

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Standards Committee

10th November 2008

**1. COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER
CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS
AND EMPLOYEES**

Report of the Monitoring Officer.

RECOMMENDED

- 1.1 Members consider the consultation paper “Communities in control: Real people, real power. Codes of conduct for local authority members and employees” and suggest a response by the Authority to the specific questions raised by the Department of Communities and Local Government (DCLG).
- 1.2 The Monitoring Officer be authorised to finalise and submit, on behalf of the Standards Committee, the response to DCLG in relation to the Code of Conduct for local authority members and the proposed amendments to the General Principles.
- 1.3 The Monitoring Officer refer the consultation relating to the model code of conduct for local government employees, and any suggested response by the Standards Committee, to Senior Managers and employees’ representatives for consideration and response to the DCLG.

2. PURPOSE OF REPORT

- 2.1 The Department for Communities and Local Government (DCLG) has issued a consultation paper, seeking views on specific issues relating to amendments to the Code of Conduct for Members and the introduction of a Code of Conduct for Employees (Appendix 1). Views are sought by 24th December 2008, with a view to implementation in time for the local elections in May 2009.
- 2.2 The consultation includes proposed amendments to clarify details of the Members’ Code of Conduct, as last revised in 2007. These amendments follow the revised Code of Conduct’s first year of

operation and have the support of the Standards Board for England. A key proposed revision relates to the issue of “private capacity”. The consultation sets out how the government proposes to amend regulations and extend the Code of Conduct to cover those occasions where a member’s criminal behaviour, in a private capacity, brings disrepute to the local authority.

- 2.3 The 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.
- 2.4 The consultation paper also 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, into the terms and conditions of employment of their employees.

3. **BACKGROUND**

- 3.1 The Department for Communities and Local Government (DCLG) has issued a consultation paper, seeking views on specific issues relating to amendments to the Code of Conduct for Members and the introduction of a Code of Conduct for Employees (Appendix 1). Views are sought by 24th December 2008, with a view to implementation in time for the local elections in May 2009.
- 3.2 The consultation includes proposed amendments to clarify details of the Members’ Code of Conduct, as last revised in 2007. These amendments follow the revised Code of Conduct’s first year of operation and have the support of the Standards Board for England. A key proposed revision relates to the issue of “private capacity”. The consultation sets out how the government proposes to amend regulations and extend the Code of Conduct to cover those occasions where a member’s criminal behaviour, in a private capacity, brings disrepute to the local authority.
- 3.3 The 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.
- 3.4 The questions relate to whether the code should apply to a member’s conduct when acting in their non-official capacity, definitions of “criminal offence” and “official capacity”, offending abroad, timing of an ethical investigation where a criminal process is involved and proposed clarifications to certain provisions of the

code.

- 3.5 The 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.
- 3.6 It is proposed that the 10 existing principles apply to a member when acting in an official capacity and a new principle be added to apply to a member acting in a non-official capacity, where the member's conduct would constitute a criminal offence (i.e. Members should not engage in conduct which constitutes a criminal offence).
- 3.7 The consultation paper also 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.
- 3.8 The questions in relation to the model code of conduct for local government employees ask whether a mandatory code incorporated into employees' terms and conditions of employment is needed, whether it should apply to certain specified categories of employees, certain core values are proposed as well as other additional values for designated qualifying employees and whether qualifying employees should publicly register any interests.
- 3.9 The Monitoring Officer will lead the members of the Standards Committee through the consultation paper and the specific questions being asked and will formulate a written response based upon the members' comments and views.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 The enabling law relating to the conduct of members is contained in the Local Government Act 2000 and is underpinned by the Relevant Authorities (General Principles) Order 2001. Each authority is obliged to adopt a local Code of Conduct for members based on a model Code of Conduct issued by the Secretary of State by Order.

- 5.2 It is proposed that the model code of conduct for local government employees become part of the employees' terms of condition.
- 5.3 The role and function of the Standards Committee includes advising the Authority on the adoption or revision of the Members Code of Conduct and also the monitoring, review and amendment of the Code of Conduct for Employees.

6. **FINANCIAL IMPLICATIONS**

- 6.1 There are no resource implications arising directly from this report although the implementation of the substantive measures contained in the consultation paper may have resource implications.

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MONITORING OFFICER