

RESPONSE OF HEREFORDSHIRE STANDARDS COMMITTEE TO STANDARDS BOARD FOR ENGLAND CONSULTATION ON THE LOCAL GOVERNMENT CODE OF CONDUCT

| NO                                      | ISSUE  | RESPONSE   |
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| <b>The general principles</b>           |  |  |
| 1                                       | Should the ten general principles be incorporated as a preamble to the Code of Conduct?  | Agreed – this will reinforce and assist in interpreting standards and be helpful in Member training on the Code.   |
| 2                                       | Are there any other principles which should be included in the Code of Conduct?  | No.  |
| <b>Disrespect and freedom of speech</b> |  |  |
| 3                                       | Is it appropriate to have a broad test for disrespect or should we seek to have a more defined statement?  | The broad test is appropriate.   |
| 4                                       | Should the Code of Conduct include a specific provision on bullying?<br><br>If so, is the ACAS definition of bullying quoted in the full consultation paper appropriate for this?  | <b>No</b><br><br>No. The overall existing statement already covers the matter of bullying. It is better not to be too specific on the definition, because this might lead to exclusions. |
| <b>Confidential information</b>         |  |  |
| 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?  | No – these are matters for common sense mitigation should a breach be found.   |
| 6                                       | Do you think the Code of Conduct should cover only information which is in the 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? | No – again, these are matters for common sense mitigation should a breach be found.  |
| <b>Disrepute and private conduct</b>    |  |  |
| 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?                                      | It should continue to apply to certain activities in a member’s private life.  |

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| 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?                        | Broad provision.  |
| <b>Misuse of resources</b>     |   |   |
| 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?                 | Yes.  |
| 10                             | If so, how could we define "inappropriate political purposes"?  | It is important that there is a national standard. This would amongst other things provide clarity for Members who serve on more than one Authority.<br><br>The LGA86 provision means that "inappropriate political purposes" in terms of seeking "to affect support for a political party" includes e-mails on party matters. This is part of the political process; not only would it be impractical to bar this activity, but it would bring such a prohibition into disrepute. There must be a means of distinguishing between use of (e.g.) publicly supplied stationery for party purposes -- clearly unacceptable -- and the use of ICTs where a marginal cost cannot be identified and a bar would be impossible to police. |
| 11                             | Is the Code of Conduct right not to distinguish between physical and electronic resources?  | Yes.  |
| <b>Duty to report breaches</b> |   |   |
| 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?                      | See 13 below  |
| 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? | It should apply to breaches which are serious, significant or material.   |
| 14                             | Should there be a further provision about making false, malicious or politically-motivated allegations?   | There should be a provision making it a breach of the Code to make <i>knowingly false</i> allegations, which should be capable of objective proof, but we think   |

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|                              |   | that judging malice and political motivation would often involve subjective judgements and be difficult to police.                    |
| 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? | No further provision needed.  |
| <b>Personal interests</b>    |   |   |
| 16                           | Do you think the term "friend" requires further definition in the Code of Conduct?  | No. This is a matter which is better dealt with through guidance, as issued by the Board, using a common sense definition of "friend" |
| 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?  | No.   |
| 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?  | Yes.  |
| 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?   | Yes.  |
| 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?                        | No.   |
| 21                           | Do you think less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups?  | Yes. But for public service only, not for charities and lobby groups.   |
| <b>Prejudicial interests</b> |   |   |
| 22                           | Should members with a prejudicial interest in a matter under discussion be allowed to address the meeting before withdrawing?   | Yes, but only to give the views of constituents (if any).   |
| 23                           | Do you think members with prejudicial public service interests should be allowed to contribute to the debate before withdrawing   | Yes.  |

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|                                  | from the vote?  |                          |
| <b>Registration of interests</b> |   |                          |
| 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?                    | No                       |
| 25                               | Should members be required to register membership of private clubs and organisations?<br><br>And if so, should it be limited to organisations within or near an authority's area? | Yes<br><br>No            |
| <b>Gifts and hospitality</b>     |   |                          |
| 26                               | Should the Code of Conduct require that the register of gifts and hospitality be made publicly available?   | Yes.                     |
| 27                               | Should members also need to declare offers of gifts and hospitality that are declined?  | No.                      |
| 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?      | Use an annual threshold. |
| 29                               | Is £25 an appropriate threshold for the declaration of gifts and hospitality?   | Yes.                     |