



STANDARDS COMMITTEE

— Agenda —

**MONDAY
24 NOVEMBER 2008**

7.00 PM

COMMITTEE ROOM 4

**HAMMERSMITH
TOWN HALL
LONDON W6 9JU**

Membership

Mr. Steven Moussavi
Mr. Christopher Troke
Ms Grace Moody-Stuart
Mrs Joyce Epstein
Councillor Nicholas Botterill
Councillor Donald Johnson
Councillor Lisa Homan
Councillor Adronie Alford
Councillor Stephen Cowan

If you require further information relating to this agenda, please contact the Co-ordinator:

David Bays, Room 203
Hammersmith Town Hall
King Street, W6 9JU.

020 8753 2628
david.bays@lbhf.gov.uk

Reports on the agenda are available on the Council's website, using the following link:

Issue Date: 13 November 2008

24 NOVEMBER 2008

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1.	MINUTES – 2 JUNE 2008	1-5
	To confirm and sign the Minutes of the meeting held on 2 June 2008 as an accurate record.	
2.	APOLOGIES FOR ABSENCE	
3.	RESIGNATION OF MEMBER	6-7
4.	DECLARATION OF INTERESTS	
	<p>If a Councillor has any prejudicial or personal interest in a particular report they should declare the existence and nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a prejudicial interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken unless a dispensation has been obtained from the Standards Committee.</p> <p>Where members of the public are not allowed to be in attendance, then the Councillor with a prejudicial interest should withdraw from the meeting whilst the matter is under consideration unless the disability has been removed by the Standards Committee.</p>	
5.	CONSULTATION PAPER on CODE OF CONDUCT	8-20 APP A 21-58 APP B 59-60 APP C 61-68
	To agree a suggested response to be sent to The Department for Communities and Local Government	
6.	LOCAL ASSESSMENT OF COMPLAINTS	69-71 APP 72-74
	To note the outcome of complaints received so far under the new arrangements; and to note recent guidance from the Adjudication Panel.	

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| 7 | ANNUAL ASSEMBLY OF STANDARDS COMMITTEES | 75-76 |
| | To note the contents of <i>The Standard</i> – the Annual Assembly Newsletter - and feedback from Michael Cogher and Joyce Epstein on the Annual Assembly in Birmingham on 13-14 October 2008. | APP 77-80 |
| 8 | ANNUAL NORTH WEST LONDON STANDARDS SEMINAR | 81 |
| | To note details of this event to be held on 27 January 2009 at 7pm and decide whether or not to send any delegates. | |
| 9 | WORK PROGRAMME | 82-83 |
| | To note the Committee's updated work programme for 2008/2009 | |

STANDARDS COMMITTEE

—Minutes—

2 JUNE 2008

Members Present:

Mr. Christopher Troke (Chairman)
Mrs. Joyce Epstein
Mr. Steven Moussavi
Ms Grace Moody-Stuart
Miss Oluchi Onwere
Councillor Adronie Alford
Councillor Nicholas Botterill
Councillor Stephen Cowan
Councillor Lisa Homan

Officers in attendance:

Kayode Adewumi, Head of Councillors' Services
Michael Cogher, Head of Legal Services
David Bays, Committee Co-ordinator

ITEM

ACTION

1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Mr. Christopher Troke be appointed
Chairman for the Municipal Year 2008-09

**2 MINUTES OF THE MEETING OF THE STANDARDS
COMMITTEE HELD ON 2 APRIL 2008**

RESOLVED - That the minutes of the meeting held on 2 April
2008 be agreed and signed as an accurate record.

KA/DB to note

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Donald Johnson.

ACE/KA/DB to note

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by members at this meeting of the Committee.

4 TERMS OF REFERENCE

The Committee noted their Terms of Reference as agreed at the Annual Meeting of the Council on 28 May 2008, and welcomed the two new independent Members, Mrs. Joyce Epstein and Miss Oluchi Onwere.

5 SBE BULLETIN 38

The Committee noted the contents of the latest Bulletin from the Standards Board for England. Most of the items in the Bulletin were the subject of a report elsewhere on the agenda. In response to a question, Michael Cogher confirmed that he was now the Council's Monitoring Officer, following the recent departure of Lesley Courcouf, Assistant Chief Executive. The Committee offered their best wishes for the future to Lesley Courcouf.

6 LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Michael Cogher introduced the report, highlighting the need for separate sub-Committees for each stage of the complaints process and outlining options for either a fixed membership or a more flexible approach. The Committee agreed the Sub-Committees should be organised on a flexible basis, depending on the availability of Members and with aim of sharing the work involved as far as possible.

It was noted that one valid complaint had been received so an Assessment Sub-Committee would be needed to be convened shortly.

RESOLVED :

1. That the Standards Committee establish the following sub-committees:-
 - An Assessment Sub-Committee

- A Review Sub-Committee
- A Hearing Sub-Committee

2. That the Committee make appropriate appointments and substitute arrangements in respect of the above Sub-Committees, based on a flexible membership drawn from the total pool of 15 Members, providing that the Chairman in each is an Independent Member.
3. That the terms of reference set out in Appendix 1 be adopted in respect of each Sub-Committee.
4. That the Assessment Criteria set out in Appendix 2 be adopted.
5. That the Monitoring Officer prepare a pre-assessment report in relation to all complaints considered by the Assessment Sub-Committee.
6. That these arrangements be kept under review by the Monitoring Officer and further reports presented to the Committee as required.

7 PUBLICITY FOR NEW ARRANGEMENTS

The report outlined proposals for the required notice to be placed in the June edition of H&F News, to be followed by a news article in July; an update of the Council's website to inform visitors to the site how to complain; and for notices to be placed in local libraries and Hammersmith and Fulham Town Hall receptions.

DB

RESOLVED That the various proposals set out above, and outlined in full in paragraph 2 of the report, be noted

8 WORK PROGRAMME.

RESOLVED: That the Work Programme be noted and agreed.

ALL

9 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

That the committee agree that Michael Cogher and Joyce Epstein attend the Annual Assembly in Birmingham on 13-14 October 2008.

DB

10 LOCAL ASSESSMENT TRAINING

Members adjourned into 2 groups to consider 4 Standards

- Standards Committee -

Board for England case studies of complaints against Members, resuming to discuss their conclusions.

Case C concerned alleged disparaging e-mails to the Council's IT staff, a possible conflict of interest and a hectoring and overbearing manner towards technical officers

Case D alleged that there were irregularities involving 3 councillors in the way a proposed development had been processed, including a possible failure to declare a prejudicial interest

Case E related to a visit by the Chairman and Vice-Chairman of the Parish Council and parishioner's letter to 7 councillors outlining the allegations

Case J was about a member of staff who worked as a registrar in the county registration office and a draft lease for the Town Hall and whether there was a conflict of interest as the councillor concerned was a member of the Working Party drawing up the draft lease.

Meeting began : 7:00 pm

Meeting ended : 8.30 pm

CHAIRMAN.....

24 NOVEMBER 2008

CONTRIBUTORS

RESIGNATION OF INDEPENDENT MEMBER

WARDS

ADLADS
HCS

ALL

Summary

The report informs Members about the recent resignation of an Independent Member.

RECOMMENDATION:

That the Committee notes the report and considers the implications for the efficient working of the Standards Committee and its Sub-Committees.

BACKGROUND

1.1 Last November the Council agreed to increase the membership of the Standards Committee by one independent member. Adverts were therefore placed in H&F News and two applications were received.

1.2 Two applicants were interviewed by the Standards Committee Appointments Panel on 8 April and following the Panel's recommendation, the Council agreed on 28 May to appoint 2 candidates, Mrs Joyce Epstein and Miss Oluchi Onwere.

RESIGNATION

2.1 On 26 October Miss Onwere e-mailed that, with regret, to resign as an independent member for Hammersmith & Fulham as she had recently taken up a position as a legal adviser at a local authority. Part of her new role was to assist the monitoring officer on code of conduct issues and local assessment issues for its Standards Committee. She therefore felt that this conflict would prevent her from acting as an independent member for Hammersmith & Fulham.

2.2 It does appear from Regulation 5 (6) of the Standards Committee (England) Regulations 2008 that, having accepted the appointment with the local authority she should cease to be a member of this Standards Committee. The Chairman therefore reluctantly accepted her resignation.

DECISION

2.3 The Committee may wish to consider whether they feel it would be necessary to replace Miss Onwere or whether, in the light of the number of Councillor complaints so far received, no action need be taken to recruit another independent member for the time being.

LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Report to Council 28 May 2008	David Bays x2628	Finance & Corporate Services/ Committee Services
2	Standards Committee Appointments Panel 8 April 2008	David Bays x 2628	Finance & Corporate Services/ Committee Services
3	Report to Council 21 November 2007	David Bays x2628	Finance & Corporate Services/ Committee Services

STANDARDS COMMITTEE

24 NOVEMBER 2008

CONTRIBUTORS

WARDS

ADLADS
HCS

**COMMUNITIES & LOCAL GOVERNMENT
CONSULTATION PAPER: CODES OF CONDUCT FOR
LOCAL AUTHORITY MEMBERS AND EMPLOYEES**

Summary

This report presents the Government's proposals for revising the Model Code of Conduct, the Relevant Authorities (General Principles) Order 2001 and the introduction of a model code of conduct for local government employees together with the particular questions upon which comments are sought. The closing date for receipt of responses is 24th December 2008.

RECOMMENDATION:

1. That the consultation be noted.
2. That the Committee agree a formal response to be sent by the Monitoring Officer before 24th December 2008.

1. **Background**

The current model code of conduct was introduced in May 2007 on the basis that the provisions of the code would be reviewed in the light of early experience of its practical operation. Chapter 2 of the consultation document seeks views on proposals to clarify the members' code in its application to members' conduct when acting in a non official capacity and associated changes, whilst chapter 3 seeks views on the long awaited introduction of a model code for local government employees which would become part of such employees' terms and conditions of employment. The full consultation document is attached at appendix A, together with the DCLG covering letter at Appendix B.

2. **Application of the code to members in their non official capacity**

The Government considers that certain behaviour can have an adverse effect on the level of public trust in local authority members and local government as a whole even where there is no direct link to the member's official role. It is therefore proposed that the following additional provision be inserted prohibiting particular conduct which amounts to a criminal offence:

"members must not bring their office or authority into disrepute by conduct which is a criminal offence".

3. **Consultation Question 1**

Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?

