

Date of issue: 9th December 2008

MEETING

STANDARDS COMMITTEE

CO-OPTED/INDEPENDENT MEMBERS:

The Reverend Paul Lipscomb (Chair), Mr Mike Field, Mr Fred Ashmore and Dr Henna Khan

ELECTED MEMBERS:-

Councillors Cryer, Hewitt, Latif Khan, Mann, Pantelic and Walsh

PARISH COUNCIL MEMBERS:-

Parish Councillors Dalip Rajput, Nicoline Brandligt and Laurie Tucker (latter two's appointment subject to confirmation by Council on 16th December)

DATE AND TIME:

WEDNESDAY, 17TH DECEMBER, 2008 AT 6.30 PM

VENUE:

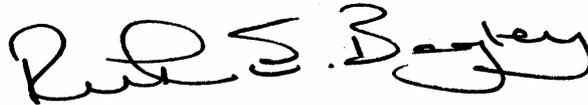
COMMITTEE ROOM 2, TOWN HALL, BATH ROAD, SLOUGH

**DEMOCRATIC SERVICES
OFFICER:**
(for all enquiries)

JUNE COOK
01753 875019

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

NOTE TO MEMBERS

This meeting is an approved duty for the payment of travel expenses.

AGENDA

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
1.	Declarations of Interest (Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct)		
2.	Minutes of the last Meeting of the Committee held on 8th October 2008	1 - 6	
3.	Standards (Local Determination) Sub-Committee Membership	7 - 8	All
4.	DCLG Consultation Document - "Communities in control: real people, real power Codes of Conduct for Local Authority members and employees"	9 - 52	All
5.	7th Annual Assembly of Standards Committees 2008	53 - 56	All

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.



Standards Committee – Meeting held on Wednesday, 8th October, 2008.

Present:-

Co-opted Independent Members:-

The Reverend Paul Lipscomb (Chair), Mr Fred Ashmore, Mr Mike Field and Dr Henna Khan (part of meeting).

Elected Members:-

Councillors Brian Hewitt, Latif Khan, Mewa Mann (part of Meeting), Natasa Pantelic (part of Meeting) and James Walsh (part of meeting).

Also Present as an Observer:-

Parish Councillor, Nicoline Brandligt

Apology for Absence:- Councillor Derek Cryer

PART 1

10. Declarations of Interest

None.

11. Minutes

The Minutes of the Meeting of the Committee held on 16th June, 2008 were approved as a correct record and signed by the Chair.

During consideration of the Minutes the Borough Secretary and Solicitor reported that as requested by the Committee at its last meeting he had placed an item in the Members' Weekly Information Bulletin reminding Members of their obligations in respect of the declaration of gifts and hospitality. He reported that to-date he had received no response thereto and so assumed that there had been no under reporting by Members on these matters.

12. Development of local assessment and review of complaints about the conduct of Members

The Borough Secretary and Solicitor (Monitoring Officer) referred to the recent changes to the Committee's constitution to accommodate the new local standards regime provided for in the Local Government and Public Involvement in Health Act 2007 and the supporting Standards Committee (England) Regulations 2008. The constitutional changes gave the Standards Committee and its Sub-Committees the power to assess, review and where necessary investigate complaints about Member misconduct.

Standards Committee - 08.10.08

At the Committee 's last meeting Members had expressed concern about the lack of additional funding from the Government to enable local authorities to adequately resource these new responsibilities and asked the Monitoring Officer to write to the Government highlighting these concerns. The Department of Communities and Local Government had responded indicating that the Department acknowledged that the new regime would have resource implications on local authorities and in recognition of this the Government had included an extra £2.3m per annum in the local government finance settlement to reflect the estimated additional cost to authorities. A copy of the letter was submitted for information.

