

## Cracking the revised Code

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## The story so far...

- **May 2007 - Model Code came into force**
- **2 October 2007- mandatory provisions automatically came into effect unless adopted earlier**
- **LGPIH Bill amends 2000 Act – local filter process**

## What has changed?

### Five key obligations:

- complying with equality laws
- no bullying
- confidential information
- disrepute and private capacity
- rules about declaring personal and prejudicial interests

## Complying with equality laws

### Types of discrimination:

- equal pay
- sex discrimination
- race discrimination
- disability discrimination
- sexual orientation – employment related discrimination
- religion or belief – employment related discrimination
- age – employment related discrimination

## No bullying

- **Offensive, intimidating, malicious, insulting or humiliating behaviour**
- **One-off or part of a pattern**
- **Based on abuse or misuse of power or authority**
- **Attempts to undermine an individual or a group**

**Legitimate challenges of policy or performance are OK**

## Confidential information

**Only disclose if:**

- **you have consent or required by law (no change)**
- **the disclosure is made to a third party to obtain professional advice**
- **the disclosure is reasonable - in the public interest - made in good faith - does not breach any *reasonable* requirements of the authority**

## Disrepute and private capacity

### Now:

- the Code only applies to members acting in their official capacity
- requires link with functions of the office

### After the Bill:

- the Code also covers criminal conduct that has led to a conviction (no cautions or other unlawful conduct short of conviction)

## Changes to interest section

- Fewer interests declared at meetings
- Less restrictive
- Enabling community representation

## Two sorts of personal interest

- **Registered**
- **Where the well-being or financial position of “relevant persons” is likely to be affected by the business of your authority more than it would affect the majority of people living in:**
  - **the ward or electoral division affected by the decision**
  - **the constituency affected by the decision (Greater London Authority); or**
  - **the authority’s area (as it was under the old Code)**

## Main exceptions: Public service interests and old gifts

**The interest is about:**

- **a body to which you have been appointed or nominated by your authority**
- **any body exercising functions of a public nature which you belong to**
- **the interests of any person who gave you a gift or hospitality worth more than £25 more than three years ago**

## **Four new questions for prejudicial interests**

- **Is it a personal interest?**
- **Does one of the new exemptions in para.10(2)(c) apply?**
- **Is it about a financial or regulatory issue?**
- **Would an informed public think it was so significant as to affect your judgment of the public interest?**

## **Right to speak despite having a prejudicial interest?**

- **Depends on public being allowed to do so too.**
- **Can make representations – answer questions – give evidence.**
- **Must leave immediately after doing so.**

**Any questions?**

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