

**WYRE FOREST DISTRICT COUNCIL****ETHICS AND STANDARDS COMMITTEE**  
**8<sup>th</sup> December 2008**

<b>OPEN</b>	
<b>RESPONSIBLE OFFICER:</b>	<b>Monitoring Officer</b>
<b>CONTACT OFFICER:</b>	<b>C S Newlands</b>
<b>APPENDIX</b>	<b>Appendix 1 Suggested Responses to Consultation</b>

**Communities in control: real people, real power  
Codes of Conduct****1. Purpose Of Report**

- 1.1 The White Paper, *Communities in control: Real people, real power*, sets out a range of policies to pass power into the hands of local communities. It builds on work still in progress from the 2006 White Paper, *Strong and Prosperous Communities*.
- 1.2 A new Communities and Local Government (CLG) Consultation Paper invites views on proposals for revising the model Code of Conduct for local authority members principally to clarify its application to members' conduct in their non-official capacity. It also invites views on proposals for associated changes to the Relevant Authorities (General Principles) Order 2001, which sets out the general principles which govern the conduct of local authority members.
- 1.3 Finally, it seeks comments on proposals to introduce a requirement for authorities to incorporate a Code of Conduct for employees, based on a statutory model Code of Conduct, into the terms and conditions of employment of their employees.

**2. Recommendation**

**The Committee is asked to DECIDE:**

- 2.1 **To delegate to the Monitoring Officer authority to respond on behalf of the Authority the view of the Ethics and Standards Committee**

**3. Key Issues**

- 3.1 Following the local government White Paper, *Strong and Prosperous Communities*, issued in October 2006, the Local Government and Public Involvement in Health Act 2007 established a more locally-based conduct regime for local authority members centred on local authority standards committees.

- 3.2 Under the new devolved regime, the Standards Board for England has become a light-touch strategic regulator, responsible for monitoring the operation of the conduct regime and giving support and guidance to standards committees and monitoring officers in discharging their new functions.
- 3.3 As part of the changes to the conduct regime, a new model Code of Conduct for local authority members, the Local Authorities (Model Code of Conduct) Order 2007, was introduced with effect from May 2007 on the basis that the provisions of the Members' Code would be reviewed in light of early experience of its practical operation.
- 3.4 The Government believes, drawing on the Standards Board's practical experience, that the Members' Code is, broadly, operating very well. However, as it has been in force for over a year, the Government considers that it is now appropriate to review the Code. The proposed amendments to the Members' Code reflect discussions with the Standards Board and, in particular, their experience of the practical operation of the 2007 Members' Code over the last year.
- 3.5 Most importantly, the Government proposes that the Members' Code should be restructured by revoking the existing order and making a new one. The Government proposes that the new Members' Code will be differently formatted to the existing Code, making it easier to interpret and clearer in its application, for instance by dividing it into two sections: the first dealing with members' conduct when acting in an official capacity and reflecting what is in the current Code, the second dealing with members' conduct in their nonofficial capacity.
- 3.6 The Government is minded, subject to responses to the consultation, to implement the proposals in this consultation paper, so that they come into effect in line with the local government elections in 2009. There are 20 specific questions, which are appended to this briefing.

#### **4. Conduct in non-official capacity**

- 4.1 The Government believes that trust in our local authority members is one of the cornerstones of local democracy. Members should inspire trust and confidence from those who elected them, set an example of leadership for their communities and should be expected to act lawfully even when they are not acting in their role as members.
- 4.2 This view was supported by those who responded to the Standards Board for England's consultation on the Members' Code in 2005. Responses indicated a clear view that a member's conduct in a non-official capacity was an issue that they considered should be covered by the Members' Code, particularly where that conduct amounts to a criminal offence.
- 4.3 It has always been the Government's intention for the Members' Code to apply to a limited extent to the conduct of members in a non-official capacity. The Government now wishes to clarify which provisions of the Members' Code apply in a member's official capacity and to put beyond doubt which provisions apply to a member's conduct in a non-official capacity.