The Monitoring Officer drew attention to the membership of the Standards (Assessment) Sub-Committee which comprised the Deputy Chair of the Committee, and Mr Fred Ashmore together with three elected Members drawn from the Standards Committee. He proposed that the selection of elected Members to serve on the Sub-Committee should be determined by lot and sought the Committee's approval to this. The three elected Members not selected by this process together with the Chair of the Committee and Dr Henna Khan would form the Standards (Review) Sub-Committee. The selection process by lot would also apply to Parish Council representatives.

It was intended to permit Complainants to submit complaints in writing by post, fax, email and online through the Council's internet website. The introductory text and standard documentation, including the complaint form and guidance notes, to be placed on the Council's website was submitted for Members' comment and consideration.

The Standards Board for England had made it clear that local authorities should develop criteria on how they would handle the assessment and, if necessary, the subsequent review of complaints and a draft policy guidance document was submitted to the Committee for consideration. The document had been produced with the benefit of the Standards Board's assessment toolkit the "Local Standards Framework – Guide for Authorities" with the inclusion of some "local criteria" which reflected local issues which had arisen in the past.

The Monitoring Officer drew attention to Section 9 of the guidance document which dealt with the review of "no further action" decisions. He proposed that the first sentence in the second paragraph of this Section should be amended to provide for the Review Sub-Committee to consider all complaints referred to it with "fresh eyes" and the deletion of the last sentence in that paragraph i.e. "This will only be if the decision was flawed because of the irregular way in which the allegation was processed or because an irrational judgement was made on the reported facts".

Resolved –

- (a) That the letter received from the Department of Communities and Local Government on the funding of the local standards regime be noted.

Standards Committee - 08.10.08

- (b) That the appointment by lot of elected Members to the Standards (Assessment) Sub-Committee and the appointment of elected Members to the Standards (Review) Sub-Committee now proposed be approved.
- (c) That the documentation now submitted to be posted on the Council's internet website on how to make a complaint about the conduct of a Councillor be approved.
- (d) That the policy guidance document on the assessment and review of complaints as now amended be approved and adopted.

13. Members' Performance Monitoring 2007/2008

In accordance with the instructions of the Council at its meeting on 25th April, 2006 a record of elected Members' attendance at Council, Committee, Sub-Committee, Panel and Outside Bodies meetings and Member training sessions during the municipal year 2007/2008 were submitted for consideration. As requested by the Standards Committee at its meeting on 14th June, 2008 a separate report on elected and co-opted Members' attendance at meetings of the Standards Committee during the same period was also submitted.

The Committee's attention was drawn to the fact that attendance at meetings formed only part of the duties of an elected Member and that the indicators reported were only partially representative of a Members' overall performance.

At the request of the Chair a schedule showing Members' actual attendance as a percentage of the number of meetings they were called to attend was circulated at the meeting. These figures did not take into account meetings which were part attended by Members and it was pointed out that the data presented in this manner did not reflect well on those Members who through no fault of their own were unable to arrive at the very start of the meetings. After some discussion it was agreed that, if it was administratively practicable, where Members attended at least 50% of any meeting these attendances should be credited to the Member.

The Member Services Manager recalled that when the Standards Committee had been consulted on the issue of Member training attendance it had insisted that Members should undergo compulsory training every year. However, having regard to the busy calendar of meetings and the heavy demand council duties had on Members' time it was proposed that, at the discretion of the Borough Secretary and Solicitor/Monitoring Officer, Members should only be required to attend compulsory training sessions if new material /matters were being introduced but that in any event they should attend a refresher training session every 2 years. The Member Services Manager indicated that the Officers would be reviewing the way compulsory Member

Standards Committee - 08.10.08

training was delivered so that it was tailored more to individual Members' needs.

Resolved –

- (a) That the Member Performance Monitoring data for 2007/2008 now submitted be noted.
- (b) That the proposals for compulsory Member training now outlined be approved.

