY	
CORPORATE RISK	Known	OTHER (please specify)	
	New	CORE BRIEF	

Any implications affecting this report are noted at the end of the report.

PURPOSE:

To review the FRA's Code of Conduct.

RECOMMENDATION:

That the Committee decides whether to recommend the amendments to the FRA's Code of Conduct shown in Appendix A for adoption by the FRA.

1. Introduction

- 1.1 At its last meeting, the Committee asked the Monitoring Officer to undertake a review of the FRA's Code of Conduct for Members, particularly in relation to the section on interests, and to ascertain if there were any areas of the Code that could be amalgamated to produce a more streamlined document and to include those paragraphs in the illustrative text produced by the Government that do appear in the FRA's existing Code.

- 1.2 The Monitoring Officer has reviewed the Code and, attached as Appendix A, is a copy of the FRA's Code of Conduct showing in bold italics a number of suggested amendments to take account of the views expressed by the Committee.
2. Statutory Requirements
 - 2.1 The Localism Act 2011 provides that the FRA must promote and maintain high standards of conduct by members and co-opted members. It must adopt a code dealing with the conduct that is expected of members of the authority when they are acting in that capacity. The code adopted by the FRA when viewed as a whole must be consistent with the Seven Principles of Public Life ("the Nolan Principles"). A copy of these principles is attached as Appendix B. The code must also include provisions regarding the registration and disclosure of pecuniary and other interests.
3. The Government's Illustrative Text
 - 3.1 The thrust behind the provisions in the Localism Act 2011 was the Government's view that the previous statutory arrangements were too prescriptive and that authorities should have discretion to adopt a code of conduct that suited them. However, the Government did publish some illustrative text. A copy of this illustrative text is attached as Appendix C.
 - 3.2 The provisions of the FRA's existing Code and the Government's illustrative text are very similar but the amendments proposed in Appendix A add a number of factors from the illustrative text that do not appear in the FRA's existing Code. These are now included in paragraphs 4.2, 4.3, 4.8 and 4.14 of the revised Code.
4. Other Interests
 - 4.1 Paragraph 7 of the Code requires Members to declare certain local interests when they relate an item of business under discussion by the FRA. There is no statutory requirement to disclose these interests, hence the term "local interests". The definition of local interests set out in 7.2.1 and 7.2.2 is confusing and Appendix A includes revised wording which should provide clarity.

JOHN ATKINSON
SECRETARY/MONITORING OFFICER

Appendices:

A Existing Revised BFRA Code of Conduct

B Seven Principles of Public Life

C Illustrative Text for Code of Conduct