- 4.4 The need to clarify what conduct in a member's non-official capacity is covered by the Members' Code arose as a consequence of the High Court's judgment in 2006 relating to Mayor Livingstone. This cast doubt on the ability of the code to cover members' conduct not linked to the performance of their public duties.
- 4.5 As was made clear by Ministers during the passage of the Local Government and Public Involvement in Health Act 2007, the Government considers that certain behaviour, even when there is no direct link to the member's official role, can have an adverse effect on the level of public trust in local authority members and local government as a whole.
- 4.6 The Government therefore propose that the new Members' Code should, in the section covering the conduct of members in their non-official capacity, contain the following provision prohibiting particular conduct where that conduct would constitute a criminal offence: "Members must not bring their office or authority into disrepute by conduct which is a criminal offence".
- 4.7 The Government proposes for the purpose of the Members' Code, that 'criminal offence' be defined as any criminal offence for which the member has been convicted in a criminal court, but for which the member does not have the opportunity of paying a fixed penalty instead of facing a criminal conviction. The intention is that offences capable of attracting fixed penalty notices should be excluded from the remit of the conduct regime.
- 4.8 The Government considers that this approach will ensure that the most minor criminal offences, for example minor motoring offences, parking offences and dropping litter as well as cautions and orders falling short of a criminal conviction by a court, will not be included in the remit of the Members' Code.
- 4.9 However, serious criminal offences which the Government considers should come under the remit of the Members' Code, such as assault, harassment, fraud and offences relating to child pornography, will be included in the remit of the Code. The Government proposes that the Standards Board for England will issue guidance for local authority standards committees on how a criminal offence should be treated in its application to the conduct regime.
- 4.10 The Government proposes that for the purposes of the Members' Code, 'official capacity' be defined as:

"being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority".

This would effectively be the same as the 2007 definition.

- 4.11 The Government also proposes that the Members' Code would engage with conduct committed in a foreign country, where that conduct constitutes a criminal offence in that country, but only where the conduct would also constitute a criminal offence if it was committed in the UK. However, the

Code would only apply if the individual was convicted in the country in which the offence was committed.

- 4.12 The proposals would have the effect of providing that the only conduct in a member's non-official capacity which is engaged by the Code, is conduct which constitutes a criminal offence, as defined. The Code may only then be applied to that conduct when the evidence that the member's conduct constituted a criminal offence is provided by the criminal conviction of the member in the courts.
- 4.13 This would mean, for example, that a member who was convicted of a criminal offence of assault or harassment could be held to have breached the Code, even if the conduct which lead to the conviction took place entirely outside the member's official capacity.
- 4.14 At present, investigations into alleged breaches of the Members' Code are triggered by a written allegation made to the Standards Committee of the local authority concerned. The Government proposes that this continue to be the case when dealing with allegations of misconduct in relation to a member's conduct in their non-official capacity.
- 4.15 Where the allegation involves criminal activity that is, at the time of the allegation being made, being investigated by the police or prosecuted through the courts, the Government proposes that the standards committee or the Standards Board, as the case may be, would cease their investigation process until the criminal process had been completed. Any subsequent action under the conduct regime in respect of a member's private conduct would follow the conclusion of the criminal procedure.
- 4.16 The member would not be suspended during the period of the criminal process. For the purpose of the conduct regime, the criminal process will be considered to have been completed at the conclusion of any appeals process.
- 4.17 This means that a member who is convicted of a serious offence who exhausts the appeals process could potentially remain in the office and as a member for several years before an outcome is known (unless the party group, if any, removes the member from offices or the member 'falls on their sword').

## **5. Proposed revisions to the Members' Code**

- 5.1 The consultation paper also seeks views on the following amendments, which the Government proposes to make to the provisions of the existing Code. The proposed amendments reflect discussions with the Standards Board and, in particular, the Board's experience of the practical operation of the Code over the last year.
- 5.2 The Government proposes that any new Members' Code would take into account any existing registration of members' interests. This will ensure that members who have already registered their interests in line with the 2007 Model Code do not have to repeat the process when the revised Members' Code is introduced. It has been suggested that:

