

Appendix 2 - Codes of Conduct for Local Authority Members and Employees

Consultation Response from West Wiltshire District Council

	Consultation Question	Proposed Response
Q1	Do you agree that the Members' Code should apply to a member's conduct when acting in their non-official capacity?	Yes
Q2	Do you agree with this definition of "criminal offence" for the purpose of the Members' Code? If not what other definitions would you support, for instance should it include police cautions? Please give details.	Yes
Q3	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
Q4	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
Q5	Do you agree that an ethical investigation should not proceed until the criminal process has been completed?	This is consistent with the criminal law principle - a person is innocent until proven guilty.
Q6	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?	
	Parish Councils	Yes
	Membership of other bodies	No. The wording appears clear but if other responses favour revised wording there would be no objection to this.
	Personal interests	Yes. This wording should be amended to

	<p>Prejudicial interests</p> <p>Existing Registration of Members' interests</p>	<p>clarify that a member is required to register a gift or hospitality over a specified amount. The amount should be increased to £100.</p> <p>Yes. All amendments to the Code suggested in paragraphs 2.27, 2.28 and 2.29 are required to increase clarity.</p> <p>Yes</p>
Q7	<p>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?</p>	<p>No</p>
Q8	<p>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.</p>	<p>No</p>
Q9	<p>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 observe the Code?</p>	<p>Yes. This time period seems reasonable.</p>
Q10	<p>Do you agree with the addition of this new general principle applied specifically to conduct in a member's non-official capacity?</p>	<p>No - General Principles 2 - Honesty and Integrity and 8 - Duty to uphold the law already provide for this.</p>
Q11	<p>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?</p>	<p>Not necessary to add a new principle.</p>
Q12	<p>Do you agree with this definition of official capacity for the purpose of the General Principles Order?</p>	<p>No - see above.</p>

Model Code of Conduct for Local Government Employees		
Q13	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?	There seems to be little evidence of unethical behaviour by local authority employees on a wide scale so would question the need for such a code. It may lead to a lack of clarity and make enforcement difficult
Q14	Should we apply the Employees' Code to fire-fighters, teachers, community support officers and solicitors?	As long as it does not lead to conflict and confusion between the Employee's Code and the professional codes.
Q15	Are there any other categories of employee in respect of whom it is not necessary to apply the Code?	No
Q16	Does the Employee's 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.
Q17	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 delegation model should be used as the values in the Employees' Code seem particularly applicable for employees who have responsibility for making decisions as part of their daily job.
Q18	Should the Code contain a requirement for qualifying employees to publicly register any interests?	No. There would be many occasions when qualifying employees may wish to seek exemptions. To have such a requirement would be unwieldy and burdensome and could be dangerous, for example in the case of enforcement officers.
Q19	Do the criteria of what should be registered	No

	contain any categories that should be omitted, or omit any categories that should be included?	
Q20	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 No
Q21	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
Q22	Should the Employee's Code extend to employees of parish councils?	No