

**RESPONSE TO THE STANDARDS BOARD FOR ENGLAND
CONSULTATION PAPER ON THE MEMBERS CODE OF CONDUCT**

THE GENERAL PRINCIPLES

- Q1. Should the ten General Principles be incorporated as a preamble to the Code of Conduct?**

Yes, as a useful reminder.

- Q2. Are there any other principles which should be included in the Code of Conduct?**

No.

DISRESPECT AND FREEDOM OF SPEECH

- Q3. Is it appropriate to have a broad test for disrespect or should we seek to have a more defined statement?**

Yes it is appropriate to have a broad test for disrespect, as it is impossible to legislate for every situation.

- Q4. Should the Code of Conduct include a specific provision on bullying? If so, is the ACAS definition of bullying quoted in the full consultation paper appropriate for this?**

Yes a provision for bullying should be included but this should not be confined to a pattern of behaviour and should include one-off incidents.

CONFIDENTIAL INFORMATION

- Q5. 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, members should be able to raise a defence of public interest to afford the same protection as employees acting under the whistleblowing policy.

- Q6. 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 lawfully?**

Yes.

DISREPUTE AND PRIVATE CONDUCT

- Q7. Should the provision relating 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?**

The provision should be limited to activities undertaken in a member's official capacity apart from in exceptional circumstances which could bring the Council into disrepute.

- Q8. 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?**

N/A.

MISUSE OF RESOURCES

- Q9. We believe that the Code should prohibit breaches of the publicity code, breaches of any local protocols, and misuse of resources for inappropriate political purposes. Do you agree?**

No.

- Q10. If so, how could we define "inappropriate political purposes"?**

N/A

- Q11. Is the Code of Conduct right not to distinguish between physical and electronic resources?**

Yes, there could be a de minimis threshold.

DUTY TO REPORT BREACHES

- Q12. Should the provision of the Code of Conduct that requires members to report breaches of the Code by fellow members be retained in full, removed altogether, or somehow narrowed?**

Members should be in the same position as a member of the public.

- Q13. If you believe the provision should be narrowed, how would you define it? For example, should it apply only to misconduct in a member's public capacity, or only to significant breaches of the Code?**

N/A.

Q14. Should there be a further provision about making false, malicious or politically motivated allegations?

No as this would discourage whistleblowing.

Q15. Does the Code of Conduct need to provide effective protection for complainants against intimidation, or do existing sections of the Code of Conduct and other current legislation already cover this area adequately?

No. Adequate protection exists under current legislation.

PERSONAL INTERESTS

Q16. Do you think the term “friend” requires further definition in the Code of Conduct?

No. The term is defined in the guidance and does not need to be mentioned in the Code.

Q17. 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. If members are elected on a particular issue they should at least be able to speak on that issue although not necessarily vote.

Q18. Should a new category of “public service interests” be created, relating to service on other public bodies and which is subject to different rules of conduct?

Yes. There should be a new way of looking at this issue as this area can be very confusing for members.

Q19. 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?

Yes.

Q20. Do you think paragraph 10(2)(a)-(c) which provides limited exemption from the prejudicial interest rules for some members in certain circumstances, should be removed from the Code of Conduct?

No it should not be removed.

Q21. Do you think less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups?

Less stringent rules should apply.

PREJUDICIAL INTERESTS

Q22. Should members with a prejudicial interest in a matter under discussion be allowed to address the meeting before withdrawing?

Yes.

Q23. Do you think members with prejudicial public service interests should be allowed to contribute to the debate before withdrawing from the vote?

Yes.

REGISTRATION OF GIFTS AND HOSPITALITY

Q24. Should members employed in areas of sensitive employment, such as the security services, need to declare their occupation in the public register of interests?

This does not appear to create any problems at the moment as members can be fairly vague about their details if they feel it is necessary.

Q25. Should members be required to register membership of private clubs and organisations? And if so, should it be limited to organisations within or near an authority's area?

Members should declare all interests if they are relevant to the issue under debate, however, they should not be expected to register all club memberships. It is more important to declare such interests when necessary than to formally register them.

GIFTS AND HOSPITALITY

Q26. Should the Code of Conduct require that the register of gifts and hospitality be made publicly available?

Yes. Some guidance on the manner and extent of publication would be useful.

Q27. Should members also need to declare offers of gifts and hospitality that are declined?

Yes.

Q28. Should members need to declare a series of gifts from the same source, even if these gifts do not individually meet the threshold for declaration?

Yes. A definite regular amount should be declared e.g. to a value of £25 in a 6-month period.

Q29. Is £25 an appropriate threshold for the declaration of gifts and hospitality?

Yes.