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Your ref:

## APPENDIX 1

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Dear Ms Ramano

### **Local Government Code of Conduct - Review**

I refer to the Board's consultation document on the review of the Code of Conduct. This has been considered by the Epping Forest District Standards Committee and I have been asked to reply on its behalf.

For ease of reference I have linked the Committee's responses to the summary document "A Code for the Future" and the 29 questions contained therein.

### **The General Principles**

Q1 (Ten General Principles) – Yes, these should be incorporated within the Code of Conduct

Q2 (Any Other Principles) – No

### **Disrespect and Freedom of Speech**

Q3 (Test for Disrespect) – No

Q4 (Test for Bullying) - No

The Standards Committee takes the view that further definitions may not assist with the interpretation of these terms. These are more likely to be dealt with as questions of judgement within investigations of individual cases.

### **Confidential Information**

Q5 (Public Interest Defence)

Q6 (Statutory Limitation)

The Standards Committee felt unable to comment on the issues raised by these questions until a firm proposal is available.

### **Disrepute and Private Conduct**

Q7 (Limitation on Disrepute) – No

Q8 (Application to Criminal Convictions etc) – Yes, but only where these bear directly on the individual's role as Councillor.

### **Misuse of Resources**

Q9 (Prohibition of Breaches) – Yes but the Committee feels that misuse of resources should apply to inappropriate QR political purposes.

Q10 (Definition) – see Q9

Q11 (Physical and Electronic Resources) - Yes

### **Duty to Report Breaches**

Q12 and 13 (Duty to Report) - Yes

The Standards Committee considers that a distinction should be drawn between circumstances where a Councillor “must” report (i.e. on major breaches) and “may” report (i.e. where potential breach is less significant). These should be conditioned by what the member making the complaint considers is reasonable.

Q14 (False, Malicious, Politically Motivated Complaints) - Yes

Q15 (Intimidation) – No

### **Personal Interests**

Q16 (Definition of “Friend”) – Yes. The Local Government Commissioner for Administration may have given advice which could be applied.

Q17 (Test Narrowed) – Yes

Q18/19 (Public Service Interest) – No

Q20 (Exemptions) – No

Q21 (Less Stringent Rules) – No

### **Prejudicial Interests**

Q22 (Addressing Meeting Prior to Withdrawal) – No

Q23 (Public Service Interest) – No

## **Registration of Interests**

Q24 (Sensitive Employment) – No

The Standards Committee considers that there may be circumstances where exemptions of this kind could be appropriate. The Standards Committee should be able to determine whether such a dispensation should be agreed.

Q25 (Private Clubs etc)

The Standards Committee was sympathetic to the view that not all such clubs need be registered but there was a need for this to be clearly defined. The definition based on “in or near the area” would exclude organisations based elsewhere which were nevertheless very active in the area concerned and the Committee felt that this would be a major omission. Some flexibility was needed but the Committee felt that this might be very difficult to clarify in the Code, although based on a definition of clubs or organisations having a formal constitution might assist.

## **Gifts and Hospitality**

Q26 (Register Publicly Available) – Yes

Q27 (Offers Declined) – No

Q28 (Series of Gifts) – Yes. A frequency of at most monthly seemed appropriate.

Q29 (£25 threshold) – Yes.

## **General Comment**

The Committee was concerned about problems of definition throughout the Code. There was a feeling that terms such as “significant” or “reasonable” need to be used carefully as they do not represent absolutes but are matters of judgement. It may be appropriate to link these to the reasonable view of a member of the public.

Yours sincerely

Dr Derek Hawes  
Chairman, Epping Forest District Standards Committee