4. **Comment and proposed response**

It appears to be generally accepted that conduct outside the formal role can be capable of bringing a member's office into disrepute. Limiting potential breaches to criminal offences would appear to be sensible and should prevent wholly irrelevant complaints from being made. Any member imprisoned following conviction for more than 3 months will be disqualified in any event. It is suggested that the proposal be supported but that an obligation be placed on a member to notify the monitoring officer of any conviction.

5. **Definition of "criminal offence"**

It is proposed that for the purposes of the code "criminal offence" be defined as any criminal offence for which the member has been convicted in a

criminal court but for which the member does not have the opportunity of paying a fixed penalty notice. Thus minor motoring offences etc. and orders and cautions falling short of a conviction will not be caught.

6. **Consultation question 2**

Do you agree with this definition of “criminal offence” for the purpose of the members’ code? If not, what other definition would you support, for instance should it include police cautions? Please give details.

7. **Comment and proposed response**

Limiting the breach to convictions for serious offences will give members a measure of protection and ensure that Standards Committees will not need to deal with complex criminal evidence with which it is ill equipped to deal. The offence will already have been proven beyond reasonable doubt and the Committee will be left to determine the effect on the member’s office and the authority and whether any further penalty should be imposed. It is recommended that this proposal be supported.

8. **Definition of “Official Capacity”**

It is proposed that official capacity be defined as “being engaged in the business of your authority, including the business of the office to which you are elected or appointed or acting, or claiming to act, or giving the impression that you are acting as a representative of your authority”.

9. **Consultation Question 3**

Do you agree with this definition of “official capacity” for the purpose of the member’s code? If not, what other definition would you support? Please give details.

10. **Comment and proposed response**

This would appear to be a useful definition and it is recommended that it be supported

11. **Offending Abroad**

It is proposed that the code should also cover criminal convictions committed in a foreign country but only where the conduct in question would also constitute an offence if it were committed in the UK.

12. **Consultation question 4**

Do you agree that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?

13. Comment and proposed response

This would appear to be a sensible approach given that the new provisions are aimed at serious offences likely to bring a member's office or the authority into disrepute. This is likely to boil down to offences of dishonesty or violence. If an offence is not recognised by UK domestic law then it is unlikely to have an adverse effect on reputation etc. It is therefore recommended that this proposal be supported.

14. The conduct regime

At present, investigations of alleged breaches of the code are triggered by a written allegation to the standards committee. It is proposed that this continues to be the case in relation to allegations of misconduct in a non-official capacity. However, where an allegation involves criminal activity which is being investigated or prosecuted at the time the allegation is made then the standards committee or standards board investigation process would be suspended until the criminal process was completed i.e. at the conclusion of the proceedings or any appeal.

15. Consultation question 5

Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

16. Comment and suggested response

Assuming that a breach of the code can only occur following a conviction this is essential. It would be pointless for a standards committee to attempt to investigate a matter prior to the criminal proceedings being disposed of and it is therefore recommended that this proposal be supported.

17. Proposed revisions to the members code

The following revisions are proposed:-

17.1 Parish Councils

Currently the provision of the code allowing a member with a prejudicial interest to make representations where members of the public are able to attend the meeting must be adopted by parish councils. It is proposed to make its operation compulsory to ensure consistency.

17.2 Membership of Other bodies

It has been suggested that paragraphs 8(1) (a) (i) and (ii) be amended to clarify that the sections refer to other bodies exercising functions of a public nature and not the authority itself.

17.3 Personal Interests

It is suggested that paragraph 8(10(a) be amended to clarify that a member is required to register a gift or hospitality with an estimated value of £25.

17.4 Prejudicial Interests

It is suggested that paragraph 10(2) be amended to remove the double negative and make it clear that a prejudicial interest exists where the business of the authority affects the member's financial position of the member or a connected person or relates to the determination of any approval or consent etc in relation to such a person.

It is also suggested that the phrase "determining" could be clarified to include variations, conditions, waiver and revocations and that it be stated explicitly that a prejudicial interest does not arise in relation to an allegation that a member has failed to comply with the code.

17.5 Registration of members' interests

The new code will take into account existing registrations. It will not therefore be necessary for members to re-register their interests following the adoption of the new version of the code.

18. **Consultation Question 6**

Do you think that the amendments to the member's code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so could you please provide details of your suggested amendments?

19. **Comment and suggested response**

19.1 Whilst it is arguable that the proposed amendments (other than 17.1) merely make explicit what is implicit it is recommended that they be supported.

19.2 It is suggested that the following amendment be proposed. At present voting on members' allowances is specifically excluded from being a prejudicial interest but not from being a personal interest. This means that at budget

Council all members present are theoretically required to declare personal interests individually. It is submitted that this is nonsense and should be changed.

20. Consultation Question 7

Are there any aspects of conduct currently included in the members' code that are not required? If so could you specify which aspects and the reason why you hold this view?

21. Comment and suggested response

It is suggested that no provisions are otiose and they should all be retained.

22. Consultation question 8

Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included? Please give details.

23. Comment and suggested response

It is recommended that no further suggestions be made.

24. Undertaking to abide by the code

It is proposed that following the adoption of the new code by an authority that members will have two months from the date of adoption to give a written undertaking that they will observe the authority's code. Failure to do so will mean disqualification.

25. Consultation question 9

Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake the code?.

26. Comment and suggested response

The Monitoring officer will take administrative steps to ensure that all members attending the Council meeting which adopts any new code are able to sign the undertaking that evening. Those who do not attend will be given every opportunity to sign. Two months should therefore be more than sufficient. It is therefore recommended that this proposal be supported.

27. **Proposed amendments to the general Principles**

The ten principles contained in the Relevant Authorities (General Principles) Order 2001 are based on the seven principles of public life established by the Nolan Committee. These principles underpin the provisions of the members' code which must be consistent with them. The general principles are:-

- Selflessness
- Honesty and integrity
- Objectivity
- Accountability
- Openness
- Personal judgment
- Respect for others
- Duty to uphold the law
- Stewardship
- Leadership

28. **Proposed Revisions**

It is proposed that the General Principles Order be amended by providing that the ten existing principles apply to a member when acting in an official capacity and by adding a new principle which will apply to members acting in a non-official capacity where the member's conduct would amount to a criminal offence. It is proposed that the following wording be added as the eleventh principle:

"Duty to abide by the law

Members should not engage in conduct which constitutes a criminal offence."

29. **Consultation question 10**

Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?

30. **Comment and suggested response**

The addition of this general principle is consistent with the other proposed amendments in relation to non-official capacity and criminal offences and it is therefore recommended that this proposal be supported.

31. Definition of “criminal offence” and “official capacity”

In order to be consistent with earlier proposals it is proposed that for the purposes of the General Principles Order “criminal offence be defined as any conduct which has resulted in a criminal conviction and that “official capacity” be defined as “being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority”.

32. Consultation question 11

Do you agree with this broad definition of criminal offence for the purposes of the General Principles Order? Or do you consider that “criminal offence” should be defined differently?

33. Consultation question 12

Do you agree with this definition of “official capacity” for the purposes of the General Principles Order?

34. Comment and suggested responses on Qs 11 and 12

Both amendments are consistent with the other proposed changes and it is recommended that they be supported.

35. Model Code of Conduct for local government employees

The Local Government Act 2000 gives the secretary of State power to establish a code of conduct for local government employees which will form part of their contracts of employment. The Government is of the view that a code of conduct for employees should provide staff of an authority with an effective ethical framework within which to work and it should give the authority’s citizens confidence that an authority’s staff are working on their behalf in an appropriate manner. Hammersmith & Fulham have a long standing code of conduct for officers which is attached at Appendix C.

36. Consultation question 13

Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees’ terms and conditions of employment, is needed?

37. Comment and suggested response

The monitoring officer is of the personal view that the case for a mandatory code is not well made out in the consultation document. There are no provisions in the proposed code which could not otherwise be dealt with by the Council's existing code and/or general principles of employment law. Any current perceived difference of treatment between officers and members is of course explained by the fact that members are not employees and therefore not governed by employment law principles. On the other hand a mandatory code would have the advantage of establishing consistency across local authorities (some of which it appears do not have detailed codes). The Committee is invited to agree a response.

38. Application of the employees' code

It is proposed that the new code apply to all relevant authorities and therefore the Council will be covered and that it be incorporated into local government employees' terms and conditions of employment. Authorities will be able to augment it if they so wish. It is not proposed to apply the code where it is not needed such as, it is suggested, to employees in professions that are covered by their own code of conduct e.g. fire-fighters, teachers, community support officers, solicitors etc.

39. Consultation question 14

Should we apply the employees' code to fire-fighters, teachers, community support officers and solicitors?

40. Consultation question 15

Are there any other categories of employee in respect of whom it is not necessary to apply the code?

41. Comment and suggested response on Qs 14 and 15

Given the stated purposes for the introduction of the employees' code are consistency and public confidence it would seem that it would be better to impose the code on all employees, even those which might be subject to a separate (and generally more onerous) professional code. In addition, incorporation into the contract of employment will mean that the code will be directly enforceable by the employing authority rather than a professional body or regulator.

42. A two tier model

A two tier model is proposed. The first tier will apply equally to all local authority employees (subject to the above) and will enshrine the core values expected of every employee. The second tier, which will draw on the

members' code, will apply to "qualifying employees" who will be either senior officials or those carrying out delegated functions.

43. Proposed core values

The core values are set out in paragraph 3.9 of the consultation document under the following headings:-

- General principles (high standards of integrity, honesty etc.)
- Accountability
- Political neutrality
- Relations with others (mutual respect, professionalism)
- Equality
- Stewardship
- Personal interests (declarations, conflicts etc.)
- Whistle blowing
- Treatment of information (openness/confidentiality as appropriate)
- Appointment of staff (appointment on merit, no bias etc.)
- Investigation by monitoring officers (co-operation with investigations)

44. Consultation question 18

Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not what has been included that should be omitted, or what has been omitted that should be included?

45. Comment and proposed response

The proposed values are consistent with those currently in place in relation to members and the Council's current code of conduct for employees and it is therefore recommended that the proposals be supported.

46. Who are qualifying employees?

Two alternatives are proposed for selecting "qualifying employees" to whom additional restrictions drawn from the members' code will apply. The first is based on the current approach in relation to political restricted posts under the Local Government and Housing Act 1989 i.e. chief officers and deputy chief officers, all those earning above a specified amount and those who advise members/regularly speak to the media. The second approach is a delegation model which would see qualifying employees selected on the basis that they perform functions delegated to them by elected members.

