

Questions

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?

Yes. We agree that conduct of members that would constitute a criminal offence, even when acting in their non-official capacity, ought to be caught by the Code of Conduct.

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.

We agree that fixed penalty offences ought to be excluded. However there may be some occasions when some offending behaviour dealt with by a caution ought to be able to be included in the definition. Cautions are given for criminal conduct that is more serious than fixed penalty matters and can include offences relating to drugs possession, dishonesty and public order offences. In order to be dealt with by a caution the offender has to admit facts that could constitute a criminal offence.

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.

Yes. It ought to include occasions when a member is giving the impression that they are acting as a representative of the local authority.

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?

Yes.

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

Yes. There is however concern that awaiting the outcome of the criminal process may not help with public confidence in a case of serious crime if the member continues to play an active role in the business of a local authority.

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 amendments that are suggested are helpful.

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?

No.

Question 8 - Are there any aspects of conduct in a members' 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 members 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?

Two months is sufficient time.

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

Yes.

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?

Yes, subject to the response set out in question 2 relating to cautions.

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

Yes.

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?

Yes.

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

Yes. It would be preferable for the code of conduct to apply to all local authority employees, notwithstanding that some employees who are members of professional bodies are subject to the code of conduct of their professional body.

Question 15 - Are there any other categories of employee in respect of whom it is not necessary to apply the code?

See reply to question 14. Note - you will appreciate that your list of professions was not exhaustive, ie barristers, legal executives, accountants and so on.

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?

Yes, with the exception that an additional duty of trust could be included. This is a duty for employees to at all times act in accordance with the trust that the public is entitled to place in them.

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?

The delegation model is preferred.

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

Qualifying employees ought to be required to complete a register of interests.

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?

Additional categories that could be included are:

- Details about the name of the spouse/or partner or anyone who lives with the employee and makes a significant contribution to the household income.
- Details of membership of secret societies.

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?

Yes.

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.