

**STANDARDS COMMITTEE 10<sup>TH</sup> NOVEMBER 2008**

**PROPOSED RESPONSE TO THE DEPARTMENT OF COMMUNITIES  
AND LOCAL GOVERNMENT**

**Communities in Control: Real People, Real Power**  
**Codes of Conduct for Local Authority Members and Employees**

**Consultation Questions:**

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

Yes, in some circumstances. Sometimes it is difficult to differentiate between official and non-official capacity.

- (2) Do you agree with the 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.

Yes.

- (3) Do you agree with the definition of 'official capacity' for the purpose of the members' code? If not, what other definition would you support? Please give details.

Yes.

- (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?

Members of the Committee had opposing views on this. Generally it was felt that the Code should apply where the action would have constituted a criminal offence in the UK. There were however some concerns that judicial processes in other countries may not be as robust as those in the UK and that each case needed to be judged on its merits.

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

Yes.

- (6) Do you think that the amendments to the members' code are required? Are there any other drafting amendments which would be helpful? If so, please could you specify which aspects and the reasons why you hold this view?

No comment.

- (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?

No comment.

- (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.

No comment.

- (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?

Yes.

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

Yes.

- (11) Do you agree with the broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?

Yes.

Do you agree with the definition of 'official capacity' for the purpose of the General Principles Order?

Yes.

- (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 Committee agreed that a consistent approach was helpful.

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

Yes.

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

The Code should apply across the board.

- (16) Does the employees' code for all employees correctly reflect the core value 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?

The Committee felt that the Member and Officer Code should be consistent as far as possible.

- (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 delegation model is preferred.

- (18) Should the code contain a requirement for qualifying employees to publicly register any interests?

Yes.

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

No.

- (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?

Yes.

- (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?

No.

- (22) Should the employees' code extend to employees of parish councils?

Yes.