



**WYRE FOREST
DISTRICT COUNCIL**

**ETHICS AND STANDARDS
COMMITTEE**

A G E N D A

Date: Tuesday 29th March 2005

Time: 6 pm

**Venue: Council Chamber
Civic Centre
Stourport – on -Severn**

ETHICS AND STANDARDS COMMITTEE

Members of Committee

Reverend M. Warren* (Chairman)

Mr C J Brighton*

Councillor Mrs I M Dolan

Councillor P Dyke

Councillor Mrs S M Hayward

Mrs A McDowell* (Vice-Chairman)

Councillor R Hobson (Parish Councillor)

Councillor Miss S C Meekings

Councillor C D Nicholls

Councillor J C Simmonds

Councillor T Whatmore (Parish Council Substitute)

* Independent Members

Information for Members of The Public:-

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

There are particular circumstances when the Ethics and Standards Committee may exclude the public, which are in addition to those available at meetings of the Council, its Cabinet and Committees etc. These apply when the Ethics and Standards Committee considers the following:

Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.

Information relating to the personal circumstances of any person.

Information which is subject to any obligation of confidentiality.

Information which relates in any way to matters concerning national security.

A matter referred by an ethical standards officer under the provisions of section 64(2) of the Local Government Act 2000. (Ethical standards officers investigate cases for the Standards Board for England)

DECLARATIONS OF INTEREST - GUIDANCE NOTE

Code of Conduct - Members are reminded that under the Code of Conduct it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

Section 106 of the Local Government Finance Act 1992 - If any Member is two months or more in arrears with a Council Tax payment, they may not vote on any matter which might affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement.

For further information:- If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Mrs Diana Glendenning, Committee Officer, Civic Centre, Stourport-on-Severn. Telephone : 01562-732763 or email diana.glendenning@wyreforestdc.gov.uk.

A G E N D A

PART 1

Open to the Press and Public

1. APOLOGIES FOR ABSENCE

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Head of Legal and Democratic Services, together with the name of the Councillor for whom he/she is acting.

3. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered.

Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992.

(See guidance note on cover.)

4. MINUTES

To confirm as a correct record the Minutes of the meeting held on the 1st February 2005. (Pages 1 - 3)

5. CONSULTATION PAPER : A CODE FOR THE FUTURE

To consider a briefing paper (Page 4) and the Consultation Paper from the Standards Board for England on the Members Code of Conduct. (Consultation paper appended separately)

6. FEEDBACK ON STANDARDS BOARD FORUM

To receive verbal feedback from Mr Brighton on the Standards Board Forum held on Wednesday 9th March 2005.

7. TO CONSIDER ANY OTHER BUSINESS, DETAILS OF WHICH HAVE BEEN COMMUNICATED TO THE HEAD OF LEGAL AND DEMOCRATIC SERVICES BEFORE THE COMMENCEMENT OF THE MEETING, WHICH THE CHAIRMAN BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING.

8. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing the following resolution:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the relevant paragraph(s) of Part 1 of Schedule 12A to the Act”

PART 2

Not open to the Press and Public

9. MINUTES

To confirm as a correct record the exempt Minutes of the meeting held on the 1st February 2005. (Page 5)

- 10. TO CONSIDER ANY OTHER BUSINESS, DETAILS OF WHICH HAVE BEEN COMMUNICATED TO THE HEAD OF LEGAL AND DEMOCRATIC SERVICES BEFORE THE COMMENCEMENT OF THE MEETING, WHICH THE CHAIRMAN BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING.**

**ETHICS AND STANDARDS COMMITTEE
COUNCIL CHAMBER, CIVIC CENTRE, STOURPORT ON SEVERN
TUESDAY, 1st FEBRUARY 2005**

PRESENT:

Independent Members: Reverend M Warren (Chairman), and Mr C J Brighton

Councillors: Mrs I M Dolan, P Dyke, Mrs S M Hayward, Miss S C Meekings, J A Shaw and J C Simmonds

Parish Representative: Councillor R Hobson

CM.691 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs A McDowell (Independent Member), Councillor C D Nicholls and T Whatmore (Parish Councillor).

