

A Code for the future

An introduction to the review of the Code of Conduct for members

Consultation

Introduction

The Standards Board for England is reviewing the Code of Conduct and we are inviting you to help shape its future. It has been nearly three years since the Code came into force, and we believe now is a good time to examine its effectiveness and address the issues that have given rise to debate within the local government community.

We have been asked to conduct this review by the Government. The review was launched in September 2004 at the Third Annual Assembly of Standards Committees by the Rt Hon Nick Raynsford MP, Minister of State for Local and Regional Government. He stressed that the Government does not wish to dilute the underlying principles of the Code but rather seeks to see what lessons may be learnt from our experiences of working with it.

We have been listening to your views on the Code of Conduct since then, both in workshops at the conference and as we have met with members, officers and other groups across the country, and have identified a number of key areas for review which we have shaped into the 29 questions listed inside this leaflet. Now it's your turn to tell us what you think.

Who we are consulting

We want to involve everyone who has an interest in the Code of Conduct in this review, and welcome responses from all. As well as the members and officers of relevant authorities, and other groups in the local government family, we are reaching out to organisations that represent the public, consumer groups, and political parties.

Key areas

- Public interest defence in relation to disclosure of confidential information
- The duty for members to report misconduct by colleagues
- The line between public and private conduct
- Personal and prejudicial interests
- Registering interests

Principles behind the Code

The Code of Conduct is founded on ten general principles set out in the *Relevant Authorities (General Principles) Order 2001*, derived from recommendations by the Committee on Standards in Public Life.

The ten general principles underpin and steer the provisions of the Code of Conduct and are fundamental to its interpretation. The *Local Government Act 2000* requires the Code of Conduct to be consistent with the general principles but it does not currently incorporate them. They are:

- Selflessness
- Honesty and integrity
- Objectivity
- Accountability
- Openness
- Personal judgement
- Respect for others
- Duty to uphold the law
- Stewardship
- Leadership

questions

These questions cover the range of areas that we know are of most concern to you, and we are very interested to hear your opinions on all of them. We also welcome your opinions on other issues not covered here. Once you have read the questions, you can turn to the back of this leaflet for instructions on submitting your answers.

Consultation paper

For those of you who want more detailed information, we have produced a formal consultation paper that sets out the full context to each question and includes background information on the issues. The paper is available in both hard copy and online.

View and download the paper online at: www.standardsboard.co.uk/codereview/.

To order a printed copy, call 020 7378 5110 or e-mail publications@standardsboard.co.uk.

The general principles

- 1 Should the ten general principles be incorporated as a preamble to the Code of Conduct?
- 2 Are there any other principles which should be included in the Code of Conduct?

Disrespect and freedom of speech

- 3 Is it appropriate to have a broad test for disrespect or should we seek to have a more defined statement?
- 4 Should the Code of Conduct include a specific provision on bullying? If so, is the Acas definition of bullying quoted in the full consultation paper appropriate for this?

Confidential information

- 5 Should the Code of Conduct contain an explicit public interest defence for members who believe they have acted in the public interest by disclosing confidential information?
- 6 Do you think the Code of Conduct should cover only information which is in law "exempt" or "confidential", to make it clear that it would not be a breach to disclose any information that an authority had withheld unlawfully?

Disrepute and private conduct

- 7 Should the provision relating to disrepute be limited to activities undertaken in a member's official capacity or should it continue to apply to certain activities in a member's private life?
- 8 If the latter, should it continue to be a broad provision or would you restrict it solely to criminal convictions and situations where criminal conduct has been acknowledged?

Misuse of resources

- 9 We believe that the Code should prohibit breaches of the publicity code, breaches of any local protocols, and misuse of resources for inappropriate political purposes. Do you agree?
- 10 If so, how could we define 'inappropriate political purposes'?
- 11 Is the Code of Conduct right not to distinguish between physical and electronic resources?

Duty to report breaches

- 12 Should the provision of the Code of Conduct that requires members to report breaches of the Code by fellow members be retained in full, removed altogether, or somehow narrowed?
- 13 If you believe the provision should be narrowed, how would you define it? For example, should it apply only to misconduct in a member's public capacity, or only to significant breaches of the Code?
- 14 Should there be a further provision about making false, malicious or politically-motivated allegations?
- 15 Does the Code of Conduct need to provide effective protection for complainants against intimidation, or do existing sections of the Code of Conduct and other current legislation already cover this area adequately?

Personal interests

- 16 Do you think the term 'friend' requires further definition in the Code of Conduct?

- 17 Should the personal interest test be narrowed so that members do not have to declare interests shared by a substantial number of other inhabitants in an authority's area?
- 18 Should a new category of 'public service interests' be created, relating to service on other public bodies and which is subject to different rules of conduct?
- 19 If so, do you think public service interests which are not prejudicial and which appear in the public register of interests should have to be declared at meetings?
- 20 Do you think paragraph 10(2)(a-c), which provides limited exemption from the prejudicial interest rules for some members in certain circumstances, should be removed from the Code of Conduct?
- 21 Do you think less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups?

Prejudicial interests

- 22 Should members with a prejudicial interest in a matter under discussion be allowed to address the meeting before withdrawing?
- 23 Do you think members with prejudicial public service interests should be allowed to contribute to the debate before withdrawing from the vote?

Registration of interests

- 24 Should members employed in areas of sensitive employment, such as the security services, need to declare their occupation in the public register of interests?
- 25 Should members be required to register membership of private clubs and organisations? And if so, should it be limited to organisations within or near an authority's area?

Gifts and hospitality

- 26 Should the Code of Conduct require that the register of gifts and hospitality be made publicly available?
- 27 Should members also need to declare offers of gifts and hospitality that are declined?
- 28 Should members need to declare a series of gifts from the same source, even if these gifts do not individually meet the threshold for declaration? How could we define this?
- 29 Is £25 is an appropriate threshold for the declaration of gifts and hospitality?

How to respond

There are several ways for you to respond to this consultation and make your views known. Please see the instructions to the right. You can answer any or all of the questions directly, or you can send us more general thoughts and contributions to the debate if preferred.

Don't forget, the issues raised in this leaflet are discussed in more detail in the full consultation paper, which is available in hard copy and online. You can request a copy and view it online using the instructions here. Alternatively, call 020 7378 5110 and leave your details.

Please indicate on your response if you are representing a particular organisation, and in what capacity you are responding.

What next?

Based on your responses, we will make a number of recommendations to the Office of the Deputy Prime Minister and share these with the local government community. We will also publish a summary of responses on our website.

It is up to the Minister of State for Local and Regional Government to consider the Government's response and make any changes to the Code of Conduct as they see fit. We hope that any changes to the Code will be agreed by the end of 2005.

Confidentiality and publication

Your responses may be published or otherwise made public unless you ask us to treat them as confidential. If submitting your response by e-mail, please ensure you include your request in the body of the message. Any automatic confidentiality disclaimers generated by your organisation's IT system will be ignored.

Confidential responses will be included in any statistical summary of the numbers of comments received and views expressed. Correspondents should also be aware that, in exceptional circumstances, confidentiality cannot always be guaranteed — for example, where a response includes evidence of serious crime.

By post

Send your responses for the attention of **Emma Ramano** at:
The Standards Board for England
First floor, Cottons Centre
Cottons Lane
London SE1 2QG

By e-mail

Write to enquiries@standardsboard.co.uk with the subject 'Code consultation'.

Online

Complete the form and submit your thoughts online at:

www.standardsboard.co.uk/codereview/

Deadline for responses: 17 June 2005.