

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.