

# **CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES**

## **CONSULTATION DOCUMENT**

### **FORMAL RESPONSE OF SOUTH RIBBLE BOROUGH COUNCIL**

#### **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?*

South Ribble Borough Council agrees that the members' code should apply to a member's conduct when acting in their non-official capacity. However, this should only be to the extent that is proposed in the consultation document – i.e. only to those circumstances where a member commits a criminal offence.

##### **Question 2**

*Do you agree with this definition of "criminal offence" for the purposes of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.*

It is considered that the definition of "criminal offence" is workable. If the Code is indeed to apply to criminal offences committed by members in their non-official capacity then it probably makes sense to exclude fixed penalty offences. If not then even a minor traffic infringement could result in a member being in breach of the Code of Conduct.

The Council considers that police cautions should be excluded from the definition of "criminal offence."

##### **Question 3**

*Do you agree with this definition of "official capacity" for the purposes of the members' code? If not, what other definition would you support? Please give details.*

It is considered that this definition is sufficiently wide for the purposes of the Code. If a member is representing that he is acting in his official capacity then it is right that the Code should apply if it subsequently becomes apparent that he was merely pursuing his own personal interests – he would be abusing his position in this regard.

#### **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?*

If a member's conduct whilst acting in a personal capacity would not be illegal under the laws of this land then this Council maintains that such conduct should not be covered by a Code of Conduct.

#### **Question 5**

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

Agreed. There is a danger that to continue with an ethical investigation in these circumstances could have a prejudicial effect on the criminal process.

#### **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?*

The suggested amendments here are designed to improve clarity. Essentially they constitute a tidying up exercise. They do not appear to be controversial in any way and are therefore supported.

There are no other obvious drafting amendments that would be required.

#### **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?*

From this Council's point of view it is difficult to see what areas of conduct could be deleted from the Code. There is nothing obviously superfluous.

### **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?*

From the Council's perspective there are no obvious gaps in its provisions. It is important that the right balance is struck – one would not want to have a code that was too onerous.

### **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?*

Agreed. The time scale is reasonable.

### **Question 10**

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

The general principle referred to is: "Members should not engage in conduct which constitutes a criminal offence"

South Ribble Borough Council agrees with this general principle.

### **Question 11**

*Do you agree with this broad definition of "criminal offence" for the purposes of the General Principles Order? Or do you consider that "criminal offence" should be defined differently?*

South Ribble Borough Council agrees with this general definition.

It is obviously important that the definition here should be consistent with the definition of criminal offence elsewhere in the Code.

## **Question 12**

*Do you agree with this definition of “official capacity” for the purpose of the General principles Order?*

It is considered that the definition is workable for the purposes of the Code

## **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?*

South Ribble Borough Council has its own voluntary Code of Conduct which all employees sign up to.

The Council’s Standards Committee discussed this issue at length. On balance it was considered desirable that a mandatory model code should be introduced that would set out minimum standards that all Councils should be subject to.

## **Question 14**

*Should we apply the employees’ code to fire-fighters, teachers, community support officers, and solicitors?*

Yes. If there is to be an employee Code of Conduct then it should apply to all employees. It would be perceived to be unfair if certain professions were exempt from its requirements.

## **Question 15**

*Are there any other categories of employee in respect of whom it is not necessary to apply the code?*

Please see the response to question 14. If there is to be a Code then all employees should be subject to the Code without exception.

## **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?*

In the main this Council was happy with the core values that were enshrined in the Code.

However, some disquiet was expressed by the members of our Standards Committee about the provisions relating to whistle blowing. This Council considers that employees should be encouraged to whistle blow but that to make it absolute requirement is going too far. To this extent the Council would want the core values to be amended. It is considered that the Code for Employees should reflect the approach on this issue as is set out in the existing Members' code.

## **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?*

South Ribble Borough Council agree that there should be a two tier approach to the Code of Conduct for Employees – core values for all employees and additional values for qualifying ones.

This Council considers that the political restriction model is preferable as it is very clear as to which employees would fall within this definition.

## **Question 18**

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

Agreed. It is difficult to argue against such a requirement.

## **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?*

Again the list does appear to be sufficient in this regard. It includes membership in a body exercising a public function, any business that an employee might own or have a share in (greater than £25,000), any contracts between the authority and any company an employee has an interest in, and any land or property in the authority's area in which the employee has a beneficial interest.

This Council agrees with these proposals.

**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?*

It is considered that the combination of the core values and these additional requirements are sufficiently wide and that they do indeed capture all pertinent aspects of the Members' code.

**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?*

It is not considered that the additional requirements are excessive.

**Question 22**

*Should the employees' code extend to employees of parish councils?*

The Parish Council representatives on this Council's Standards committee considered that on balance the Code should apply to the employees of parish councils.