North Tyneside Council Report to Standards Committee Date: 8 March 2018	**ITEM 9** Title: Cabinet Office – The Ministerial Code

Report from Service Area:	Law and Governance	
Responsible Officer:	Vivienne Geary, Head of Law and Governance & Monitoring Officer	**(Tel: 643 5339)**

Wards affected:	**All**

PART 1

1.1   Purpose

This report advises the Committee of the publication by the Cabinet Office of the Ministerial Code. The Ministerial Code deals with a number of ethical governance issues which may be of relevance to the Authority.

1.2   Recommendation(s):

The Committee is recommended to note this report.

1.3   Information

1.3.1 What is the Ministerial Code?

The Ministerial Code sets out the standards and conduct expected of Ministers of the Government.

It was first published as Questions of Procedure for Ministers in 1992, although it had been in existence before this as a confidential internal circular, since at least the Second World War, and was well known unofficially in the media, academic texts and Parliament.

Its text has been subject to revision following recommendations from the Committee on Standards in Public Life and the Select Committee on Public Administration.

It has become customary for a revised Code to be published at the beginning of a new administration. The Code is currently administered by the Propriety and Ethics group within the Cabinet Office.

1.3.2 The 2018 Ministerial Code

The latest version of the Ministerial Code was issued on 9 January 2018 by Prime Minister Theresa May following the resignation of three Cabinet Ministers, in November and December 2017, which attracted significant public comment. It aims to address the type of behaviour that led to their resignations; sexual harassment, improper behaviour and undisclosed ministerial meetings.

The Code has 10 sections and begins with a foreword from the Prime Minister, Theresa May.

The following sections of the Ministerial Code are of relevance to the Authority in respect to the principles of conduct they demonstrate. Such principles are relevant to all holders of public office. The full Ministerial Code is attached for Members information at Appendix 1.

Section 1 – Ministers of the Crown

This section is an introduction, setting out the role of ministers to the government, to Parliament, and to the people. It directs ministers to "behave in a way that upholds the highest standards of propriety," to uphold the principle of collective responsibility, not to mislead parliament, and to avoid conflicts of interest.

Section 2 – Ministers and the Government

Section 2, Ministers and the Government, sets out the precise rules of collective responsibility. It also states that ministers should relinquish all government material when ceasing to hold a role, and provides rules on access to government papers by former ministers (for example, those writing memoirs may wish to check the documents from their time in office). This set of rules is known as the "Radcliffe rules".

Section 5 – Ministers and Civil Servants

This section, Ministers and Civil Servants, regards ministerial relationships with the Civil Service. It states that ministers "must uphold the political impartiality of the Civil Service, and not ask civil servants to act in any way which would conflict with the Civil Service Code."

Section 6 – Ministers' Constituency and Party Interests

Ministers' Constituency and Party Interests directs ministers to refrain from using government property and resources in their role as an MP. For example, political leaflets must not be distributed at the expense of public funds. Ministers with a conflict of interest between their government role and their constituency (for example, a transport minister may have to balance the desire of his constituents not to have a new airport built near their town, with his government duties) are simply advised to act cautiously; "ministers are advised to take particular care."

Section 7 – Ministers' Private Interests

This section requires ministers to provide a complete list of any financial interests they have. In March 2009, this list was released to the public for the first time.

Guidelines are set out as to maintaining neutrality for ministers who are members of a trade union. No minister should accept gifts or hospitality from any person or organisation when a conflict of interest could arise. A list of gifts, and how they were dealt with on an individual basis, is published annually.

<u>How the Authority reflects the principles contained in the Ministerial Code in its governance arrangements</u>

The Ministerial Code sets out, as mentioned above, the behaviours of that are expected of Ministers in Government in line with the 7 Principles of Public Life that were developed by the Committee on Standards in Public Life.

The Authority's governance framework has also been developed with reference to the Principles of Public Life.

The Authority has a Code of Conduct for Members which sets out obligations as to Member behaviour as well as how Members must deal with their interests/gifts and hospitality.

In addition to the Code of Conduct the Authority has various Protocols (eg. the Protocol on Member/Officer Relations, the Protocol on Use of the Authority's Resources and Support for Members and the Protocol on Member Access to Information and Authority Documents) that advise Members further of proper conduct. The Protocols are published in the Authority's Constitution alongside the Code of Conduct for Members.

At present, whilst the Protocols are published in the Constitution and provide guidance to Members on their behaviours, they do not bind Members in relation to their behaviours. The Authority, if it considered it appropriate, could determine to annex the Protocols to the Code of Conduct for Members giving them the same status as the Code of Conduct.

1.4   Appendices:

Appendix 1: Cabinet Office – Ministerial Code.

1.5   Contact officers:

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1.6   Background information:

None.