

Date: 16 December 2008

Our ref: *PU/IW/JES/MC/5/8*

Your ref:

Mr Carl Holden  
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Dear Mr Holden

#### DCLG Consultation on Revisions to the Member Code of Conduct

The Standards Committee for this District has considered the Department's consultation document concerning revisions to the local authority Member Code of Conduct and wishes to reply to the questions included in the document as follows:

(a) Question 1

Response - yes.

(b) Question 2

Response - the Committee expressed concern that the reference to paying a fixed penalty instead of facing a criminal conviction might be inappropriate as this option is not restricted to minor criminal offences. Also, there are regular changes made to offences to which the opportunity to pay a fixed penalty applies. It is considered that some offences are of such a nature that they should be subject to the Code even though they could possibly be the subject of payment of a fixed penalty. In addition, there is an inconsistent approach in different parts of the country to police cautions. It is considered that a better approach will be to list offences which would be subject to the Code and those which might be excluded.

(c) Question 3

Response - yes.

(d) Question 4

Response - yes.

(e) Question 5

Response - yes, assuming that the timescale for concluding an investigation into an allegation is stopped and restarted on completion of the criminal process.

(f) Question 6

Response - amendment of Article 2(5) of the Code was agreed to apply at paragraph 12(2) to Parish Councils. It was requested that it should make clear that this also applies to Town Councils.

The Committee also agreed with the proposed amendment of paragraphs 8(1) (a) (i) and (ii).

The Committee further agreed with the amendment of paragraph 8(1) (a) in relation to the registration of a gift or hospitality. It is also suggested that account should be taken of the aggregated effect of small multiple donations by a single donor which exceed the £25 limit.

Finally, the Committee agree with the proposals regarding prejudicial interest.

(g) Question 7

Response - none.

(h) Question 8

Response - none.

(i) Question 9

Response - yes. The Committee did not identify any problems in meeting this timescale from past experience.

(k) Question 10

Response - agreed subject to the clarification of the relationship between the two sets of principles.

(l) Question 11

Response - see response to question 2.

(m) Question 12

Response - yes.

The Committee also asked the Department to review an additional obligation under the Code of Conduct for councillors not to act in such a way that it will conflict with statutory processes or orders made by the authority itself e.g. breach of parking regulations leading to the issue of numerous penalty notices when not acting in an official capacity, making this an equivalent of the exception in respect of criminal activity.

I hope the Department will be able to take these comments into account as part of its consideration of consultation responses.

Yours sincerely

Ian Willett  
Deputy Monitoring Officer