47. Consultation question 17

Should the selection of “qualifying employees” be made on the basis of a “political restriction” style model or should qualifying employees be selected using the delegation model?

48. Comment and proposed response

The model adopting the approach of the 1989 Act is to be greatly preferred. There is no doubt as to which posts are covered and which are not and it will be clear from the outset which posts are covered. This can be contrasted with the alternative model for a number of reasons. Whilst the Council’s constitution lists officers who have delegated powers such powers are often exercised in their name and on their behalf by more junior officers. Sub-delegation or additional delegation by a cabinet member and revocation or expiry of delegation can occur which would also give rise to uncertainty. Given that all powers exercisable by officers are in effect delegated by Councillors further uncertainty arises in relation to non-specific delegations e.g. a junior officer making a routine service decision in relation to a delegated matter. Under such a system there could be junior or middle ranking officers who may come within the code without knowing it. If the code is to be contractual then such provisions need to be clearly applicable to “qualifying employees” from the outset. It is therefore proposed that the first opinion be supported and that the second be regarded as inappropriate.

49. Values for qualifying employees

These are set out following paragraph 3.12 of the consultation document under the following headings:-

- Compromising the impartiality of officers of the authority
- Using position improperly
- Considering advice provided and giving reasons
- Personal and prejudicial interests (rules required registration and declaration etc.)

The proposed provisions are equivalent to the provisions currently in force in relation to elected members. As far as personal interests are concerned the matters are limited to the following:-

- Membership, or position of control or management, in bodies exercising functions of a public nature
- Any business where the officer’s shareholding is greater than £25,000 or more than 1/100th of the value or share capital of the company
- Any contracts between the authority and any company in which the officer has an interest as above

- Any land or property in the authority's area in which the officer has a beneficial interest

50. Consultation question 18

Should the code contain a requirement for qualifying employees to public register any interests?

51. Consultation question 19

Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories which should be included.

52. Comment and suggested response on Qs 18 and 19

Under either of the proposed definitions of "qualifying employees" the numbers required to register will be quite large. Consideration should be given as to whether such personal data should be made publicly available. It is unlikely that the Council's current employee register could be disclosed under the Data Protection Act and therefore this will be a significant change. No justification is provided as to why such matters need to be publicly available as opposed to matters for the Council as an employer. On the other hand the matters requiring public disclosure are relatively discreet and consistent with the provisions contained in the members' code. Despite the large numbers of employees likely to be covered, registration is unlikely to be particularly onerous. The committee is invited to agree a response.

53. Consultation question 20

Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code/have any been omitted?

54. Consultation question 21

Does the section of the employee's code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?

55. Comment and suggested response on Qs 20 and 21

It is suggested that no further provisions are necessary. Whilst it is arguable, for authorities who already have detailed employee codes, that a statutory code is unnecessary, the provisions covered should appear only to reflect accepted standards of behaviour in any event.

56. Consultation Question 22

Should the employees Code extend to employees of Parish Councils?

57. Comment and suggested response

Given the Council has no experience of parish councils it is recommended that no response be given to this question.

**LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Communities in Control: Real People, real power Codes of conduct for local authority members and employees A Consultation	Michael Cogher, Ext 2700	FCS, Legal Division, Room 133a HTH



Communities in control: Real people, real power
Codes of conduct for local authority members and
employees
A consultation



Communities in control: Real people, real power
Codes of conduct for local authority members and
employees

A consultation

October 2008

Department for Communities and Local Government: London

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 020 7944 4400
Website: www.communities.gov.uk

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Chapter 1: The consultation and how to respond

Communities in control consultation papers

- 1.1 The White Paper, *Communities in control: Real people, real power*, is about passing power into the hands of local communities. It sets out a range of policies to achieve this, building on work still in progress from the 2006 White Paper, *Strong and Prosperous Communities*.
- 1.2 This paper is the next in a series consulting on a number of policy commitments. Future consultation papers include a consultation on proposals to revise the code of recommended practice on local authority publicity, which is due to be published at the end of October. This paper invites views on proposals for revising the model code of conduct for local authority members (“the members’ code”), principally to clarify its application to members’ conduct in their non-official capacity. This paper also invites views on proposals for associated changes to the Relevant Authorities (General Principles) Order 2001 which sets out the general principles which govern the conduct of local authority members. Finally, it seeks comments on proposals to introduce a requirement for authorities to incorporate a code of conduct for employees, based on a statutory model code of conduct, in to the terms and conditions of employment of their employees’ (“the employees’ code”).

About this consultation

- 1.3 The proposals in this consultation paper relate to relevant authorities in England and police authorities in Wales.
- 1.4 Following the local government White Paper, *Strong and Prosperous Communities*, issued in October 2006, the Local Government and Public Involvement in Health Act 2007 established a more locally-based conduct regime for local authority members centred on local authority standards committees. Under the new devolved regime, the Standards Board for England has become a light-touch strategic regulator, responsible for monitoring the operation of the conduct regime and giving support and guidance to standards committees and monitoring officers in discharging their new functions.
- 1.5 As part of the changes to the conduct regime, a new model code of conduct for local authority members, the Local Authorities (Model Code of Conduct) Order 2007, was introduced with effect from May 2007, on the basis that the provisions of the members’ code would be reviewed in light of early experience of its practical operation.
- 1.6 Chapter 2 of this paper seeks views on proposals to clarify the members’ code in its application to members’ conduct when acting in a non-official capacity. It also seeks views on the operation of, and proposed revisions to, the members’ code, including reconfiguring the members’ code into two distinct sections, the first dealing with members’ conduct in their official capacity, the second dealing with members’ conduct in their non-official capacity. Finally, it seeks views on associated amendments to the Relevant Authorities (General

Principles) Order 2001 to clarify its application to members' conduct in their non-official capacity.

- 1.7 Chapter 3 of this paper seeks views on the proposed introduction of a model code of conduct for local government employees, which will become part of such employees' terms and conditions of employment.
- 1.8 Particular questions on which we would welcome comments are set out in each chapter and summarised in **Annex A**. In order to aid your consideration of the proposed amendments to the current members' code, the substance of the 2007 code is reproduced at **Annex B**.
- 1.9 We are minded, subject to responses to this consultation, to implement the proposals in this consultation paper, so that they come into effect in line with the local government elections 2009.

Who are we consulting?

- 1.10 This is a public consultation and it is open to anyone to respond to this consultation document. We would, however, particularly welcome responses from local authority members, local authority monitoring officers, local government employees, national representative bodies, local government partners and trade unions. **The consultation period runs for 12 weeks to 24 December 2008.**

How to respond

- 1.11 Your response must be received by 24 December 2008 and may be sent by e-mail or post to:

Karl Holden
 Conduct and Council Constitutions Team
 Communities and Local Government
 Zone 5/B2, Eland House
 Bressenden Place
 London
 SW1E 5DU

e-mail: conductcode@communities.gsi.gov.uk

If you are replying by e-mail please title your response 'Response to Model Code consultation'.

It would be helpful if you could make clear in your response whether you represent an organisation or group, and in what capacity you are responding.

What will happen to the responses?

- 1.12 The Department will take account of the responses received to this consultation before taking decisions on the legislation that will form the revised members' code, the general principles order and the new employees' code.

1.13 Within three months of the close of the consultation period we will analyse the responses to the consultation and produce a summary of them. This summary will be published on the Department's website at www.communities.gov.uk

Publication of responses – confidentiality and data protection

1.14 Information provided in response to this consultation, including personal information, may be published, or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.

1.15 If you want any of the information that you provide to be treated as confidential you should be aware that under the FOIA, there is a statutory Code of Practice with which public authorities must comply, and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential.

1.16 If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

1.17 The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

The consultation criteria

1.18 The UK Government has adopted a code of practice on consultations. Please see **Annex C** of this document for the criteria that apply under this code, and advice about who you should contact if you have any comments or complaints about the consultation process.

Additional copies

1.19 You may make copies of this document without seeking permission. If required, printed copies of the consultation paper can be obtained from Communities and Local Government Publications, whose contact details may be found at the front of this document. An electronic version can be found at the Consultation Section of the Department's website at: www.communities.gov.uk.

In context – previous consultations and relevant legislation

1.20 The local government White Paper, *Strong and Prosperous Communities*, issued in October 2006, set out the Government's proposals to put in place a clearer, simpler and more proportionate model code of conduct for members which would include changes to the rules on personal and prejudicial interests. This announcement followed a consultation by the Standards Board for England, *A Code for the future*, in February 2005 and the Discussion Paper *Conduct in English Local Government*, issued by the then Office for the Deputy Prime Minister in December 2005.

- 1.21 The policy proposals took form in the January 2007 consultation document, *Consultation on Amendments to the Model Code of Conduct for Local Authority Members*, which proposed the combination of the four different model codes of conduct that existed at the time (for local authorities, parish councils, national parks and police authorities) into a single consolidated model code.
- 1.22 The Local Authorities (Model Code of Conduct) Order 2007 came into force on 3 May 2007. With the members' code now in place for over a year, we believe this is an appropriate time to examine how well it has functioned in practice and consider any revisions that may be required. The proposed amendments to the members' code set out in this paper reflect discussions with the Standards Board and, in particular, their experience of the practical operation of the 2007 members' code over the last year.
- 1.23 Following the 2006 local government White Paper and the introduction of the 2007 members' code, the Local Government and Public Involvement in Health Act 2007 made provision clarifying the law in relation to the application of the conduct regime to the conduct of members in their non- official capacity. This paper therefore also invites comments on proposals to revise the members' code and the general principles order to address the issue of the application of the conduct regime to the conduct of members in their non-official capacity.

Code of conduct for local government employees

- 1.24 In August 2004, the then Office of the Deputy Prime Minister issued the consultation paper, *A Model Code of Conduct for Local Government Employees*. The paper consulted on a draft code defining the minimum standards of conduct that employees of relevant authorities would be expected to observe on carrying out their duties. The 2004 consultation was followed by further inquiries and consultations on matters relating to the conduct regime for local government.
- 1.25 The Department restated its commitment to introduce a model employees' code, under Section 82 of the Local Government Act 2000, in the local government White Paper 2006. However, in light of the above inquiries and consultations, and the introduction of the 2007 members' code, it was decided that the implementation of an employees' code should be delayed until the Department had an opportunity to consider the employees' code in the context of the wider review of the conduct regime for local government and the lessons learned from the implementation of the new members' code.
- 1.26 With the implementation of the new devolved conduct regime and our proposals to amend the members' code, drawing on the experience of its first year of operation, we consider that the time is right to also consult on proposals to introduce a model employees' code.

