

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

A CONSULTATION

LEAD OFFICER: Martin Jepson – Head of Legal and Democratic Services
REPORT AUTHOR: Martin Jepson – Head of Legal and Democratic Services

Summary	The committee is asked to review and approve responses to the above
Recommendation:	consultation in so far as they relate to the Member Code of Conduct.

1. INTRODUCTION

1.1 The Department for Communities and Local Government has issued a Consultation Paper on the above. This includes a section on proposed amendments to the Member Code of Conduct. The Consultation ends on 24th December 2008 and Members are asked to consider their response to the relevant questions raised on the draft consultation. The questions and suggestions for replies are shown below.

2. OUTLINE OF PROPOSALS

2.1 Chapter 2 of the Consultation Paper is shown for ease of reference at Appendix A.

3. SUGGESTED REPLIES

3.1 The Committee may find it helpful to consider the suggested replies below when considering its response to the consultation.

Question 1

Do you agree that the Members' Code should apply to a Member's Conduct when acting in their non-official capacity?

Suggested Reply

As a general principle we have no objection to the proposal

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.

Suggested Reply

We agree in general terms with the definition proposed but there are certain types of offences excluded by the definition which are particularly relevant in a local authority context, for example planning contraventions and fixed penalty offences for litter, which if perpetrated by

elected Members might bring the Member and their authority into disrepute and if so should be covered by the Code.

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?

Suggested Reply

We agree with the definition but with an addition to the effect that where a Member is approached by a member of the public with questions, representations or requests for assistance in connection with Council functions or the Member's ward, the Member would be acting in an official capacity.

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?

Suggested Reply

Agreed

Question 5

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

Suggested Reply

Agreed

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?

Suggested Reply

Agreed with the exception of the suggestion in para 2.26 on registration of gifts and hospitality. We consider the existing wording to be clear and that any changes could be confusing.

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?

Suggested Reply

No

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

Suggested Reply

No

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?

Suggested Reply

Yes agreed

Question 10

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

Suggested Reply

Yes agreed

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?

Suggested Reply

The definition should be identical to that discussed in paras 2.10 to 2.12 and our response to Question 2 applies.

Question 12

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

Suggested Reply

See response to Question 3

List of Appendices: Appendix A Chapter 2 of Consultation Paper

List of Background Documents: None

List of Consultees: Chief Executive, Head of Finance and Management Information Systems