- ▲ article 2(5) of the Local Authorities (Model Code of Conduct) Order 2007 be amended to apply paragraph 12(2) to parish councils, to make it mandatory for parish councils that a member with a prejudicial interest may make representations at a meeting only if members of the public are able to attend that meeting for the same purpose. Currently, if a parish council wishes this provision to apply, it must make a conscious decision to adopt paragraph 12(2) into its Code. This amendment would save unnecessary administration and ensure consistency across Parish Councils.
- ▲ paragraphs 8(1)(a)(i) and (ii) of the current Members' Code be amended to clarify that the sections are referring to other bodies of which you are a member or which exercise functions of a public nature, putting it beyond doubt that this is not a reference to the authority itself.
- ▲ the current wording of paragraph 8(1)(a) of the Members' Code could be amended to clarify that a member is required to register a gift or hospitality with an estimated value of at least £25 in his or her register of members' interests.
- ▲ paragraph 10(2) of the Code be amended to remove the double negative in the current drafting, to make it clear that a prejudicial interest exists where the business of your authority affects your financial position or the financial position of a person listed in paragraph 8 of the Code or it relates to the determining of any approval, consent, licence, permission or registration in relation to you or those persons listed in paragraph 8 of the Code.
- ▲ It has been suggested that the meaning of 'determining' in paragraph 10(2)(b) could be clarified to include variation, attaching, removing or amending conditions, waiving or revoking applications.
- ▲ It has also been suggested that paragraph 10(2)(c) could be amended to clarify that a member would not have a prejudicial interest in the business of the authority where that business related to giving evidence before a local authority standards committee hearing regarding an allegation that a member of the authority had failed to comply with the Code.

## **6. Proposed amendments to the general principles**

- 6.1 The ten general principles, contained in the Relevant Authorities (General Principles) Order 2001 ('the General Principles Order'), are based on the seven principles of public life set out by the Committee on Standards in Public Life.
- 6.2 The principles underpin the provisions of the Members' Code, which must be consistent with these principles. The principles govern the conduct of members, and a failure to act in accordance with them may lead to a failure to comply with the Members' Code.

- 6.3 The Government proposes that the Relevant Authorities (General Principles) Order 2001 be amended to make clear which principles govern the conduct of members when acting in an official capacity and which principles will apply to the conduct of members when acting in a non-official capacity, where the member's conduct would constitute a criminal offence.
- 6.4 The Government proposes that the General Principles Order be amended by providing that the ten existing principles apply to a member when acting in an official capacity and by adding a new principle which would be specified as applying to a member acting in an non-official capacity, where the member's conduct would constitute a criminal offence, as follows:

*“Duty to abide by the law* Members should not engage in conduct which constitutes a criminal offence.”

## **7. Model Code of Conduct for Local Government Employees**

- 7.1 In August 2004, the then Office of the Deputy Prime Minister (ODPM) issued the consultation paper, *A Model Code of Conduct for Local Government Employees*. The paper consulted on a draft Code defining the minimum standards of conduct that employees of relevant authorities would be expected to observe on carrying out their duties.
- 7.2 The 2004 consultation was followed by further inquiries and consultations on matters relating to the conduct regime for local government. The ODPM restated its commitment to introduce a Model Employees' Code, under section 82 of the Local Government Act 2000, in the local government White Paper 2006.
- 7.3 However, in light of the above inquiries and consultations, and the introduction of the 2007 Members' Code, it was decided that the implementation of an employees' Code should be delayed until the ODPM had an opportunity to consider the employees' Code in the context of the wider review of the conduct regime for local government and the lessons learned from the implementation of the new Members' Code.
- 7.4 With the implementation of the new devolved conduct regime and proposals to amend the Members' Code, drawing on the experience of its first year of operation, the Government considers that the time is right to also consult on proposals to introduce a model employees' Code.
- 7.5 In the Government's view, a code of conduct for local government employees should:
  - ▲ provide the staff of an authority with an effective ethical framework within which to work;
  - ▲ and it should give that authority's citizens confidence that an authority's staff are working on their behalf in an appropriate manner.
- 7.6 Responses to the 2004 consultation indicated that the Model Code of Conduct consulted on was not adequate, but also that the universal application of a code to all staff would be needlessly bureaucratic as all

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employees would be subject to the same code regardless of their position. There was support for following the model of the Welsh Code of Conduct, which only applies to a certain category of defined senior officer.