Chapter 2: Code of conduct for local authority members

What is the code of conduct for?

- 2.1 The public has a right to expect high standards of conduct from their elected and co-opted members. The standards of conduct expected of local authority members are set out in the members' code, which is underpinned by the ten general principles. By signing up to the members' code, a member is actively taking on a formal obligation to abide by its requirements.
- 2.2 The members' code forms the bedrock of the conduct regime and aims to promote the public's trust and confidence in their members and faith in local democracy. It does this by providing a robust set of standards of behaviour for members to abide by and work within. In doing this, the code also protects members from unreasonable expectations of behaviour being put upon them. Since May 2008, allegations that a member has failed to comply with the provisions of the members' code are considered by local authority standards committees.
- 2.3 The current members' code is set out in the Local Authorities (Model Code of Conduct) Order 2007 which applies to members of relevant authorities in England and of police authorities in Wales. On its introduction, the Government gave an undertaking that the effectiveness of the code would be reviewed after it had been in operation for some time. We believe, drawing on the Standards Board's practical experience that the members' code is, broadly, operating very well. However, as it has been in force for over a year, we consider that it is now appropriate to review the code.
- 2.4 Most importantly, we propose that the members' code be restructured by revoking the existing Order and making a new one. We propose that the new members' code will be differently formatted to the existing code, making it easier to interpret and clearer in its application, for instance by dividing it into two sections: the first dealing with members' conduct when acting in an official capacity and reflecting what is in the current code, the second dealing with members' conduct in their non-official capacity.

Application of the code to members' conduct in their non-official capacity

- 2.5 Trust in our local authority members is one of the cornerstones of local democracy. Members should inspire trust and confidence from those who elected them, set an example of leadership for their communities and should be expected to act lawfully even when they are not acting in their role as members.
- 2.6 This view was supported by those who responded to the Standards Board for England's consultation on the members' code in 2005. Responses indicated a clear view that a member's conduct in a non-official capacity was an issue that they considered should be covered by the members' code, particularly where that conduct amounts to a criminal offence.

- 2.7 It has always been our intention for the members' code to apply to a limited extent to the conduct of members in a non-official capacity. We wish now to clarify which provisions of the members' code apply in a member's official capacity and to put beyond doubt which provisions apply to a member's conduct in a non-official capacity.
- 2.8 The need to clarify what conduct in a member's non-official capacity is covered by the members' code arose as a consequence of a court judgment in 2006. This cast doubt on the ability of the code to cover members' conduct not linked to the performance of their public duties. As was made clear by Ministers during the passage of the Local Government and Public Involvement in Health Act 2007, we consider that certain behaviour, even when there is no direct link to the member's official role, can have an adverse effect on the level of public trust in local authority members and local government as a whole.
- 2.9 We propose therefore that the new members' code should, in the section covering the conduct of members in their non-official capacity, contain the following provision prohibiting particular conduct where that conduct would constitute a criminal offence:

"Members must not bring their office or authority into disrepute by conduct which is a criminal offence".

Consultation Question 1:

Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?

Definition of 'criminal offence' and 'official capacity'

- 2.10 The Local Government and Public Involvement in Health Act 2007 gave the Secretary of State the power to define, for the purposes of the members' code, what constitutes a 'criminal offence'. We propose for the purpose of the members' code, that 'criminal offence' be defined as any criminal offence for which the member has been convicted in a criminal court, but for which the member does not have the opportunity of paying a fixed penalty instead of facing a criminal conviction.
- 2.11 Our intention is that offences capable of attracting fixed penalty notices should be excluded from the remit of the conduct regime. We consider that this approach will ensure that the most minor criminal offences, for example minor motoring offences, parking offences and dropping litter as well as cautions and orders falling short of a criminal conviction by a court, will not be included in the remit of the members' code. However, serious criminal offences which we consider should come under the remit of the members' code, such as assault, harassment, fraud and offences relating to child pornography will be included in the remit of the code.
- 2.12 We propose that the Standards Board for England will issue guidance for local authority standards committees on how a criminal offence should be treated in its application to the

conduct regime.

Consultation Question 2:

Do you agree with this definition of ‘criminal offence’ for the purpose of the members’ code? If not, what other definition would you support, for instance should it include police cautions? Please give details.

- 2.13 The Local Government and Public Involvement in Health Act 2007 also gave the Secretary of State power to define, for the purposes of the members’ code, what constitutes ‘official capacity’.
- 2.14 We propose that for the purposes of the members’ code, ‘official capacity’ be defined as being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority.

Consultation Question 3:

Do you agree with this definition of ‘official capacity’ for the purpose of the members’ code? If not, what other definition would you support? Please give details.

Offending abroad

- 2.15 We also propose that the members’ code would engage with conduct committed in a foreign country, where that conduct constitutes a criminal offence in that country, but only where the conduct would also constitute a criminal offence if it was committed in the UK. However, the code would only apply if the individual was convicted in the country in which the offence was committed.

Consultation Question 4:

Do you agree that the members’ code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?

What does this mean?

- 2.16 Our proposals would have the effect of providing that the only conduct in a member’s non-official capacity which is engaged by the code, is conduct which constitutes a criminal

offence, as defined in paragraph 2.10 above. The code may only then be applied to that conduct when the evidence that the member's conduct constituted a criminal offence is provided by the criminal conviction of the member in the courts.

2.17 This would mean, for example, that a member who was convicted of a criminal offence of assault or harassment could be held to have breached the code, even if the conduct, which led to the conviction took place entirely outside the member's official capacity.

Criminal conviction of a member

2.18 It should be noted that a criminal conviction resulting in a custodial sentence of more than three months without the option of paying a fine is already covered by section 80 of the Local Government Act 1972, with the member automatically disqualified from office for five years. We are not proposing any changes to this legislation.

The conduct regime

2.19 At present, investigations into alleged breaches of the members' code are triggered by a written allegation made to the standards committee of the local authority concerned. We propose that this continue to be the case when dealing with allegations of misconduct in relation to a member's conduct in their non-official capacity.

2.20 Where the allegation involves criminal activity that is, at the time of the allegation being made, being investigated by the police or prosecuted through the courts, we propose that the standards committee or the Standards Board, as the case may be, would cease their investigation process until the criminal process had been completed. Any subsequent action under the conduct regime in respect of a member's private conduct would follow the conclusion of the criminal procedure. The member would not be suspended during the period of the criminal process.

2.21 For the purpose of the conduct regime, the criminal process will be considered to have been completed at the conclusion of any appeals process.

Consultation Question 5:

Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

Proposed revisions to the members' code

2.22 This consultation paper also seeks views on the following amendments which we propose to make to the provisions of the existing code. The proposed amendments reflect discussions with the Standards Board and, in particular, the Board's experience of the practical operation of the code over the last year.

2.23 In order to aid your consideration of our proposed amendments to the members' code, the

substance of the present code is reproduced at **Annex B** to this paper. Guidance on the provisions of the members' code is available on the Standards Board for England's website at www.standardsboard.gov.uk

Parish councils

2.24 It has been suggested that article 2(5) of the Local Authorities (Model Code of Conduct) Order 2007 be amended to apply paragraph 12(2) to parish councils, to make it mandatory for parish councils that a member with a prejudicial interest may make representations at a meeting only if members of the public are able to attend that meeting for the same purpose. Currently, if a parish council wishes this provision to apply, it must make a conscious decision to adopt paragraph 12(2) into its code. This amendment would save unnecessary administration and ensure consistency across parish councils.

Membership of other bodies

2.25 It has been suggested that paragraphs 8(1)(a)(i) and (ii) of the current members' code be amended to clarify that the sections are referring to other bodies that you are a member of or which exercise functions of a public nature, putting it beyond doubt that this is not a reference to the authority itself.

Personal interests

2.26 It has been suggested that current wording of paragraph 8(1)(a) of the members' code could be amended to clarify that a member is required to register a gift or hospitality with an estimated value of at least £25 in his or her register of members' interests.

Prejudicial interests

2.27 It has been suggested that paragraph 10(2) of the code be amended to remove the double negative in the current drafting, to make it clear that a prejudicial interest exists where the business of your authority affects your financial position or the financial position of a person listed in paragraph 8 of the code or it relates to the determining of any approval, consent, licence, permission or registration in relation to you or those persons listed in paragraph 8 of the code.

2.28 It has been suggested that the meaning of 'determining' in paragraph 10(2)(b) could be clarified to include variation, attaching, removing or amending conditions, waiving or revoking applications.

2.29 It has also been suggested that paragraph 10(2)(c) could be amended to clarify that a member would not have a prejudicial interest in the business of the authority where that business related to giving evidence before a local authority standards committee hearing regarding an allegation that a member of the authority had failed to comply with the code.

Registration of members' interests

2.30 We propose that any new members' code would take into account any existing registration of members' interests. This will ensure that members who have already registered their interests in line with the 2007 model code do not have to repeat the process when the revised members' code is introduced.

Consultation Question 6:

Do you think that the amendments to the members' code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?

Consultation Question 7:

Are there any aspects of conduct currently included in the members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?

Consultation Question 8:

Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included? Please give details.

Legislative context

- 2.31 The current members' code is set out in the Schedule to the Local Authorities (Model Code of Conduct) Order 2007 made under powers conferred on the Secretary of State by section 50 of the Local Government Act 2000.
- 2.32 Section 183 of the Local Government and Public Involvement in Health Act 2007 inserted, into section 50 of the Local Government Act 2000, a requirement for the Secretary of State to specify which provisions of the members' code apply in relation to a member's conduct when acting in an official capacity and which provisions apply when not acting in an official capacity. A provision may only be specified to apply to members' conduct when not acting in an official capacity if the conduct it prohibits constitutes a criminal offence. The power in section 50 of the Local Government Act 2000 permits the Secretary of State to define for the purposes of the members' code what is meant by "criminal offence" and what is meant by "official capacity".
- 2.33 We propose that the existing Local Authorities (Model Code of Conduct) Order 2007 be revoked and a new, revised Order would be made to reflect our proposed amendments and that part of the code applies to a member's conduct in their official capacity and part of it would apply to a member's conduct in their non-official capacity.
- 2.34 Provision is also made in section 183 of the Local Government and Public Involvement in Health Act 2007 for members to give to their authority an undertaking to observe the new code within a period prescribed by the Secretary of State. We propose that members will have two months from the date their authority adopts the new code to give a written undertaking that they will observe their authority's code. Failure to do so will mean that they cease to be members of the authority.

