

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 25 MAY 2005

Present: Councillors Mrs M Woodburn (Chairman); N Clarkson.

Independent Member: N Woodcock

Parish Member: R Stewart

Officers: M Jepson, Chief Legal Officer; T Capper, Principal Officer (Secretariat)

Minutes

The minutes of the meeting held on 11 December 2003 were signed by the Chairman as a correct record

STA 1 Standards Board for England – Review of the Code of Conduct

Consideration was given to the Consultation Paper recently published by the Standards Board for England reviewing the scope and content of the Model Code of Conduct for Members. Copies of the consultation paper had been circulated to members in advance of the meeting.

RESOLVED – That the Council's response to the consultation be as set out in the Appendix to these minutes.

The meeting closed at 11.35 am

Chairman

APPENDIX

STANDARDS BOARD FOR ENGLAND CONSULTATION

<u>Question</u>	<u>Copeland Borough Council Response</u>
1 Should the ten general principles be incorporated as a preamble to the Code of Conduct?	Yes
2 Are there any other principles which should be included in the Code of Conduct?	No
3 Is it appropriate to have a broad test for disrespect or should we seek to have a more defined statement?	Yes, appropriate as existing
4 Should the Code of Conduct include a specific provision on bullying? If so should the definition of bullying adopted by the Code of Conduct reflect the ACAS definition of bullying?	Yes – ACAS definition appropriate and adequate
5 Should the Code of Conduct contain an explicit public interest defence for Members who believe they have acted in the public interest by disclosing confidential information?	No
6 Do you think the Code of Conduct should cover only information which is in law “exempt” or “confidential” to make it clear that it would not be a breach to disclose any information that an authority had withheld unlawfully?	Yes
7 Should the provision related to disrepute be limited to activities undertaken in a member’s official capacity or should it continue to apply to certain activities in a member’s private life?	Retain provision unchanged
8 If the latter should it continue to be a broad provision or would you restrict it solely to criminal convictions and situations where criminal conduct has been acknowledged?	Retain existing broad provision
9 Do you agree that the Code of Conduct should address the three areas set out in 4.4.11	Yes
10 If so how can we define “inappropriate political purposes”	The definition should be

		determined locally if possible.
11	Do you agree that the Code should not distinguish between physical and electronic resources?	Yes
12	Should paragraph 7 be retained in full, removed altogether or somehow narrowed?	Narrowed
13	If you believe the provision should be narrowed, how would you define it? For example, should it apply only to misconduct in a member’s public capacity or only to significant breaches of the Code?	Only to significant breaches
14	Should there be a further provision about making false, malicious or politically motivated allegations?	Yes
15	Does the Code of Conduct need to provide effective protection for complainants against intimidation, or do existing sections of the Code of Conduct and other current legislation already cover this area adequately?	Yes
16	Do you think the term ‘friend’ requires further definition in the Code of Conduct?	No
17	Should the personal interest test be narrowed so that members do not have to declare interests shared by a substantial number of other inhabitants in an authority’s area?	No change
18	Should a new category of “public service interests” be created which is subject to different rules of conduct?	No – from our experience the benefits of such a change would be outweighed by the disadvantages of further complicating the interests regime for both members, local government officers and the public.
19	If so, do you think public service interests which are not prejudicial and which appear in the public register of interests should have to be declared in meetings?	N/A

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| 20 | Do you think paragraph 10 (2) (a-c) should be removed from the Code of Conduct? | No |
| 21 | Do you think less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups? | No |
| 22 | Should members with a prejudicial interest in a matter under discussion be allowed to address the meeting before withdrawing? | No |
| 23 | Do you think members with prejudicial public service interests should be allowed to contribute to the debate before withdrawing from the vote? | No |
| 24 | Should members employed in areas of sensitive employment need to declare their occupation in the public register of interests? | No |
| 25 | Should Members be required to register membership of private clubs and organisations? And if so should it be limited to organisations within or near the authority's area? | Yes and No |
| 26 | Should the Code require that the register of gifts and hospitality be made publicly available? | Yes |
| 27 | Should members also need to declare offers of gifts and hospitality that are declined? | Yes, but only those over the appropriate threshold (currently £25) |
| 28 | Should members need to declare a series of gifts from the same source, even if these gifts do not individually meet the threshold for declaration? How could we define this? | No |
| 29 | Is £25 an appropriate threshold for the declaration of gifts and hospitality? | Yes |