- 7.7 Alternatively, the Code could be restricted to those who exercise executive, regulatory or overview and scrutiny powers under the authority's scheme of delegation to officers. Another view in response to the consultation paper was that certain aspects of the Code (eg registration of interests), could be limited to senior officers while other more universal aspects should be applicable to all - for instance, it is beyond question that all employees should behave with honesty and integrity.
- 7.8 Many local authorities already have a Code of Conduct for employees in addition to, or as part of, their standard terms and conditions of employment. These codes range from simple statements agreeing to act with propriety to comprehensive documents covering everything from political neutrality to intellectual property matters. These codes of conduct are also integrated into the authority's discipline procedures.
- 7.9 It is not intended that the employees' code be a burden on authorities or employees. The code should not constrain an authority's ability to develop its own code reflecting local needs and conditions. The Government considers that authorities should be free to adopt supplementary provisions beyond the employees' code in order to provide their staff with an effective ethical framework within which to work.
- 7.10 The Government is proposing that a model employees' code - a model code that authorities may augment if they wish - be introduced, which will be incorporated into local government employees' terms and conditions of employment.
- 7.11 The Government does not propose to apply the employees' code where it is not needed, for instance to employees in professions that are covered by their own code of conduct; firefighters, teachers, community support officers, solicitors etc.
- 7.12 The Government proposes a two-tier model. The first tier, drawing on the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, will apply equally to all authority employees and will enshrine the core values that it is reasonably expected every authority employee would abide by. The second tier, drawing on the Members' Code, will apply to 'qualifying employees', that is either senior officials or those officials carrying out delegated functions.
- 7.13 With the Members' Code in place, and members having to abide by that Code, there is a reasonable expectation that officials undertaking functions delegated to them by members would have to abide by the same conduct regime as members when performing those functions.

## **8. The draft Model Employees' Code: Core Values for all Employees**

### ***8.1 General principles***

The public is entitled to expect the highest standards of conduct from all local government employees. The role of such employees is to serve their employing authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

#### **8.2 Accountability**

Employees are accountable to, and owe a duty to, their employing authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

#### **8.3 Political neutrality**

Employees, excluding political assistants, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

#### **8.4 Relations with members, the public and other employees**

Mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently and without bias.

#### **8.5 Equality**

Employees must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

#### **8.6 Stewardship**

Employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

#### **8.7 Personal interests**

An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.

Employees should abide by the rules of their authority about the declaration of gifts offered to or received by them from any person or body seeking to do business with the authority or which would benefit from a relationship with that authority. Employees should not accept benefits from a third party unless authorised to do so by their authority.

### **8.8 Whistleblowing**

Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the Model Code of Conduct for employees, the employee should report the matter, acting in accordance with the employees rights under the Public Interest Disclosure Act 1998 and with the authority's confidential reporting procedure or any other procedure designed for this purpose.

### **8.9 Treatment of information**

Openness in the dissemination of information and decision making should be the norm in authorities. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

### **8.10 Appointment of staff**

Employees of the authority, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

### **8.11 Investigations by monitoring officers**

Where a monitoring officer is undertaking an investigation in accordance with Part III of the Local Government Act 2000 and associated regulations, employees must comply with any requirement made by that monitoring officer in connection with such an investigation.

### **8.12 The model employees' code: additional values for 'qualifying employees'?**

There are two alternatives for selecting those 'qualifying employees' to which some of the additional restrictions and expectations of the Members' Code should apply.

The first is based on the approach taken to determining which posts in an authority are 'politically restricted' under section 3 of the Local Government and Housing Act 1989, and assumes that certain posts are senior or influential enough to warrant controls placed on the activities of postholders.

The second is the delegation model, which would see qualifying employees selected on the basis that they perform functions delegated to them by elected members under section 101 of the Local Government Act 1972.

The proposed values are:

#### ***8.13 Compromising the impartiality of officers of the authority***

A qualifying employee must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the authority, either directly or as a response to pressure from others. A qualifying employee should not attempt to force employees to take action or change advice if doing so would prejudice their professional integrity.

#### ***8.14 Using your position improperly***

A qualifying employee must not use, or attempt to use, their position improperly either for their or anybody else's advantage or disadvantage.

#### ***8.15 Considering advice provided to you and giving reasons***

If a qualifying employee seeks advice, or advice is offered to them, on aspects of how the employees' code applies, the qualifying employee must have regard to this advice.

#### ***8.16 Personal interests***

Qualifying employees must register, within 28 days of taking up their appointment, any interests set out in the categories below. This record of interest must be in writing, to the authority's monitoring officer or, in the case of a parish council, through the parish clerk.

The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interests in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required. These are:

- ▲ your membership, or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power)
- ▲ any business you might own or have a share in, where that shareholding is greater than £25,000, or have a stake in of more than one hundredth of the value or share capital of the company
- ▲ any contracts between the authority and any company you have an interest in, as above

- ▲ any land or property in the authority's area in which you have a beneficial interest.