Consultation Question 9:

Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?

Proposed amendments to the General Principles

What are the General Principles?

- 2.35 The ten General Principles, contained in the Relevant Authorities (General Principles) Order 2001, are based on the seven principles of public life set out by the Committee on Standards in Public Life. The principles underpin the provisions of the members' code, which must be consistent with these principles.
- 2.36 The ten general principles are reproduced below. The principles govern the conduct of members, and a failure to act in accordance with them may lead to a failure to comply with the members' code.

The General Principles

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in a situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual

orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to uphold the law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Proposed revisions

2.37 We propose that the Relevant Authorities (General Principles) Order 2001 be amended to make clear which principles govern the conduct of members when acting in an official capacity and which principles will apply to the conduct of members when acting in a non-official capacity, where the member's conduct would constitute a criminal offence.

2.38 We propose that the General Principles Order be amended by providing that the 10 existing principles apply to a member when acting in an official capacity and by adding a new principle which would be specified as applying to a member acting in a non-official capacity, where the member's conduct would constitute a criminal offence. We propose that the following be added to the Schedule of the Relevant Authorities (General Principles) Order 2001:

Duty to abide by the law

Members should not engage in conduct which constitutes a criminal offence.

Consultation Question 10:

Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?

Definition of 'criminal offence' and 'official capacity'

2.39 Section 49 of the Local Government Act 2000 enables the Secretary of State to define what constitutes a 'criminal offence' and what constitutes 'official capacity' in the context of the General Principles Order. For the purposes of the revised General Principles Order, we propose that 'criminal offence' be defined as any conduct that has resulted in a criminal conviction.

Consultation Question 11:

Do you agree with this broad definition of ‘criminal offence’ for the purpose of the General Principles Order? Or do you consider that ‘criminal offence’ should be defined differently?

2.40 We propose that for the purposes of the revised General Principles Order, ‘official capacity’ be defined as “being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority”.

Consultation Question 12:

Do you agree with this definition of ‘official capacity’ for the purpose of the General Principles Order?

Legislative Context

2.41 The Relevant Authorities (General Principles) Order 2001 was made under powers conferred on the Secretary of State in section 49 and 105 of the Local Government Act 2000. Section 183 of the Local Government and Public Involvement in Health Act 2007 modified section 49 of the 2000 Act and it is this modification that requires the Secretary of State to specify which general principles apply to a person when acting in an official capacity and when acting in a non-official capacity.

Chapter 3: Model code of conduct for local government employees

Is an employees' code needed?

- 3.1 A code of conduct for local government employees (“employees’ code”) should provide the staff of an authority with an effective ethical framework within which to work and it should give that authority’s citizens confidence that an authority’s staff are working on their behalf in an appropriate manner.

Consultation Question 13:

Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees’ terms and conditions of employment, is needed?

The employees' code in context

- 3.2 In August 2004, the (then) Office of the Deputy Prime Minister consulted on a model code of conduct for local government employees. Responses indicated that the model code of conduct consulted on was not adequate, but also that the universal application of a code to all staff would be needlessly bureaucratic as all employees would be subject to the same code regardless of their position. There was support for following the model of the Welsh code of conduct, which only applies to a certain category of defined senior officer. Alternatively, the code could be restricted to those who exercise executive, regulatory or overview and scrutiny powers under the authority’s scheme of delegation to officers.
- 3.3 Another view in response to the consultation paper was that certain aspects of the code (eg registration of interests), could be limited to senior officers while other more universal aspects should be applicable to all - for instance, it is beyond question that all employees should behave with honesty and integrity.
- 3.4 Many local authorities already have a code of conduct for employees in addition to, or part of, their standard terms and conditions of employment. These codes range from simple statements agreeing to act with propriety to comprehensive documents covering everything from political neutrality to intellectual property matters. These codes of conduct are also integrated into the authority’s discipline procedures.
- 3.5 It is not intended that the employees’ code be a burden on authorities or employees. The code should not constrain an authority’s ability to develop its own code reflecting local needs and conditions. We consider that authorities should be free to adopt supplementary

provisions beyond the employees' code in order to provide their staff with an effective ethical framework within which to work.

Application of the employees' code

- 3.6 We propose that the employees' code would apply to all relevant authorities and police authorities in Wales, as defined in Section 49 of the Local Government Act 2000. We are proposing that a model employees' code - a model code that authorities may augment if they wish - be introduced, which will be incorporated into local government employees' terms and conditions of employment.
- 3.7 However, we do not propose to apply the employees' code where it is not needed, for instance to employees in professions that are covered by their own code of conduct; firefighters, teachers, community support officers, solicitors etc.

Consultation Question 14:

Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?

Consultation Question 15:

Are there any other categories of employee in respect of whom it is not necessary to apply the code?

- 3.8 We propose a two-tier model. The first tier, drawing on the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, will apply equally to all authority employees and will enshrine the core values that it is reasonably expected every authority employee would abide by. The second tier, drawing on the members' code, will apply to 'qualifying employees', that is; either senior officials or those officials carrying out delegated functions.
- 3.9 With the members' code in place, and members having to abide by that code, there is a reasonable expectation that officials undertaking functions delegated to them by members would have to abide by the same conduct regime as members when performing those functions.

Proposed core values

The model employees' code: core values for all employees

General principles

The public is entitled to expect the highest standards of conduct from all local government employees. The role of such employees is to serve their employing authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

Accountability

Employees are accountable, and owe a duty to, their employing authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political neutrality

Employees, excluding political assistants, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

Relations with members, the public and other employees

Mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently and without bias.

Equality

Employees must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

Stewardship

Employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

Personal interests

An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.

Employees should abide by the rules of their authority about the declaration of gifts offered to or received by them from any person or body seeking to do business with the authority or which would benefit from a relationship with that authority. Employees should not accept benefits from a third party unless authorised to do so by their authority.

Whistleblowing

Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the model code of conduct for employees, the employee should report the matter, acting in accordance with the employees rights under the Public Interest Disclosure Act 1998 and with the authority's confidential reporting procedure or any other procedure designed for this purpose.

Treatment of Information

Openness in the dissemination of information and decision making should be the norm in authorities. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge

certain information.

Appointment of staff

Employees of the authority, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

Investigations by monitoring officers

Where a monitoring officer is undertaking an investigation in accordance with Part III of the Local Government Act 2000 and associated regulations, employees must comply with any requirement made by that monitoring officer in connection with such an investigation.

Consultation Question 16:

Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?

Beyond the core values

Who are the 'qualifying employees'?

- 3.10 There are two alternatives for selecting those 'qualifying employees' to which, in addition to the core values of the employees' code, some of the restrictions and expectations of the members' code should apply.
- 3.11 The first is based on the approach taken to determining which posts in an authority are 'politically restricted' under section 3 of the Local Government and Housing Act 1989, and assumes that certain posts are senior or influential enough to warrant controls placed on the activities of postholders. Certain posts would be designated as qualifying employees.
- 3.12 The second is the delegation model, which would see qualifying employees selected on the basis that they perform functions delegated to them by elected members under section 101 of the Local Government Act 1972.

Consultation Question 17:

Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?

The model employees' code: values for qualifying employees

Compromising the impartiality of officers of the authority

A qualifying employee must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the authority, either directly or as a response to pressure from others. A qualifying employee should not attempt to force employees to take action or change advice if doing so would prejudice their professional integrity.

Using your position improperly

A qualifying employee must not use, or attempt to use, their position improperly either for their or anybody else's advantage or disadvantage.

Considering advice provided to you and giving reasons

If a qualifying employee seeks advice, or advice is offered to them, on aspects of how the employees' code applies, the qualifying employee must have regard to this advice.

Personal interest

Qualifying employees must register, within 28 days of taking up their appointment, any interests set out in the categories below. This record of interest must be in writing, to the authority's monitoring officer or, in the case of a parish council, through the parish clerk.

The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interests in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required.

These are:

- Your membership, or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).
- Any business you might own or have a share in, where that shareholding is greater than £25,000 or have a stake of more than 1/100th of the value or share capital of the company.
- Any contracts between the authority and any company you have an interest in, as above.
- Any land or property in the authority's area in which you have a beneficial interest.

A qualifying employee may seek to exempt their personal interests from the register of interests if they consider, for instance that having this information on record might put themselves or others at risk. In such cases, the qualifying employee should discuss the matter with their monitoring officer.

Consultation Question 18:

Should the code contain a requirement for qualifying employees to publicly register any interests?

Consultation Question 19:

Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?

Prejudicial interest

A prejudicial interest is considered to be a matter which affects the qualifying employee's financial interest or relates to a licensing or regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would reasonably think that his or her personal interest is so significant that it is likely to prejudice his or her judgement of the public interest.

A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, where for instance approval for a licence may affect a body with which the qualifying employee has a personal interest or will affect him or her personally.

Qualifying employees with a prejudicial interest should declare such an interest. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.

Consultation Question 20:

Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code. Have any been omitted?

Consultation Question 21:

Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?

Contractors, partners and part time staff

3.13 Local authorities have an increasingly complex relationship with the private sector in its work with contractors, partners and part time staff. We consider that rather than attempt to determine centrally when and when not to apply the employees' code not just to local

government employees, but those working on behalf of local government, it will be for local authorities themselves to decide, in agreeing contracts, partnership agreements or terms and conditions of employment, if and how the employees' code, in whole or in part, should apply.

Parish councils

3.14 The members' code applies to parish councillors as well as members of larger authorities, and it seems reasonable therefore for the ethical framework of the employees' code to apply to parish council employees. We recognise that the environment that parish councillors operate within is different to that of larger authorities and are conscious that what is considered to be a reasonable expectation in the employees' code for larger councils, may prove to be difficult for parish councils.

3.15 That being the case, we would welcome responses from parish councils on any particular aspect of the employees' code that might present difficulties and how those difficulties could be overcome.

Consultation Question 22:

Should the employees' code extend to employees of parish councils?