14. Draft Annual Review 2007/2008

As required by the Council's Constitution, the Borough Secretary and Solicitor submitted for consideration the draft Annual Review outlining the work undertaken by the Committee during 2007/2008. In addition to summarising the achievement of the Committee over the last municipal year, the Annual Review included an introduction from the Chair; an outline of the role of the Standards Board; the composition of the Committee; its current terms of reference and its proposed work programme for the next 12 months.

Resolved – That the draft Annual Review of the Standards Committee 2007/2008 be approved and when published a copy be sent to all Members of the Council.

15. Local Code of Conduct for Employees

The Borough Secretary and Solicitor recalled that it had been intended for a number of years to revise the Employee Code of Conduct but that the matter had been delayed because the Local Government Association had been promising for sometime to produce a model code for use by local government generally. To-date this had not materialised and accordingly it had been decided to look at the Council's current Employee Code of Conduct with a view to redrafting and updating it where necessary. It was proposed that the redrafted Code would be submitted to the Committee's next meeting scheduled to be held on 12th January, 2009.

Resolved – That the current position be noted.

16. Work Programme 2008/2009

The Officers submitted for consideration the Committee's current work programme.

The Committee's attention was drawn to the repeat Member briefing session on the Local Code of Conduct and the Council's Ethical Framework which was to be held on 3rd November, 2008. The Borough Secretary and Solicitor indicated that the briefing would also include important and useful guidance for Members in respect of their roles and responsibilities as the Council's appointed representative on Outside Bodies.

Standards Committee - 08.10.08

Resolved - That the current Work Programme for 2008/2009 now submitted be noted.

Chair

(Note: The Meeting opened at 6.15 pm and closed at 7.05 pm)

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SLOUGH BOROUGH COUNCIL

REPORT TO: Standards Committee **DATE:** 17th December, 2008

CONTACT OFFICER: Steven Quayle
Borough Secretary and Solicitor
(01753) 875004

WARDS: All

PART I
FOR DECISION

STANDARDS (LOCAL DETERMINATION) SUB-COMMITTEE MEMBERSHIP

1. Purpose of Report

- 1.1 The purpose of this report is to seek the Committee's confirmation of the appointment of the elected Members to serve in the pool from which the membership of the Standards (Local Determination) Sub-Committee will be drawn.

2. Recommendation(s)/Proposed Action

- 2.1 The Standards Committee is requested to approve the appointment of the following Members to form a pool from which Members will be drawn to serve on the Standards (Local Determination) Sub-Committee for the current municipal year:-

Elected Members:

Councillors Derek Cryer, Latif Khan and Mewa Mann

Independent Co-opted Members:

Messrs Fred Ashmore, Mike Field, Dr Henna Khan and The Reverend Paul Lipscomb.

3. Community Strategy Priorities

- 3.1 It is important that the investigation and determination of complaints about Member misconduct are carried out within a framework which gives the public confidence that such matters will be dealt within a statutory framework which will provide an efficient, effective and impartial process in the handling of such ethical issues.

4. Other Implications

- 4.1 This report does not have any legal, financial or staffing implications.

5. Background/Supporting Information

- 5.1 Under the Council's current constitution the membership of the Standards (Local Determination) Sub-Committee comprises 5 Members. The Chair of the Committee

is automatically a member of the Sub-Committee and the remaining four Members are drawn from a pool of six Members appointed from the Standards Committee. The pool comprises the three remaining non-elected independent Members and three elected Members. By convention each of the three political groups appoint one member to the pool. Two independent Members and two elected Members are selected to serve on the Sub-Committee in alphabetical order in strict rotation.

- 5.2 Each of the Political Groups have been consulted and the following elected Members have been nominated to serve on the Local Determination Sub-Committee:

Councillors Derek Cryer, Latif Khan and Mewa Mann

6. Conclusion

- 6.1 The Committee is asked to confirm the appointment of the above named Members to serve in the pool from which the members of the Standards (Local Determination) Sub-Committee are drawn.

