

**STANDARDS COMMITTEE
6 MARCH 2007**

Present: Independent members: -
Mr V Kempner (in the Chair)
Mrs S Fellows
Councillors Bird, Smith and Tucker.

Apologies for absence were received from Councillors Daniel and Poulter.

10. MINUTES

RESOLVED – that the minutes of the meeting held on 7 December 2006 be approved and signed by the chair as a correct record.

11. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting

12 CONSULTATION ON AMENDMENTS TO THE MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS

The Borough Solicitor and Monitoring Officer reported that the Local Government White Paper, Strong and Prosperous Communities, included an announcement that the Government intended to put in place a clearer, simpler and more proportionate code of conduct for members of local authorities. The report summarised the proposed amendments to the Code. It also set out the questions posed with suggested responses.

RESOLVED that the report be noted and responses to questions be approved and submitted as follows: -

Question 1. Does the proposed text of the disclosure of confidential information strike an appropriate balance between the need to treat certain information as confidential, but to allow some information to be made public in defined circumstances when to do so would be in the public interest?

Response:- The Government's own comment on clarification is one it should pursue to avoid the situation where, for example, the confidential information is acquired in a private capacity but disclosed in relation to work of the Council. As, even with the existing Code, there appear to be disclosures of confidential information, any relaxation of the Code should be closely defined and it may be that the circumstances where the public interest is served should be set out in regulation rather than left to Standards Board Guidance;

Question 2. Subject to powers being available to us to refer in the code to actions by members in their private capacity beyond actions which are directly relevant to the office of the member, is the proposed text which limits the proscription of activities in members' private capacity to those activities which have already been found to be unlawful by the courts, appropriate?

**STANDARDS COMMITTEE
6 MARCH 2007**

Response:- It is agreed that the new paragraph 4(2) should provide that only private conduct which has resulted in a criminal conviction should be proscribed by the Code;

Question 3. Is the Code of Recommended Practice serving a useful purpose? If the Publicity Code is abolished, do consultees think some or all of its provisions should be promulgated in a different way, eg via guidance issued by local government representative bodies, or should authorities be left to make their own decisions in this area without any central guidance? Should authorities not currently subject to the Publicity Code be required to follow it, or should the current position with regard to them be maintained?

Response:- - This seems to be a sleight of hand by the Government, incorporating consultation on this long- standing guidance into consultation on amendments to the Code of Conduct. There are many areas where local authorities may wish to make their own decisions without having to have regard to central government guidance. However, government guidance does serve its purpose and provides a standard. It may be that the Code itself needs revision again but that would require detailed consideration and response. On the final question, if the Code of Conduct is incorporating reference to the Code of Practice, then it would make sense to extend its application to all bodies governed by the Code of Conduct;

Question 4. Does the proposed text with regard to gifts and hospitality adequately combine the need for transparency as well as proportionality in making public information with regard to personal interests?

Response:- If this is to be adopted, then it is suggested that there is clear guidance from the Standards Board on what will amount to gifts and hospitality and the circumstances under which they are received;

Question 5. - Does the proposed text relating to friends, family and those with a close personal association adequately cover the breadth of relationships with ought to be covered, to identify the most likely people who might benefit from decisions made by a member, including family, friends, business associates and personal acquaintances?

Response:- Further clarification is needed of what might amount to a "close personal association";

Question 6. Would it be appropriate for new exceptions to be included in the text as additions to the list of items which are not to be regarded as prejudicial?

Response:- No further exceptions were identified;

Question 7. - is the proposed text, relaxing the rules to allow increased representation at meetings, including where members attend to make representations, answer questions or give evidence, appropriate?

**STANDARDS COMMITTEE
6 MARCH 2007**

Response:- It is unclear whether the wording applies to a member, who attends as a member of the committee, rather than to say a member who attends solely as an applicant for a planning permission or ward councillor addressing Cabinet; and

Question 8. - is there a better, more user-friendly way of ensuring the text is gender neutral, for example, would consultees consider that amending the wording to say "you" instead of "he or she" would result in a clearer and more accessible code for members?

Response:- Use of the second person would probably have the effect of making the Code clearer and more accessible.

(The Chair declared the meeting closed at 7.00 p.m.)