



Report to Standards Committee

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1. Review of Members Code of Conduct

At the meeting on 29 March 2005, members of the Committee began consideration of the Consultation Paper issued by the Standards Board for England. A note of the comments made by the Committee is attached at **Appendix 1**.

Members are requested to consider the further issues raised in the Consultation Paper for submission to the Standards Board.

2. Standards Board Annual Conference

The Standards Board Fourth Annual conference is to be held on 5 and 6 September 2005. Members are requested to consider nomination of a delegate to the conference.

3. Future Workload

At the meeting on 29 March 2005, it was decided that members of the Committee would form small working groups to meet with the Chairman and Parish Clerk for each of the Parish Councils for informal discussions.

Members are requested to consider the formation of such groups and appropriate topics for discussion.

A CODE FOR THE FUTURE - RESPONSES

1. **Should the ten general principles be incorporated as a preamble to the Code of Conduct?**

Yes! The principles are contextual and are often forgotten.

2. **Are there any other principles which should be included in the Code of Conduct?**

The Code is sufficiently comprehensive.

3. **Is it appropriate to have a broad test for disrespect or should we seek to have a more defined statement?**

A broad test is appropriate otherwise there is a tendency to inflexibility and more problematic situations arising from interpretation of the definition. The cases heard by the Standards Board are now giving an indication of what is not acceptable.

4. **Should the Code of Conduct include a specific provision on bullying? If so, should the definition of bullying adopted by the Code of Conduct reflect the Acas definition of Bullying?**

Yes - to indicate the importance attached to such behaviour being unacceptable. The definition should however be amended to allow for a single serious incident by removing the reference to "a pattern" of behaviour.

5. **Should the Code of Conduct contain an explicit public interest defence for members who believe they have acted in the public interest by disclosing confidential information?**

Yes - but with an indication that this would only be acceptable in highly exceptional circumstances.

6. **Do you think the Code of Conduct should cover only information which is in law "exempt" or "confidential", to make it clear that it would not be a breach to disclose any information that an authority had withheld unlawfully?**

The Committee had no particular comment on this issue.

7. **Should the provision related to disrepute be limited to activities undertaken in a member's official capacity or should it continue to apply to certain activities in a member's private life?**

It should continue to apply to a member's private life but only insofar as such conduct impinges on the conduct of Council affairs.

8. **If the latter, should it continue to be a broad provision or would you restrict it solely to criminal convictions and situations where criminal conduct has been acknowledged?**

See above.

9. **Do you agree that the Code of Conduct should address the three areas set out in 4.4.11 above?**

Yes.

10. **If so, how could we define “inappropriate political purposes”?**

Any definition should include the idea that it is inappropriate if the purpose is to confer political advantage.

11. **Do you agree that the Code should not distinguish between physical and electronic resources?**

This is agreed.

12. **Should paragraph 7 be retained in full, removed altogether or somehow narrowed?**

Narrowed.

13. **If you believe the provision should be narrowed, how would you define it? For example, should it only apply to misconduct in a member’s public capacity, or only to significant breaches of the Code?**

The suggested definition set out is acceptable.

14. **Should there be a further provision about making false, malicious or politically-motivated allegations?**

False accusations should be specifically provided for.

15. **For complainants against intimidation, or do existing sections of the Code of Conduct and other current legislation already cover this area adequately?**

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16. **Do you think the term “friend” requires further definition in the Code of Conduct?**

No.

17. **Should the personal interest test be narrowed so that members do not have to declare interests shared by a substantial number of other inhabitants in an authority’s area?**

Yes.

18. **Should a new category or “public service interest” be created which is subject to different rules of conduct?**

Yes.

19. **If so, do you think public service interests which are not prejudicial and which appear in the public register of interests should have to be declared at meetings?**

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20. **Do you think paragraph 10(2)(a-c) should be removed from the Code of Conduct?**

Yes, if protection is provided as suggested.

21. **Do you think less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups?**

Yes.