7. Background Papers

Part 2, Article 9 of the Council's Constitution as amended by Council on 22nd July 2008

3. Community Strategy Priorities

- 3.1 The Local Code of Conduct for Members (which comprises the Model Code published by the Government in 2007 together with some supplementary provisions) forms the bedrock of the conduct regime and aims to promote the public's trust and confidence in Members and faith in local democracy. The proposed changes to the Model Code will provide greater clarity for Members, officers and the public at large on how the Local Code of Conduct for Members applies when Councillors are acting in their official capacity and in their private lives.
- 3.2 Whilst the Council does have its own Local Code of Conduct for Employees it is felt that a formal Code which applies to all local government employees and which mirrors, as far as possible, the Model Code is a step forward as it will provide consistency across the country.

4. Other Implications

- 4.1 Whilst this report does not have any financial or staffing implications at this point in time when the new Codes are introduced training and development will be necessary for Members and officers alike but the additional work involved is expected to be met from existing budgets.
- 4.2 The revised Local Code of Conduct for Members in the form of a new Model Code is a document that all Councillors will need to "sign up to" when it is brought into force. In addition, any final Employees' Code will form part of an officer's contract of employment.

5. Background/Supporting Information

- 5.1 The Consultation Document annexed to the report as **Appendix A** was published in October 2008 and seeks responses to the proposals which are summarised below by 24th December this year.
- 5.2 Chapter 2 of the Consultation Document seeks comments on proposals to clarify the Model Code in its application to Members' conduct when acting in a non-official capacity. It also seeks views on the operation of, and proposed revision to, the Model Code including reconfiguring the document into two distinct sections, the first dealing with Members conduct in their official capacity and a second dealing with Members conduct in their non-official capacity. In addition it seeks a response to associated amendments to the 2001 Order.
- 5.3 Chapter 3 of the Consultation Document seeks views on the proposed introduction of a Model Employees' Code which will become part of the employees' terms and condition of employment.
- 5.4 Subject to the responses received the Government hope to implement the proposals in the Consultation Document so that they come into effect in line with local government elections in 2009.
- 5.5 It is considered that the proposed changes to the Model Code are sensible and a right balance has been struck in applying the Model Code to Members' private lives only where a serious criminal offence has been proven. Furthermore, it is

considered right and proper that local authority employees are subject to a similar code of conduct which mirrors, as far as practicable, the Model Code particularly as some senior employees make decisions on behalf of the Council under the Scheme of Delegation in the Council's Constitution.

6. Conclusion

- 6.1 The proposals in the Consultation Document are generally welcomed as can be seen in the draft responses set out in **Appendix B** to this report.

7. Background Papers

None.

8. Appendices

Appendix A - DCLG Consultation Paper - "Communities in Control : Real People, Real Power Codes of Conduct for Local Authority Members and Employees"

Appendix B - Draft responses to the Consultation Document

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



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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.

Part 3

Registration of Members' Interests

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

List of Consultation Questions and Draft Answers

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?

Yes.

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?

It is accepted that the Code would only apply to Members in their private capacity when a serious criminal offence has been committed and a conviction obtained. The definition referred to seems appropriate in the circumstances.

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?

Yes.

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?

Yes.

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

No investigation should commence or if it does so it should immediately cease until the criminal process has been completed and a conviction secured. However, we are very concerned that there may be a considerable lapse of time between investigation, charge and any conviction.

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?

The proposed amendments to the Code are to be welcomed although this Council have had no problems in the interpretation of

paragraph 8 as it relates to membership of other bodies or gifts and hospitality. There are no other drafting amendments necessary.

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?

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?

No.

Question 9 Does the proposed timescales 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?

It is considered that two months is ample time for a member to give the appropriate undertaking.

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

Yes.

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?

The definition of criminal offence is acceptable for the purposes of the General Principles Order.

Question 12 Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?

Yes.

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?