Legislative context

3.16 Section 82(7) of the Local Government Act 2000, provides that the provisions of a code made under section 82(1) of that Act will be deemed to be incorporated in employees' terms and conditions of employment.

Annex A: List of consultation questions

Chapter 2: Code of conduct for local authority members

- Question 1 Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?
- Question 2 Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.
- Question 3 Do you agree with this definition of 'official capacity' for the purpose of the members' code? If not, what other definition would you support? Please give details.
- Question 4 Do you agree that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?
- Question 5 Do you agree that an ethical investigation should not proceed until the criminal process has been completed?
- Question 6 Do you think that the amendments to the members' code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?

- Question 7 Are there any aspects of conduct currently included in the members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?
- Question 8 Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included? Please give details.
- Question 9 Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?
- Question 10 Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?
- Question 11 Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?
- Question 12 Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?

Chapter 3 Model Code of Conduct for local authority employees

- Question 13 Do you agree that a mandatory model code of conduct for local government employees, which would be

incorporated into employees' terms and conditions of employment, is needed?

- Question 14 Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?
- Question 15 Are there any other categories of employee in respect of whom it is not necessary to apply the code?
- Question 16 Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?
- Question 17 Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?
- Question 18 Should the code contain a requirement for qualifying employees to publicly register any interests?
- Question 19 Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?
- Question 20 Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code? Have any been omitted?

Question 21 Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?

Question 22 Should the employees' code extend to employees of parish councils?

Annex B

SCHEDULE

THE MODEL CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1.—(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

(a)

the authority;

(b)

the executive of the authority;

(c)

any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed

before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.—(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

- (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 Interests

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public

interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12.—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Registration of members' interests

13.—(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Annex C: Consultation Code of Practice

- A.1 The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.
- A.2 Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies; unless Ministers conclude that exceptional circumstances require a departure.

The Consultation Criteria

- Consult widely throughout the process, allowing a minimum of
 - 12 weeks for written consultation at least once during the development of the policy
 - Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
 - Ensure that your consultation is clear, concise and widely accessible.
 - Give feedback regarding the responses received and how the consultation process influenced the policy.
 - Monitor your department's effectiveness at consultation, including through the use of a designated consultation coordinator.
 - Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.
- A.3 The full consultation code of practice may be viewed at:
www.bre.berr.gov.uk/regulation/consultation/code/index.asp.
- A.4 Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact:

Consultation Co-ordinator
Communities and Local Government
Zone 6/H10
Eland House
Bressenden Place
London
SW1E 5DU

email: consultationcoordinator@communities.gsi.gov.uk

To Chief Executives of:
County Councils and District Councils in England
London Borough Councils
The Greater London Authority
National Park Authorities
The Broads Authority

1 October 2008

The Clerk of:
City of London
Council of the Isle of Scilly
Combined Fire and Rescue Authorities
Fire and Civil Defence Authorities
Police Authorities in England and Wales

The Clerk of:
Parish and Town Councils in England

Dear Colleague,

Communities in control: Real people, real power: Codes of conduct for local authority members and employees – A consultation

I am writing to draw your attention to the above consultation paper which was published on the Communities and Local Government website on 1 October. I also enclose a paper copy of the consultation for your consideration.

You will see that this is the next in a series of Communities in Control consultation documents following the publication of the Local Government Empowerment White Paper, *Communities in Control: Real people, real power*, on 9 July, and building on work still in progress from the 2006 White Paper, *Strong and Prosperous Communities*.

This paper invites views on proposals for revising the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. It also seeks views on the proposed introduction of a model code of conduct for local government employees. Particular questions on which we would welcome comments are summarised at Annex A to the paper.

Copies of the consultation paper are being sent to all principal local authorities, parish councils and other organisations and individuals who have a particular interest in these issues. If you wish to comment, please send responses either by post to:

Paul Rowsell, Deputy Director, Local Democracy
Communities and Local Government
5/A1, Eland House
Bressenden Place
London SW1E 5DU

Tel 020 7944 5962 Fax 020 7944 4109
Email:conductcode@communities.gsi.gov.uk

Karl Holden
Conduct and Council Constitutions Team
Communities and Local Government
Zone 5/B2, Eland House
Bressenden Place
London
SW1E 5DU

Or by e-mail to: conductcode@communities.gsi.gov.uk

By **Wednesday 24 December 2008**.

Any queries you may have about this letter or the enclosed paper should be directed to Karl Holden (tel: 0207 944 5962; conductcode@communities.gsi.gov.uk).

You will also be interested to know that, as announced in the *Communities in control: Real people, real power: Improving local accountability* consultation paper, we will be consulting at the end of October on proposals to revise the code of recommended practice on local authority publicity. A paper copy of the consultation paper will be sent to you on publication.

Yours sincerely

Paul Rowsell

A.5 CODE OF CONDUCT

1. BACKGROUND

- 1.1 The Council already has a number of documented procedures and guidelines covering the conduct of staff. Certain of these are Council-wide, covering all employees. Others are specific to individual departments.
- 1.2 The Local Authority Associations have recently circulated a draft code of ethical conduct, with a view to each authority adopting such a code, suitably varied to meet particular local circumstances.
- 1.3 This code for LBHF is based on the model drawn up for the Associations by the Local Government Management Board. It also includes certain sections specific to the organisation and management of this authority.
- 1.4 This code applies to all employees of the Council. Where stated, certain sections apply only to APT&C employees on grade SO1 and above, or to particular groups of employees.
- 1.5 This code should be seen as complementary to any specific departmental procedures or codes of conduct, which may give more detailed or more precise guidance. Examples are:

Housing Department : Guidelines on Official Conduct
Social Services : Personnel Section Circular 93/10

2. PRINCIPLES OF CONDUCT

- 2.1 Local Government's reputation, and the trust and confidence of the public in its integrity, is of vital importance. The Council is expected to carry out its responsibilities with openness and probity. This code sets out the ethical standards expected of staff.
- 2.2 Certain of the requirements of this code are incorporated in the Purple Book and in other national agreements (i.e. form part of the contract of employment of APT&C staff). This is made clear in the text below. Other aspects may be covered in codes of professional ethics issued by various professional bodies.
- 2.3 Failure to meet the standards and requirements of this code may result in disciplinary action against an employee, or action for breach of employment contract. If in doubt, staff should consult their line management on any issue of conduct or ethical behaviour.

3. STANDARDS

- 3.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to other employees and councillors with impartiality. Employees may through agreed procedures and without fear of recrimination, bring to the attention of the appropriate level of management, any deficiency in the provision of service. Employees must report any impropriety or breach of procedure.

4. DISCLOSURE OF INFORMATION

- 4.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to open other types of information. Employees must be aware of the types of information which, in their authority, are open and which are not, and act accordingly. They should also recognise that the individual or personal circumstances of clients and users of Council services are confidential.
- 4.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor or a fellow employee which is personal to that person and does not belong to the authority, should not be divulged by the employee without the prior approval of that person.

5. POLITICAL NEUTRALITY

- 5.1 Employees serve the authority as a whole. It follows they must serve all members and not just members of any controlling group, and must ensure that the individual rights of all members are respected.
- 5.2 Some employees will be expected, within the authority's guidelines, to advise political groups. Copies of these guidelines are circulated separately to relevant employees. Employees have a duty to advise minority groups as well as controlling groups.
- 5.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority's and must not allow their own personal or political opinions to interfere with their work.
- 5.4 Staff should be aware of the political restrictions placed on certain postholders by the Local Government and Housing Act 1989 and

ensuing Regulations. Details are set out in the contracts of employment of all staff covered by these restrictions. Any queries on these, or applications for exemption, are dealt with by the Head of Corporate Human Resources.

6. RELATIONSHIPS

Councillors

- 6.1 Employees are responsible to the authority through its senior managers. For some, their job is to give advice to councillors and their authority and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

The Local Community and Service Users

- 6.2 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by policies of the authority. This is one of the basic themes of the Council's Quality Promise programme.

Contractors

- 6.3 All relationships with contractors or potential contractors should be made known to the appropriate manager. To do otherwise contravenes the law. Order and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to business run by for example friends, partners or relatives. No part of the community should be discriminated against. Staff involved in awarding contracts should familiarise themselves with the Council's Contract Standing Orders.
- 6.4 Employees who engage or supervise contractors or have any official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, should declare that relationship to the appropriate manager. Additional guidance on use of contractors is issued to staff in BTS. Each department is required to maintain a register of staff interests in contracts.
- 6.5 Section 17 of the Local Government Act 1972, and the Council's Contract Standing orders and paragraph 73 of the Purple Book, require

that where an officer knows that a contract in which she/he has a pecuniary interest has been (or is being) considered by the Council, she/he must give notice of their interest. This should be done by written notification to their Director. Section 117(2) forbids an officer "under colour of his office or employment" to accept "any fee or reward whatsoever other than proper remuneration".

7. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

Employees involved in appointments should ensure that these are made on the basis of merit and in accordance with the Council's recruitment procedures. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the work.

In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a personal relationship outside work with him or her.

- 7.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.

8. DUAL EMPLOYMENT OR OUTSIDE EMPLOYMENT (REQUIREMENTS OF PURPLE BOOK)

Whole-time Service

- 8.1 Conditions of Service for APT&C (and JNC) officers, as set out in the Purple Book, specify that officers above Scale 6 shall devote their whole-time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council.
- 8.2 Employees on Sales 1-6 inclusive are not required to inform their managers if they take up additional appointments in their personal time. They do need to be aware that this activity should not conflict with, or have a detrimental effect on, their work for the Council.
- 8.3 Employees on SO1 and above are required to seek written consent of the Council (via their managers) before taking up additional appointments, i.e. other employment, consultancies, or appointments including unpaid appointments. They should do this by informing their manager as to the nature of the additional appointment. The manager will then liaise with the department's Personnel Section or Central Administration in order to obtain consent. Approval for the outside appointment will be given as a matter of course where no conflict exists. A register is kept by each department for such purposes.

8.4 These provisions apply equally to employees in part-time and job share contracts as their conditions of service are the same as full-time employees.

8.5 These requirements are incorporated in the Purple Book (paras 70 and 71), and therefore form part of the contract of employment between individual staff (above grade SO1) and the Council. For this reason it is important that staff are aware of the precise wording of the Purple Book - as follows :-

"The public is entitled to demand of a local government officer conduct of the highest standard and public confidence in her/his integrity would be shaken were the least suspicion to arise that she/he could in any way be influenced by improper motives."

