

## **STANDARDS COMMITTEE**

MINUTES of a meeting of the Standards Committee held on Friday, 2 March 2007 at County Hall, Lewes.

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1. PRESENT - Mrs C Swan (Independent Chairman),  
Councillors Daniel, Stogdon and Woodall

2. MINUTES

2.1 RESOLVED - to approve the minutes of the last meeting held on 23 February 2006 as a correct record.

3. MODEL CODE OF CONDUCT

3.1 The Committee considered a report by the Director of Law and Personnel (copy in the Minute Book).

3.2 RESOLVED – (1) that the response to the Department of Communities and Local Government relating to the revised Model Code of Conduct for local members be agreed subject to agreed amendments (final version attached)

(2) to provide a comprehensive training programme on the code to all members

**Draft response to the consultation questions**

**Q1. Does the proposed text on the disclosure of confidential information strike an appropriate balance between the need to treat certain information as confidential, but to allow some information to be made public in defined circumstances when to do so would be in the public interest?**

*In principle, the Council supports the revised text making the position regarding confidential information clear and it provides for the public interest test to be applied in line with Freedom of Information and Access to Information rules. In practice, it is difficult for a Member to determine when disclosure would be reasonable and in the public interest. The code would need to clarify whether the test would apply for information received in private or official capacity. Members should be advised to first seek guidance from their Monitoring Officer.*

**Q2. Subject to powers being available to us to refer in the code to actions by members in their private capacity beyond actions which are directly relevant to the office of the member, is the proposed text which limits the proscription of activities in a member's private capacity to those activities which have already been found to be unlawful by the courts, appropriate?**

*The Council supports the changes in this section of the code and recognises that it will reduce any subjectivity in making a judgement relating to behaviour of a Councillor acting in a private capacity.*

**Q3. Is the Code of Recommended Practice on Local Authority Publicity serving a useful purpose? If the Publicity Code is abolished, do consultees think some or all of its provisions should be promulgated in a different way, eg via guidance issued by local government representative bodies, or should authorities be left to make their own decisions in this area without any central guidance? Should authorities not currently subject to the Publicity Code be required to follow it, or should the current position with regard to them be maintained?**

*The publicity code is a very useful framework for Officers to refer to, especially in cases where elected members are trying to advance a political issue through Council publicity, or where a local member is trying to publicise themselves/their own political party. The code is useful in providing guidance on dealing with sensitive issues and particularly in the in the lead in to an election.*

*Should it decided to abolish the code the Council strongly recommends that alternative guidance be issued.*

*It is the Council's view that the Code be extended to apply to other Authorities and other public bodies.*

**Q4. Does the proposed text with regard to gifts and hospitality adequately combine the need for transparency as well as proportionality in making public information with regard to personal interests?**

*The limit of £25 has not increased since the introduction of the code and it is perceived to be now too low. The Council recommends that the value be raised to £50.*

*The Council believes that the current provisions made for the recording of declarations of interests and gifts or hospitality are sufficiently transparent. The register of gifts and hospitality is available for inspection as are the registers of declarations of interest.*

*The declaration of the receipt of gifts and hospitality at meetings will be difficult and onerous to manage for both Members and Officers.*

*Should this become a requirement, the Council recommends that any gifts or hospitality over £50 be recorded in the normal way and that any gifts or hospitality received over a significantly higher amount, say £100, be registered in the declarations of interest and be declared at meetings when the relevant item is discussed.*

**Q5. Does the proposed text relating to friends, family and those with a close personal association adequately cover the breadth of relationships which ought to be covered, to identify the most likely people who might benefit from decisions made by a member, including family, friends, business associates and personal acquaintances?**

*It appears that the proposed text does adequately cover the breadth of relationships to be covered. The Council believes that without more detailed definitions of relationships this may lead to subjectivity in determining cases, particularly when considering the relationship of members to constituents in small communities where they are well known by many people.*

*The Council advises that more work should be done to provide a clearer test of measure be available for members to apply so that they can determine in their own mind their position.*

**Q6. Would it be appropriate for new exceptions to be included in the text as additions to the list of items which are not to be regarded as prejudicial?**

*The Council supports the addition of the three new items.*

**Q7. Is the proposed text relaxing the rules to allow increased representation at meetings, including where members attend to make representations, answer questions, or give evidence, appropriate?**

*No. It is important that local members are seen and heard. They must not have less rights than members of the public. Of course they will be trying to influence a decision, but not improperly. They should not have to leave a meeting when members of the public are not required to do so.*

*The code should advise Members to first seek guidance from their Monitoring Officer.*

**Q8. Is there a better, more user-friendly way of ensuring the text is gender-neutral, for example, would consultees consider that amending the wording to say 'you' instead of 'he or she' or 'him or her' would result in a clearer and more accessible code for members?**

*The Council prefers the term 'you', providing it is clear who 'you' is in the context of the code.*