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Supplementary information for 16th December 2008 Standards Committee

Agenda item 12 – Amended Appendix 3 (Conservative Group response to Model Code consultation)

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Conservative Group draft response to Model Code consultation

General comments: These comments from the Conservative Group are made in response to the consultation document and specifically the Standards Committee's draft response.

The Conservative Group Whip wishes to stress that he has serious reservations about the Standards Committee being selected as the body to provide feedback on this issue on behalf of the Council as opposed to a committee of Elected Members, who this consultation directly affects.

Chapter 2: Code of conduct for local authority members

Question 1: Do you agree that the Members' Code should apply to a Member's conduct when acting in their non-official capacity?

No we do not agree 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.

The definition of an offence should not be altered and should stay in line with the government's intention only to cover serious offences.

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.

This is fine.

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?

This seems a logical move. Any criminal offence committed abroad should only be taken into account if a criminal offence in the UK.

Question 5: Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

An ethical investigation should only proceed once a Member has been convicted of an offence, not before or during a criminal 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?

Why change this Code when Members are just getting to grips with it?

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?

None that we can think of.

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?

We agree that the re-registering of interests would be a time consuming task and should not be required for any changes to the Code. There should be no new paperwork needed to be submitted by existing Members. The two months to learn the Code (including training) should be extended for new Members.

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

We believe that the role of an Elected Member is a public role and that your private life should remain private.

Question 11: 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?

The definition of a criminal offence should remain the same for both the Code and General Principles Order but the idea of a General Principles Order is not something we are comfortable with.

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

The definition for official capacity should remain the same for both the Code and General Principles Order but the idea of a General Principles Order is not something we are comfortable with.

Chapter 3: Model Code of Conduct for local authority employees

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?

Leeds already has an existing Code of Conduct for employees so if other authorities adopted a similar one it would be beneficial.

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

We support the case for excluding categories of employees who have their own professional codes of conduct. Many professions in addition to those listed have such codes, but in our view all local government employees (in common with all elected members) should be bound by a common 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. It should apply to all employees.

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?

Works ok at the moment.

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?

Further consultation needed.

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

Yes and they should declare their interests at relevant meetings in the same way that Members have to.

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?

This seems comprehensive. In our opinion all employees should register a list of interests akin to Members, including gifts and hospitality.

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?

The Code for Members and employees should be one in the same.

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.

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

Yes.