A qualifying employee may seek to exempt their personal interests from the register of interests if they consider, for instance, that having this information on record might put themselves or others at risk. In such cases, the qualifying employee should discuss the matter with their monitoring officer.

### **8.17 Prejudicial interest**

A prejudicial interest is considered to be a matter which affects the qualifying employee's financial interests or relates to a licensing or regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would reasonably think that his or her personal interest is so significant that it is likely to prejudice his or her judgement of the public interest.

A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, for instance where approval for a licence may affect a body with which the qualifying employee has a personal interest or will affect him or her personally.

Qualifying employees with a prejudicial interest should declare such an interest. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.

Local authorities have an increasingly complex relationship with the private sector in its work with contractors, partners and part-time staff. The Government considers that, rather than attempt to determine centrally whether to apply the employees' code not just to local government employees but also to those working on behalf of local government, it will be for local authorities themselves to decide if and how the employees' code (in whole or in part), should apply when agreeing contracts, partnership agreements or terms and conditions of employment.

The Members' Code applies to parish councillors as well as members of larger authorities, and it seems reasonable, therefore, for the ethical framework of the employees' code to apply to parish council employees. The Government recognises that the environment that parish councillors operate within is different from that of larger authorities. The Government is also conscious that what is considered to be a reasonable expectation in the employees' code for larger councils may prove to be difficult for parish councils.

## **9. Conclusion**

- 9.1 After a flurry of activity in absorbing the changes in 2007 and 2008, including introducing new procedures and training members, practitioners will have mixed feelings about this set of proposals.

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- 9.2 There were undoubtedly some unresolved issues to be addressed especially in relation to conduct outside of official capacity, but it may be questioned whether the present proposals to deal with this issue are excessive. For those authorities dealing with changes to constitutions in 2009, this will add further complications to a packed and potentially contentious agenda.
- 9.3 The principle of an employee Code is acknowledged by all but given the passage of time since the first promise of a mandatory code and the successful introduction of local provisions by many, the imposition of a mandatory code is likely to be unwelcome to all but a few - many of whom will feel the need to supplement the Code with local provisions.

### **10. Financial Implications**

**None**

### **11. Legal And Policy Implications**

**Statutory requirement to implement once enacted**

### **12. Consultees**

**None**

### **13 Background Papers**

- 13.1 The White Paper "Communities in Control: real people, real power"
- 13.2 The White paper "Strong and Prosperous Communities 2006"
- 13.3 CLG Consultation Paper on Revision of Model Code of Conduct
- 13.4 Relevant Authorities (General Principles) Order 2001

## Appendix 1

### List of consultation questions

**Question 1** Do you agree that the Members' Code should apply to a member's conduct when acting in their non-official capacity?

**Yes to include a provision in the Code of Conduct that covers criminal conduct in a Member's non official capacity is appropriate. This will maintain public trust and confidence in the local Council.**

**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.

**Yes, it is appropriate for Police Cautions to be included as well as actual convictions. The definition "any criminal offence for which the Member has been convicted in a criminal court but for which the Members do not have the opportunity to pay a fixed penalty instead of facing a criminal conviction" would mean where a police caution is issued (which would require the person concerned to have admitted the offence) instead of a prosecution taking place, the Code would not apply. This could lead to the same conduct sometimes being subject to the Code and sometimes not.**

**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, This is a broader definition than the existing definition in that it refers to being "engaged in" rather than "conducting" the business of the 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 there should not be a double standard the Code should cover the Member whether they are in this country or abroad.**

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

**The consultation paper does not make clear whether this would apply in the case of conduct not in the Member's official capacity. If the conduct was in a Member's official capacity it may be that a breach of the provision of the Code could be established without the need to reach a view as to whether a criminal offence had been committed. If this were the case provided the ethical investigation could continue at the same time as the criminal investigation without prejudicing it, it should be possible for the breach of the Code to be addressed. If this were not the case it might mean that a Member who was potentially guilty of a very serious breach in their official capacity could not be held to account for a long time and it certainly would do local government no credit to leave the member in office until an eventual conviction.**

**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?

**We consider all the proposed amendments 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 member's 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 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?

**Yes.**

**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.**

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

**Yes.**

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**The following questions will be posed to the Council's Staff Committee but have been included for your information.**

**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?

**Question 14** Should the Government apply the employees' Code to firefighters, teachers, community support officers, and solicitors?

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

**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?

**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?

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

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**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?

**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?

**Question 22** Should the employees' Code extend to employees of parish councils?