Yes and it is long overdue although local authorities have adopted their own local codes. Where the professionals referred to in

paragraph 3.7 of the Consultation Document are local authority employees it is considered that the proposed Model Code should apply and the professions code should only supplement the Model Code provided they do not conflict. Where the codes do conflict then the professional code should prevail.

Question 14 **Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?**

See the response to Question 13

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

No.

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?**

Yes.

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?**

It is not considered that the qualifying employees should be those that are in politically restricted posts or those employees which have delegated powers under a Scheme of Delegation. They should include both particularly as it is envisaged that a large number of employees will fall into both categories.

Question 18 **Should the code contain a requirement for qualifying employees to publicly register any interests?**

No. Members have a duty to the Borough and their constituents whereas employees' duties are primarily to the Council as their employer. Employees have a right to privacy. Therefore whilst it is important to have a register of interests the register should not be open to inspection by members of the public but only to the Council through its senior officers on a confidential basis.

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?**

No as the categories listed mirror and reflect those in the Members' Code.

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?

Yes.

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?

No.

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

Yes.

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards Committee

DATE: 17th December, 2008

CONTACT OFFICER: Steven Quayle
Borough Secretary and Solicitor
(01753) 875004

WARDS: All

PART I
FOR INFORMATION

7th ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 2008

1. Purpose of Report

1.1 The purpose of this report is to inform the Committee of the content of the 7th Annual Assembly of Standards Committees held on 13th and 14th October 2008 at the International Convention Centre in Birmingham.

2. Recommendation(s)/Proposed Action

2.1 The report is for Members' information only.

3. Community Strategy Priorities

3.1 The primary aim of the Annual Assembly was to consider the workings of the new devolved ethical framework which had been put in place on 8th May 2008 and the forthcoming review of the Model Code of Conduct details of which are contained in another report on the Committee's agenda.

3.2 The Local Code of Conduct for Members (which comprises the Model Code together with some supplementary provisions) forms the bedrock of the conduct regime and aims to promote the public's trust and confidence in Members and faith in local democracy.

4. Other Implications

4.1 As this report is for information only it does not have any financial, staffing or legal implications.

5. Background/Supporting Information

5.1 The Standards Board for England convene on an annual basis an assembly of Standards Committees, the purpose of which is to provide useful information on the progress and development of the ethical framework as set out in the Local Government Act 2000 (as amended) and supporting Regulations. The 7th Annual Assembly which was entitled "*Delivering the Goods - Local Standards in Action*" was primarily concerned with the progress and development of the newly devolved

framework to local standards committees. However, the conference is also an opportunity for valuable networking and the sharing of experiences and solutions with other local authorities, their Members, Monitoring Officers and Independent Co-opted Members.

- 5.2 This year the Chair of the Committee could not attend the Annual Assembly so the Authority were represented by the Monitoring Officer and a Solicitor colleague, Elaine Crawford.
- 5.3 Robert Chiltern, the recently appointed Chair of the Standards Board stated that local authorities had made good progress in adopting the new local framework and that the hot topic for this year's Annual Assembly was the use of alternative action i.e. mediation instead of the investigation of complaints' (see Appendix A).
- 5.4 The Under Secretary of State for the Department of Communities and Local Government D. Khan MP spoke of the importance of the conduct regime to local democracy and regarded the devolution to local standards committees as a success. In addition he commented that the revised Model Code of Conduct was clearer, simpler and more proportionate in its approach to allegations of member misconduct. He also made reference to the recent proposals to amend the Code so that it would apply, in limited circumstances, to Councillors acting in their private capacity. This matter is the subject of a separate report on the agenda.
- 5.5 A summary of the "Breakout Sessions" attended by the Monitoring Officer and Elaine Crawford are set out in **Appendix A** to this report.

6. Conclusion

- 6.1 The Annual Assembly of Standards Committees does enable the Standards Board for England and local authorities to share experience and best practice and it is anticipated that at least one representative of the Council will attend future Assemblies in the future.

7. Background Papers

None.

