

Minutes

Meeting of : Standards Committee
Meeting held in : The Meeting Room, City Hall, Salisbury
Date : Monday 15 December 2008
Commencing at : 2.00 pm

Present:

Mrs J Clarkson (Independent Person) - Chairman
Mr R Job (Independent Person) – Vice-Chairman

Mr M Chandler (Parish Representative).

Councillors R Britton, C G Mills and B M Rycroft (Deputy Member)

Apologies: Mr R Crook and Mr P Matthews.

Also in attendance; Deborah Holmes (Interim Head of Legal & Property) and Tim Revell (Interim Head of Democratic Services).

112. Public Question/Statement Time:

There were none.

113. Chairman's Announcements:

There were none.

114. Minutes:

Resolved - that the minutes of the meeting on 17 November 2008 be approved as a correct record and signed by the Chairman.

115. Declarations of Interest:

There were none.

116. Codes of Conduct for Local Authority Members and Employees:

The Committee considered the previously circulated report from the Interim Head of Legal and Property Services which suggested responses to consultation by the Department for Communities and Local Government (DCLG) on amendments to the code of conduct for local authority members and the introduction of a code of conduct for local authority employees. Having considered the matter in detail and taken a view on the questions asked it was



Awarded in:
Housing Services
Waste and Recycling Services



Resolved: that the Interim Head of Democratic Services in consultation with the Chairman be authorised to finalise the response to DCLG on behalf of the committee (see appendix).

117. Parish council briefing

The Chairman referred to the briefing session on the code of conduct for parish clerks which had taken place on 11th December. The session had been well attended with a lively discussion of issues relating to the code of conduct. She thanked the officers for their work in organising the session.

118. Training for standards committee members

The committee was advised that the council meeting on 8th December 2008 had not accepted the recommendations made at the meeting on 20th October 2008 about training for standards committee members who participated in hearings. Members noted the issues raised during the council debate and the concerns which had been expressed about the recommendations.

Resolved: that

- (1) the committee reaffirm its view that the proposals represented a reasonable way of ensuring that hearings took place in an appropriate manner.
- (2) the Chairman write to the group leaders to explain in detail the reasons for the recommendations and address the concerns expressed during the council debate.

119. Date and Time of Next Ordinary Meeting:

Resolved: that the next ordinary meeting be held on Monday 19 January 2009 at City Hall starting at 2.00 pm.

120. Assessment Sub-Committees

The Chairman advised members that meetings of the Assessment Sub-Committee to consider each of the two complaints recently received by the Monitoring Officer would be held at the conclusion of this meeting.

*The meeting closed at 3.30 pm
Members of the Public Present 0*

Appendix

Standards Committee
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Karl Holden
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DATE: 17 December 2008

Dear Mr Holden

Consultation: codes of conduct for local authority members and employees

The consultation document was considered by this Council's Standards Committee at its meeting on 15th December 2008 at which it agreed the following response to the questions in the consultation document:

Question 1 Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?

Yes; but the existing Code already deals adequately with this.

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.

Yes; the definition is agreed.

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.

Yes; the definition is clear.

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?

In some circumstances this will be appropriate where there is no risk from the member continuing with their role as a local authority member. In some cases it may be necessary to continue with the standards investigation if there were a risk to the public although close liaison with the police would be necessary to ensure that neither investigation was prejudiced by activities related to the other investigation.

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?

Yes. Amendment of paragraph 12(2) to apply it automatically to parish councils is sensible and will reduce the potential for confusion and inadvertent breach of the Code. The proposed clarifications of paragraph 8(1) (a) requiring members to register gifts above the specified level and the meaning of 'determining' in paragraph 10(2) (c) are helpful.

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? Please give details.

No.

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?

Yes; although two months errs on the generous side. Members should also be required to confirm that they have submitted their register of interests to the monitoring officer.

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

Yes.

Question 11 Do you agree with the broad definition of 'criminal offence' as any conduct that has resulted in a criminal conviction, for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?

No.

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

Yes.

Proposed Employees' Code of Conduct

DCLG are seeking views on whether a mandatory code to be incorporated into employees' contracts of employment is needed and also on details of its application.

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?

It appears that in the current climate a mandatory code is desirable to maintain public confidence, even if many of the proposed elements are covered by other regulatory regimes. It should also reassure members that they are not being more strictly monitored than officers.

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

The stated rationale for excluding these groups is that the Employees' Code is not needed because these are professions which have their own codes of conduct already. However, not all of these other regulatory codes relate directly to the local government context, for example the solicitors' regulatory code, and, there seems to be no reason why these groups of workers should not be bound by the core values. Members who are in regulated professions are not excluded from the member code of conduct.

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; however, although the principle of including whistleblowing is understood there is a contradiction with the members' code from which it was removed. The proposals regarding the appointment of staff are reasonable.

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 political restriction model is favoured as this is already established and will include the senior management group of employees for each local authority at whom this provision is aimed.

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

It should apply to all qualifying employees including parish clerks.

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; subject to it being made clear that the Monitoring Officer's discretion to agree not to publish information identifying the address of employees should be exercised as required to protect their safety and that of other members of their household.

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; if 'qualifying employee' is tightly defined as in 17 above.

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

The core principles should apply to all employees. The other requirements are too onerous.

Yours sincerely

Tim Revell
Interim Head of Democratic Services