"An officers off-duty hours are her/his personal concern but she/he should not subordinate her/his duty to her/his private interests or put her/himself in a position where her/his duty and her/his private interests conflict. The employing authority should not attempt to preclude officers from undertaking additional employment, but any such employment must not, in the view of the authority, conflict with or react detrimentally to the authority's interests, or in any way weaken public confidence in the conduct of the authority's business."

8.6 Staff who are involved in local voluntary organisations, agencies or trusts, either as Council representatives or in a personal capacity, should refer to the separate guidance not which covers this issue, issued by Community Liaison Division in Policy and Administration Department.

9. INTELLECTUAL PROPERTY RIGHTS

9.1 This covers reports, designs, drawings, software developments or similar work or activity. Where such intellectual property has been made or created in the course of an employee's normal duties, it remains the property of the Council as employer, and should not be removed from Council property or passed on to third parties by any employee acting in a private capacity without the express consent of the Council. Similar principles may apply to copyright of Council publications, which may be formally assigned to outside parties by agreement with the Council.

10. PERSONAL MATTERS

- 10.1 Employees must declare in writing to their Departmental Director, non-financial interests that they consider could bring about conflict with the authority's interests (i.e. acting as a school governor within schools maintained by the authority, involvement with an organisation receiving grant aid from the authority, membership of a National Health Service Trust Board, involvement with an organisation or pressure group which may seek to influence their authority's policies).
- 10.2 Employees must declare any financial interest which could conflict with the authority's interests.
- 10.3 Employees should declare to an appropriate manager, membership of any organisation not open to the public without formal membership or commitment of allegiance, or which has secrecy or privacy about rules or membership or conduct (e.g. Freemasons).

11. EQUALITY ISSUES

- 11.1 All local government employees have an obligation to ensure that policies relating to equality issues as agreed by the authority are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

12. SEPARATION OF ROLES DURING TENDERING

- 12.1 Internal arrangements for the separation of client and contractor roles are set out in the Council's CCT procedures. Employees should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.2 Employees in contractor or provider units must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.
- 12.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates

in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

13. CORRUPTION

13.1 Employees must be aware that it is a criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. It is for the employee to demonstrate that any such rewards have not been corruptly obtained.

14. USE OF FINANCIAL RESOURCES

14.1 In addition employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the authority.

15. HOSPITALITY

15.1 Employees should treat with extreme caution any offer or gifts, favour or hospitality made to them. The person or organisation making the offer may be seeking to do business with the Council, or may already be a regular supplier of goods and services to the Council, or may be applying to the Council, or may already be a supplier of goods and services to the Council, or may be applying to the Council for some decision favourable to them.

15.2 Acceptance by employees of any hospitality should be properly authorised and recorded in the departmental hospitality book. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented.

15.3 When hospitality has to be declined the offeror should be courteously but firmly informed of the procedures and standards of operating within the authority.

15.4 Employees should not accept significant personal gifts from contracts and outside suppliers, although employees may be allowed to keep insignificant tokens such as pens, diaries, etc. up to a value of £10.00.

15.5 When receiving authorised hospitality employees should be sensitive to the timing of decisions for letting contracts for which the provider is bidding.

15.6 Acceptance by employees of hospitality whilst in attendance at relevant conferences and courses is acceptable where it is clear that hospitality is corporate rather than personal, where the authority gives consent in

advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

16. SPONSORSHIP - GIVING OR RECEIVING

- 16.1 Where an outside organisation wishes to sponsor or is sought to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 16.2 Where the authority wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.



STANDARDS COMMITTEE

6

24 NOVEMBER 2008

CONTRIBUTORS

ADLADS
HCS

LOCAL ASSESSMENT OF COMPLAINTS

Summary

This report outlines activity by the newly constituted sub-committees to discharge the Standards Committee's new functions; and encloses recent guidance issued by the Adjudication Panel.

WARDS

All

RECOMMENDATIONS:

- 1 That the Standards Committee note the report on activity so far during the year together with recent guidance issued by the Adjudication Panel
2. That these arrangements be kept under review by the Monitoring Officer and further reports presented to the Committee as required.

1. Background

At the Committee's June meeting it was agreed that 3 Sub-Committees – an Assessment Sub-Committee, a Review Sub-Committee and a Hearing Sub-Committee – be set up to deal with any complaints against Members under the new local assessment of complaints system. Pre-assessment criteria were agreed as well as Terms of Reference for each Sub-Committee, the membership of which would be flexible, providing that an independent Member chaired the meeting.

2 Cases Considered

2.1 Following the introduction of the new arrangements, only one complaint has been received. This was considered by an Assessment Sub-Committee on 18 June. The Members were Christopher Troke (Chair), Cllrs Botterill and Cowan. The Sub-Committee decided, in accordance with Section 57A (2) of the Local Government Act 2000, as amended, that no action should be taken on the allegation.

2.2 The Sub-Committee also decided that the summary of the allegation set out above be provided to the Councillor and that the written summary of this decision which the Sub-Committee was required to make available to the public should exclude the names of both the Councillor and the Complainant in the public interest.

2.3 The complainant was given the opportunity to request a review of the decision. He subsequently chose to do so and a Review Sub-Committee met on 28 July to review the case. The Members were: Mr Steven Moussavi (Chairman), Cllr Donald Johnson and Cllr Homan. The Review Sub-Committee decided unanimously to uphold the original decision that no action should be taken on the allegation.

2.4 The Sub-Committee also decided similarly to the Assessment Sub-Committee, that the written summary of this decision which they were required to make available to the public should exclude the names of both the Councillor and the Complainant in the public interest.

3 Adjudication Panel

3.1 The Adjudication Panel has recently notified that, following the changes giving Standards Committees responsibility for receiving complaints about member conduct and deciding what to do with them, one option available to a standards committee after considering an investigating officer's report is to refer the matter to the Adjudication Panel for England for determination by a tribunal.

3.2 The President of the Adjudication Panel has issued guidance on the

circumstances in which the Adjudication Panel would consider accepting a reference from a standards committee. A copy of that guidance is attached to this item for Members' information. Queries or questions about the content of the President's guidance can be e-mailed to enquiries@adjudicationpanel.co.uk or by telephone on 01423 538783. Further copies of the guidance, as well as other information about the procedures of the Adjudication Panel tribunals, can be downloaded from the 'Guidance and Procedures' section on the Adjudication Panel website www.adjudicationpanel.co.uk.

**LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	The Standards Committee (England) Regulations 2008	Michael Cogher, Ext 2700	ACE/Legal, First Floor HTH, Rm 133a
2.	Standards Board for England's Local Assessment of Complaints Toolkit	Michael Cogher, Ext 2700	ACE/Legal, First Floor HTH, Rm 133a

Guidance on the circumstances in which the Adjudication Panel would consider accepting a reference from a Standards Committee under Regulation 17 of the Standards Committee (England) Regulations 2008.

1. The Standards Committee (England) Regulations 2008 include provision (Regulation 17 (1) (c)) for a Standards Committee to make a finding that a matter should be referred for determination by the Adjudication Panel. Before such a referral can be made the Standards Committee need themselves to have determined that the action which the Standards Committee could itself take (if there were a finding that there had been a failure to follow the provisions of the Code) would be insufficient. The reference itself can be made only if the President or Deputy President has agreed to accept it.
2. The possibility of such a reference arises only after a monitoring officer has produced a report for the Standards Committee. The President of the Adjudication Panel is willing to indicate, prior to the consideration of that report by the Standards Committee, whether he would agree to accept such a referral. Such agreement would not commit the Standards Committee to making such a referral but would avoid the Standards Committee seeking to refer matters which were not suitable.
3. The maximum sanction which a Standards Committee can impose is a suspension for a period of six months. Thus the primary question to determine as to whether a reference can be accepted is whether, if a breach of the Code had occurred, a more severe sanction than six months suspension would be appropriate.
4. It would be rare for the Adjudication Panel's Case Tribunals to impose a suspension for longer than six months, not least because the effect of such a lengthy suspension might be seen as leading to constituents being left without effective representation at a time when the suspended elected member is not able to fulfil his responsibilities.
5. Less rarely, however, a Case Tribunal will **disqualify** an elected member. Whereas a suspension will apply only to the particular council whose Code of Conduct has not been followed, a disqualification will preclude the member concerned from being appointed to **any** relevant authority. Thus it would be an appropriate sanction for a member whose conduct leads to the view that the member concerned is unfit to hold such public office.
6. The Adjudication Panel has already published guidance ([Guidance on decisions available to a Case Tribunal](#)) as to when disqualification is likely to be an appropriate sanction. The following is an extract from that guidance:

14.1 The Respondent has deliberately sought personal gain (for either him or herself or some other person) at the public expense by exploiting his or her membership of the body subject to the Code of Conduct.

- 14.2 *The Respondent has deliberately sought to misuse his or her position in order to disadvantage some other person.*
- 14.3 *The Respondent has deliberately failed to abide by the Code of Conduct, for example as a protest against the legislative scheme of which the Code forms part. Members of local authorities are expected to uphold the law. Where the Code has been deliberately breached to reflect the Respondent's opposition to the principles underlying the legislation, the Case Tribunal is likely to think of a disqualification of one year.*
- 14.4 *There have been repeated breaches of the Code of Conduct by the Respondent.*
- 14.5 *The Respondent has misused power or public assets for political gain.*
- 14.6 *The Respondent has misused council property.*
- 14.7 *The Respondent has committed a criminal offence punishable by a sentence of three months or more imprisonment.*
15. *There may be other factors not listed above which also merit disqualification. Nor will disqualification always be appropriate even if the listed factors are present.*
17. *Disqualification may be imposed as an alternative to suspension in order to avoid an authority being inquorate or the electorate left without adequate representation. Disqualification would allow by-elections to take place whereas this would not be possible if the member concerned were suspended.*
7. The President or Deputy President is likely to agree to accept references for matters which are of a kind which would merit disqualification.
8. It is important to bear in mind that the decisions on whether to refer, and whether to accept such a referral, are being made on the hypothetical basis of a finding that there has been a breach of the Code of Conduct. In taking a decision as to whether to accept a proposed reference, the President or Deputy President would not usually seek to form a view as to how likely it is that such a finding would be made. Nor would they usually seek to form a view on whether there are particular mitigating circumstances which would cause a Case Tribunal not to disqualify a member even though such disqualification might usually be seen as appropriate for a breach of the kind concerned. Those are decisions which should properly be left to the Case Tribunal hearing the case.
9. A reference to the Adjudication Panel should include:
- a brief description of the conduct which has given rise to the complaint
 - details of:
 - when the member was elected.
 - when the member made a declaration to abide by the Code.
 - relevant training the member has received.
 - the member's committee membership or Executive responsibilities; and
 - a note of any appointments to other bodies on behalf of the council and of any membership of other relevant authorities.
 - a copy of the relevant Code of Conduct should be appended.
 - the reference should indicate what paragraphs of the Code have been under consideration.
 - the investigating officer's report to the Standards Committee should be appended. The Standards Board for England has provided a template for such a report in its publication '*Local Standards Framework - Guide for Authorities.*'
 - A list giving the names, addresses and contact details of:
 - the respondent.
 - complainant.
 - monitoring officer.