8. Appendix A

Summary of "Breakout Sessions" attended at the Annual Assembly

7th ANNUAL ASSEMBLY OF STANDARDS COMMITTEES
SUMMARY OF BREAKOUT SESSIONS ATTENDED

Breakout Session - “Alternative action master class”

Mentoring, mediation and guidance can be effective alternative actions to investigations. They can also help authorities to resolve longstanding issues of inappropriate Member behaviour. This session gave an overview of the processes and benefits of alternative actions. Those who have attended the workshop worked through scenarios to build an understanding of when alternative action maybe appropriate, and how to implement it.

Generally the suitability of alternative action fell into two headings - namely:-

- a. There is evidence of poor understanding of the Code of Conduct and the authority’s procedures by a number of Members.
- b. There is a breakdown of relationships within the Council which hinders the conduct of its business e.g. tit for tat allegations.

The important learning point was that if the Assessment Sub-Committee decide that alternative action is the most appropriate form of response then no investigation can subsequently take place if a Member or Members do not subsequently cooperate.

Breakout Session - “Delivering local assessment”

This workshop was for delegates who really wanted to get to grips with the local assessment process and understand the key steps involved. Case examples were used to explain the process from the point the authority receives the complaint to when the Member is notified of the result of the assessment.

It was interesting to see that there were diverse views on whether or not complaints should be referred to the Monitoring Officer for investigation or alternative action proposed.

Breakout Session - “Planning ahead”

This workshop took those involved through different planning scenarios to demonstrate where and how a local Councillor could represent his/her community. It highlighted some of the planning pitfalls and how to avoid them. Again, case examples/scenarios were used and the learning point was to identify many potential areas within the planning processes that Members might need to declare a conflict of interest whether personal or prejudicial.

Breakout Session – “First Response”

This session took the form of a workshop and its purpose was to give guidance on local investigations and decisions made by initial assessment sub-committees and review sub-committees together with advice as to the monitoring officers role once an allegation has been received.

We were given a scenario and in small groups we went through the initial steps that are made once a complaint has been received.

This workshop went through the various stages of a local assessment and highlighted points from the “Local Assessment of Complaints Guidance” and “the Local Government Act 2000 as amended Standards Committee (England) Regulations 2008”.

The Local Assessment of Complaints Guidance can be found on the Standards Board for England website at the link set out below and is a very useful guide for members and officers:

<http://www.standardsboard.gov.uk/Localassessment/Guidanceandtoolkit/>

Breakout Session – “What Went Wrong”

This session took the form of a workshop and its purpose was to highlight common mistakes made by Investigating Officers when investigating breaches of the code of conduct.

Extracts from three Investigating Officers Reports (based on real cases from the Standards Board) were given out. We had to determine what common mistakes had been made by the Investigating Officer. At the end of the session we were given extracts from the Appeals Tribunal Decision from the Adjudication Panel For England highlighting the shortcomings and failures of the investigation process e.g. failure to gather enough relevant evidence.

This workshop was very useful to Council Officers who carry out investigations into allegations of breach of the Code of Conduct and the notes and training material will be used in training staff in Legal Services.

Breakout Session – “Delivering Local Determinations and Setting Sanctions”

This session took the form of a slideshow presentation on delivering local determinations followed by a workshop on sanctions.

The slideshow presentation covered all of the aspects of local determination including; the legal framework, timescales, pre-hearings, the format of the hearing, notifications and appeals.

Before starting the workshop on sanctions there was a short presentation on mitigating circumstances and aggravating circumstances that should be taken into account when deciding an appropriate sanction together with information on making referrals to the Adjudication Panel for England where it is deemed that a sanction of suspension of more than 6 months or disqualification are appropriate sanctions.

The updated guidance on determinations which outlines the aggravating and mitigating factors can be found at the link below:

<http://www.standardsboard.gov.uk/TheCodeofConduct/Guidance/Standardscommittee s/Determinationguidanceandtoolkit/filedownload,16783,en.pdf>