CM.692 APPOINTMENT OF SUBSTITUTE MEMBERS

Councillor J A Shaw was appointed as a substitute for Councillor C D Nicholls

CM.693 DECLARATIONS OF INTERESTS

No declarations of interest were made.

CM.694 MINUTES

The minutes of the meeting held on the 2nd November 2004 were confirmed as a correct record and were signed by the Chairman.

CM.695 CODE OF CONDUCT UPDATE

The Head of Legal and Democratic Services told Members that she had been submitting updates on the Code of Conduct to the Council's Information Bulletin.

A consultation on the Code of Conduct would shortly be taking place, as it was perceived that parts of the Code were hard to follow. The consultation document, when available, would be formally considered by the Ethics and Standards Committee.

Members attention was drawn to a recent case referred to the Standards Board. The case was known as the 'Dawkins Case.' This was a case that was referred to the local level for determination. The Council concerned made a decision on the case, but the decision was appealed against and it went for judicial review on the basis that the Council had not come to its decision within the set 3-month timescale.

The Head of Legal and Democratic Services emphasised the importance of completing processes within the required timescale. She stated that if a referral were to be made by the Standards Board to this Council it was not likely to cause a problem as procedures were already in place to deal with such referrals.

Members noted that just over 100 cases had been passed to the local level for determination. This Council had yet to have a case referred.

The Head of Legal and Democratic Services commented that as soon as the consultation documents on the Code of Conduct were received, they would be circulated to all members for comment. Any comments from members who were not members of the Ethics and Standards Committee could be channelled through to members of the Committee.

CM.696 EXCLUSION OF THE PRESS AND PUBLIC

DECISION : Under Section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of 'exempt information' as defined in paragraph 4 of Part 1 of Schedule 12A to the Act.

CM.697 SUMMARY OF MINUTES

The following proceedings were considered after the press and public had been excluded from the meeting. A summary of the minutes relating to these items have been made as "exempt information" would be disclosed if the minutes were published in full.

Complaints to the Local Government Ombudsman 2003/2004

The Committee noted a report that detailed the outcome of complaints to the Local Government Ombudsman in accordance with Council policy.

The meeting concluded at 6.12 pm.,

J:Committee/Ethics and Standards/minutes/openmins01.02.05.doc

WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS COMMITTEE

TUESDAY 29 MARCH 2005

RESPONSIBLE OFFICER:	Head of Legal & Democratic Services
CONTACT OFFICER:	Caroline Caygill
APPENDICES	Consultation Paper: A Code for the future

1. PURPOSE OF REPORT

- 1.1 To consider the Consultation Paper from the Standards Board for England on the Members Code of Conduct.

2. RECOMMENDATION

- 2.1 **That the Standards Committee feed back their comments on the proposed review of the Code of Conduct to the Standards Board for England.**

3. BACKGROUND

- 3.1 The Code of Conduct was introduced three years ago and the full legislative machinery is now in place: local hearings have been taking place for over a year and the first local investigations are just starting. As the Standards Board begin to take on a more strategic role as an independent national regulator, it is time to review the Code's content.
- 3.2 The Standards Board have been asked to conduct the review by the Rt Hon Nick Raynsford MP, Minister of State for Local and Regional Government. The Standards Board aim to ensure that the Code of Conduct is an easily understood living document that takes into account the realities of serving local communities as a member of a local authority.
- 3.3 The Standards Board believe there is no doubt about the need for a Code of Conduct and the link between high ethical standards and excellent service provision. But they also agree with the standards committee members, monitoring officers and others who feel that a number of issues could be addressed by a thorough review.
- 3.4 Over the next few months the Standards Board will be consulting with a wide range of individuals and organisations to gauge opinions on the areas of the Code that would benefit from change and gather ideas about how that change could be best achieved.

4. BACKGROUND PAPERS

- 4.1 Attached to this report is a copy of the booklet introducing the Consultation. The paper includes a number of questions which are expanded on in the full Consultation Paper which the Standards Board have made available at www.standardsboard.co.uk. The deadline for consultation is 17 June 2005 and the Standards Board intends to make their recommendations for change to the Government over the summer. A full copy of the Consultation document has also been placed in all Group Rooms.

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 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.