- investigating officer.
- Standards Committee correspondent.
- any legal representatives.

24 NOVEMBER 2008

CONTRIBUTORS	ANNUAL ASSEMBLY OF STANDARDS	WARDS
ADLADS	COMMITTEES 2008	ALL
HCS		

Summary

The report includes *The Standard*, the Annual Assembly of Standards Committees' Newsletter and invites any feedback from the delegates, Mrs. Joyce Epstein and Michael Cogher.

RECOMMENDATION:

That the Committee note comments from the 2 delegates who attended the Annual Assembly.

BACKGROUND

1 The Annual Assembly of Standards Committees is the leading conference on all issues concerned with the local government Code of Conduct and improving ethical standards.

7TH ANNUAL ASSEMBLY

2 The conference, was held on 13 and 14 October at the International Convention Centre in Birmingham, attracting a capacity 800 delegate audience. The 7th Annual Assembly Programme was entitled “Delivering the Goods”. It highlighted key issues of governance and ethics, including how to develop an exemplary standards committee, promote good governance, of partnerships and build public confidence in local authority members

3 Following the Conference, the Standards Board for England circulated a copy of *The Standard*, the Conference Newsletter – attached.

4 The Council’s two delegates, Mrs Joyce Epstein and Michael Cogher, will be able to give any feedback from the Conference.

RECOMMENDATION

5 To note any comments from the 2 Members who attended this year’s Conference.

LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1	The Standard	David Bays Committee Services x2628	
2	Annual Assembly Website www.annualassembly.co.uk	Standards Board for England	



The

Standard

APPENDIX



the
Standards Board
for England

Conference newsletter | Friday 24 October 2008 | Issue three | www.annualassembly.co.uk

Road ahead for standards framework



This year's closing plenary looked back at the key issues that had been discussed over the conference and outlined the next steps for those involved with the strategic framework.

Glenys Stacey, Chief Executive of the Standards Board, returned to the list of hot topics that she had discussed in her opening session and what should now be done with each. She spoke of the need to gather together examples of best practice and publicise them. She also responded to calls for

more information on alternative action and its pitfalls, and to look at the guidance that the Standards Board provides.

Glenys observed that the need for delegates to communicate their work was a theme that ran through the conference. She also mentioned anxiety around the issue of confidentiality. She said the Standards Board would be looking at its work programme in the light of these views.

At the same time, however, she would be aware of the line to be drawn between the role

of the Standards Board and delegates' own responsibilities and discretion, which lie at the heart of the locally based system.

She also reminded delegates to consider the consultation on revisions to the Code of Conduct and the officers' code.

Dr Robert Chilton, Chair of the Standards Board, said the Assembly had confirmed to him that those involved in the standards framework are doing an outstanding job. Dr Chilton said he felt the challenges facing standards committees fell into two categories –

some were problems requiring a fix, for example like further guidance. Others were dilemmas, like how to change ingrained attitudes, which required a longer term strategy. In both cases, the Standards Board would be doing its best to help.

Dr Chilton concluded by outlining his personal commitment, and those of his colleagues, to the job ahead. He said standards and ethics, and the system that gives those ideals substance and structure, are vitally important to the future of our local democracy.



Fringe sessions

Several optional fringe events were held at this year's Annual Assembly.

The Association of Council Secretaries and Solicitors (ACSeS) presented **Question Time with a Twist**. This was an informal forum that allowed delegates to discuss all they had learnt over the past few months. A mixed panel consisting of those involved with the

standards framework considered the progress made since local assessment.

The panel said that the new framework allows the Standards Board to focus on significant cases, that local decision-making represents local involvement, and that some monitoring officers have received fewer complaints.



Areas to consider included a perceived lack of consistency, a demand for more flexibility in the regulations and a potential lack of resources among those responsible for parish councils.

The Association of Independent Members of Standards Committees in England (AIMSce) led a session entitled **Delivering the goods: the leadership and skills of the independent chair**. The session covered the skills necessary to lead an effective standards committee.

These included being able to set priorities within the wider plans of the council and how to achieve your goals. There was also a section on recruitment and the need to replace the skills of a departing chair. A general Q&A session followed the presentation with many

APPENDIX independent members sharing good practice examples from their own standards committee.

The Improvement and Development Agency (IDeA) held **Partnership and Governance – the role of local standards committees**. This session gave an overview of the work the IDeA is undertaking with cross-sector partnerships to assess the culture, values, behaviour and relationships that make partnership working more sustainable and effective.

And the Local Government Ombudsman (LGO) presented the session **'Changes to the Local Government Ombudsman's service: Are you up to date?'**. This allowed delegates to discuss changes to the new framework and to put questions to the ombudsman.

Download our conference material

Material from this year's conference is now on our dedicated Annual Assembly website. You can find handouts and presentations under 'Session materials' in the Programme section of:

www.annualassembly.co.uk

‘Start spreading the news ...’

Many local authorities show a strong commitment to ethical standards and raising confidence in local democracy. However, fewer actually promote this commitment and show the good work they are doing.

The **Communicating with communities** session encouraged delegates to think of ways to promote their commitment to ethical standards and to engage with officers,

members, the public and the media.

Ben Dudley from the Local Government Association (LGA) spoke of the difficulties in achieving positive media coverage and in communicating quickly and proactively with the public directly and through the press. He cited research suggesting that authorities with more effective and well-developed communications departments

consistently get higher satisfaction rates.

Delegates suggested several methods of communicating the work of standards committees. These included using authorities’ websites, producing newsletters, using local newspapers and publishing case studies.

Richard Scott, Head of Communications at the

Standards Board discussed the various methods proposed and highlighted that the media poses the biggest reputational risk to a local authority.

He urged authorities to develop media policies and pointed delegates to a toolkit the Standards Board has produced, which is aimed at local authority press officers.

The press toolkit is available by emailing publications@standardsboard.gov.uk.

Online monitoring system reviewed

In August we conducted a review of the Standards Board’s online monitoring system.

We carried out telephone interviews with a sample of monitoring officers and those nominated by monitoring officers to make online returns.

The majority of comments received were positive and the simplicity of the form was valued, with the majority experiencing minimal or no difficulty in making their submission. This was confirmed by 98% of

authorities submitting their return on time.

A large majority (83%) of monitoring officers/nominated staff interviewed said that the system is working effectively. We asked interviewees if they had contacted the Standards Board for assistance with the completion of the online form.

A small number of those interviewed (25%) had contacted the Standards Board for help. We invited those that had made contact to rate the response received in terms of speed, politeness and

helpfulness. All respondents rated the response for all categories as very good.

Respondents were also asked how the Standards Board can improve the support we provide. We received some useful suggestions. These included having a confirmation receipt upon completion of the submission and receiving a reminder when the submission is due.

We were also interested in finding out about any technical issues that you may have experienced and were glad to hear that there were only minor technical problems, such as forgetting passwords.

Improvements have already been made to the system and we will continue to review it. We would like to take this opportunity to thank all who participated in the review.

If you have any questions about this review or future reviews of the system please contact: Cara Afzal, Deputy Research and Monitoring Manager
email: cara.afzal@standardsboard.gov.uk

Your thoughts

Thank you for your feedback about this year's conference. We'll be analysing all your feedback comments in detail to help us plan future work, including next year's assembly.

“ Overall a most enjoyable assembly. My thanks to all involved in delivering the programme... I particularly enjoyed the sessions when we were encouraged to get involved eg Mediation in Action. ”

“ I think some specific examples of good practice would help. ”

“ The increased time of breakout sessions is much better. ”

“ Learnt a great deal - know what I want to go forward. ”

“ More specific guidance would be better, how legal arguments are formulated and how conclusions are reached. ”



Conference in pictures



Contact

The Standards Board for England
Fourth Floor, Griffin House
40 Lever Street
Manchester M1 1BB

Enquiries: 0845 078 8181

Minicom: 0161 817 5449

Fax: 0161 817 5499

Email: annualassembly2008@standardsboard.gov.uk

Web: www.standardsboard.gov.uk

24 NOVEMBER 2008

CONTRIBUTORS	NORTH WEST LONDON BOROUGHS SEMINAR	WARDS
	2008/2009	
ADLADS		ALL
HCS		

An Annual Standards Networking Event for North West London Boroughs is held at Brent Town Hall. This year's event will be held at 7pm on 27 January 2009. The keynote address will be given by James Goudie QC. Formal invitations will be sent shortly. Any further details will be reported orally. Last year the Council was represented by Kayode Adewumi, Head of Councillors' Services.

RECOMMENDATION:

That the Committee decide whether to authorise the attendance of any officers or Members at the Event.

24 NOVEMBER 2008

CONTRIBUTORS

STANDARDS COMMITTEE WORK PROGRAMME

WARDS

**ADLADS
HCS**

ALL

Synopsis

The attached appendix sets out the Committee's future work programme and scheduled reporting dates. Members are asked to note and update the work programme as necessary.

RECOMMENDATION:

That the Standards Committee note and agree its proposed future work programme .

APPENDIX A

STANDARDS COMMITTEE PROPOSED FORWARD WORK PROGRAMME

TITLE	PROPOSED DATE
Feedback from Annual Conference & matters arising (Govt / Standards Board initiatives for the future)	24 November 2008 Committee meeting
Review & update as necessary of the way the new arrangements for assessing local complaints	7 January 2009 Committee meeting
Consider any revisions to Committee's constitution in of working of new system for Council Annual Meeting Consider draft Annual Report of Standards Committee	1 April 2009 Committee Meeting

**LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS**

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Council Calendar	David Bays x 2628	Room 203, Hammersmith Town Hall