

Western Area Committee

31 March 2005

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REPORT

REVIEW OF THE CODE OF CONDUCT

1. Report Summary.

- 1.1. To advise Members of the review ["the Review"] of the Code of Conduct for Members ["the Code"].
- 1.2. To seek Members views in response to the Review.

2. Background.

- 2.1. The Code was introduced in 2001 as part of the Local Government Act 2000 and came into force across all authorities in May 2002. The Code is based on ten general principles derived from recommendations by the Committee on Standards in Public Life.
- 2.2. Consultation by the Standards Board for England ["the Board"] on the Code started on 18th February. The closing date for responses is 17th June 2005. The Board intends making its recommendations to the Office of the Deputy Prime Minister for consideration in the autumn of 2005.
- 2.3. A leaflet introducing the consultation has been sent to monitoring officers, council leaders, chief executives and parish clerks. A copy of the leaflet is attached at [Appendix 1](#).
- 2.4. The leaflet includes a number of questions on which Members views are sought.
- 2.5. A full form consultation paper is available on the Board's website at www.standardsboard.co.uk/TheCodeofConduct/Codeconsultation/
- 2.6. The consultation reflects the majority of revisions to the Code suggested in the report of the Graham Committee on Standards in Public Life's Tenth Inquiry published in January 2005. A copy of the Executive Summary and List of Recommendations is attached at [Appendix 2](#). The main area where there is disagreement between the Graham Committee and the Board concerns whether there should be a local filter for complaints. The Graham Committee recommends locally based arrangements for the initial handling of complaints because it sees that it is not sustainable for the Board to handle all complaints irrespective of the seriousness of the complaint made. However the Board's belief is that it will be difficult to maintain public confidence and trust in local democracy if councils are seen to be deciding which of their own members should be investigated.

3. Purpose of the consultation.

- 3.1. To review the effectiveness of the Code and explore ways in which it could be simplified, clarified and improved with a view to ensuring that the Code continues to have integrity, standing and relevance to members and the public.
- 3.2. All parts of the Code are open for consideration but the Board sees the key issues as:
 - Whistleblowing: should there be an express public interest defence for people disclosing confidential information?
 - Duty to inform: should members be obliged to report other members they believe to have breached the Code?
 - Private life: to what extent should the Code cover member's private behaviour?
 - Registering and declaring interests: can the current system be simplified and improved?
- 3.3. The aim of the review is not to address the role or operations of the Board, its referral thresholds or to discuss whether particular matters merit investigation in individual cases.

4. Consultation mechanisms.

4.1. Responses to the Board may be made in any capacity. The Board asks that respondents indicate if they are representing a particular organisation and in what capacity they are responding.

4.2. A standard report and appendices is being circulated to all Area Committees and a report collating all of the responses will then be brought to the Standards Committee with a view to making any recommendations to Council. Council can then resolve at its May meeting on a council wide response.

4.3. Members can respond directly to the Board in an individual capacity if they so choose.

4.4. So far as parish councils are concerned the leaflet is being made available at the council parish and town council liaison meeting on 20th April.

5. Recommendations.

5.1. To note the leaflet.

5.2 To recommend responses to the consultation questions for consideration by Standards Committee.

5.3. To make any other recommendations concerning the Code for consideration by the Standards Committee that Members think fit.

6. Background Papers.

Full consultation paper issued by the Board

7. Implications.

- **Financial:** none
- **Legal:** contained in the report
- **Human Rights:** none
- **Personnel:** none other than handling the consultation process
- **Community Safety:** none
- **Environmental implications:** none
- **Council's Core Values:** excellent service, being fair and equitable
- **Wards Affected:** all