

**STANDARDS COMMITTEE
18 APRIL 2007**

REVISED MEMBERS' CODE OF CONDUCT

Set out below is the response this Council has made to the recent consultation by the Department of Communities and Local Government on revisions to the Members' Code of Conduct. This reflects comments received from Members and the views of the Corporate Standards Manager.

Details of the Model Code of Conduct is attached for the Committee's reference.

Response by Wiltshire County Council

I am writing on behalf of Wiltshire County Council in response to the consultation document proposing amendments to the Model Code of Conduct for Local Authority Members.

The Council, in broad terms, supports the submission that you will have received from Mirza Ahmad, the chief legal officer at Birmingham City Council. However, I have been asked by members to draw your attention to one or two areas where this authority differs from Mr Ahmad's response, or where they wished to amplify comments made in that document. Those areas are as follows:

1. Disclosure of confidential information
While members agreed with the thrust of the argument presented here, they had some reservations about the wording of the proposal in the consultation document. They considered that the proposal was worded in such a way that a member might successfully claim that there was a public interest in almost any disclosure. They suggest that a member who discloses confidential information should be required to demonstrate how the public interest in disclosure outweighs the public interest in maintaining the confidentiality of the information in question. The public interest test and guidance and decision notices from the Information Commissioner on its application to the Freedom of Information Act 2000 are likely to be helpful here.

Members observed that it would be helpful for the term "confidential information" to be defined in the Code.

2. Gifts and hospitality
Members have commented that they wish the lower monetary value requiring to remain at £25, rather than the increase to £100 proposed by Mr Ahmad. They take the view that one of the purposes of the Code and registration of gifts and interests is to promote transparency and public confidence. Our own council's experience is that there are very few declarations of gifts or hospitality with a monetary value in excess of £100. If the limit were raised from £25 to £100, a likely consequence would be that there were few, if any, declarations made, which my members believe would not serve to promote public confidence in the process.
3. Behaviour outside official duties
In view of the fact that a person agreeing to accept a caution has not been convicted of an offence, yet there are instances of cautions being issued for offences such as rape, members do not consider that this goes far enough. They suggest that members should be required to notify the authority of any convictions or cautions to which they may be subject.
4. Publicity code
The Publicity Code appears to give comprehensive and sensibly written guidance on Local Authority Publicity and as such provides a common baseline for the manner in which publicity is to be handled. As such it serves a useful purpose and should be preserved. There appears to be no sensible reason why exemption from the guidance contained in the Publicity Code should be granted to some authorities and they should therefore be brought into line with the majority.
5. Gender neutrality of language
Although using the word 'you' would be a simpler way of achieving gender neutrality in the wording of the Code, its more personal effect would be at odds with both the legalistic tone of the remainder of the wording in the Code. It could also perhaps be confusing when coupled with the existing use of the term 'member' or 'members'. Other than re-writing the whole of the Code in a more user-friendly form of words, the substitution of 'they' as appropriate for 'he or she' or 'him or her' would meet the requirement for the Code to be gender-neutral.

Views of the Council's Final Accounts and Audit Committee

In considering a report on the draft Statement of Internal Control, the Final Accounts and Audit Committee at its meeting on 22 March, referred to the Code of Conduct for Members. The following is the relevant extract from the minutes of that Committee:

“Reference was also made to the Revised Code of Conduct for Members. The Committee was advised it was understood that it was the Government's intention that this should be implemented in time for the May elections. The Head of Legal & Democratic Services considered that given the consultation period on the draft had only expired on 9 March, this time scale might be too ambitious. If available, the new Code could be considered by the Standards Committee on 18 April in order to recommend its adoption or otherwise by Annual Council in May.

The Committee considered that the adoption of a new Code should not be rushed and that if necessary, subject to the legal requirements, the Council should consider a draft Code and give further consideration at a later date to enable a thorough evaluation of the proposed Code.

Resolved:

(2) That the Standards Committee be advised of this Committee's view that consideration of the revised Code of Conduct should not be rushed in view of the short time scale which may be given to adopt it. That if necessary, subject to the statutory requirements the Council should consider the Code as a draft and if necessary, delay its adoption to allow time for a full evaluation of it.“

**STEPHEN GERRARD
MONITORING OFFICER**

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