

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**STANDARDS COMMITTEE**  
**TUESDAY, 16 DECEMBER 2008 AT 4.00PM**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Betteridge, Mr. R. (Chairman)	} Independent Members
King Mr. M.	

Ansell, Mrs. P.A.	Burnett, J.
Ball, G.D.	Holder, M.J.
Bennett, Mrs. D.J.	

Pearson, A.	Hednesford Town Council
Clark, D.	Norton Canes Parish Council

Elliott, M.	Independent Member
Sindrey, G.	Independent Member

(Apologies for absence were received from Councillors Mrs. D. Grice, A. Williams, Mrs. P. Williams, Rugeley Town Council, Mrs. M. Allen, Cannock Wood Parish Council and Mrs. J. Chapman (Independent Member)).

**8. Minutes**

RESOLVED:

That the Minutes of the meeting held on 25 September 2008 be approved as a correct record.

**9. Minutes of the Parish Council's Standards Sub Committee**

With the agreement of the Chairman, the Minutes of the Parish Council's Standards Sub Committee held on 5 February 2008 were received for information.

RESOLVED:

That the Minutes of the Parish Council's Standards Sub Committee held on 5 February 2008 be received for information.

10. **Codes of Conduct for Local Authority Members and Employees – Consultation from the Department of Communities and Local Government**

Consideration was given to the consultation from the Department of Communities and Local Government in relation to Codes of Conduct for Local Authority Members and Employees.

The Committee made the following comments in response to the list of consultation questions in relation to the Code of Conduct for local authority Members:

Question 1

On balance, when taken in the context of criminal offences, the Committee agreed that the Members' code should apply to a Member's conduct when acting in their non-official capacity.

It was also considered that when in public office, a Member should expect to be under public scrutiny and that when seen out and recognised as a Councillor, Members need to be aware of their conduct. It was recognised that there had been a change in the public's view of politicians and so they needed to be extra vigilant. However, a balance needed to be struck as Member's had a right to a private life.

Question 2

The definition of "criminal offence" was generally agreed, and support given to the reference of "fixed penalty crimes" being excluded from this definition. Members also supported the view that police cautions should not be included in the definition.

The Committee also expressed concern about where the line was drawn on convictions, particularly for lesser offences. It was considered that the proposed exclusions would cover most of these issues. Furthermore, it was acknowledged that any Standards investigation into a potential breach of the Code would consider the relevance of the conviction and the severity of the crime in determining the level of severity of breach and consequent sanction. Consideration would be given to public perception of Councillor and the crime.

Members felt that the timing of an offence and conviction being effective needed to be clarified, e.g. where a Councillor had been in breach of the Code when committing an offence before being elected as a Councillor but convicted after being elected. On balance it was felt that it should rest on whether they were a Councillor at the time of committing the offence, but there was concern as to the public perception if the crime was of a serious nature e.g. murder. It was also recognised that in the majority of such instances the crime would be likely to result in a custodial sentence, which would in effect prevent the person from acting as a Councillor.

Question 3

The Committee supported the definition of 'official capacity'.

Question 4

Members agreed that the Code should apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK.

### Question 5

The Committee agreed that it would not be appropriate to commence an investigation until a conviction had been given, as it was recognised that a person was innocent until proven guilty. Furthermore to start an investigation sooner would run the risk of interfering with justice and could prejudice a trial.

Members discussed as to whether the commencement of an investigation prior to a conviction should depend on the severity of the charge and the public perception. It was acknowledged that in such cases it was likely that the Councillor would be remanded in custody and as such would be restricted in their ability to be an active Councillor.

Some flexibility could possibly be given to allow an investigation to start once a conviction was made but awaiting sentencing.

### Other Matters

Members were of the view that provision needed to be made within the Code for complainants to withdraw their allegations before a Standards Hearing was held, unless it was in the wider public interest to proceed. A period of 2 weeks or more was suggested as a reasonable period within which the complaint should be withdrawn prior to the hearing.

The Committee made the following comments in response to the list of consultation questions in relation to the Model Code of Conduct for local authority employees:

### Question 13

The introduction of a mandatory model code of conduct for local government employees was supported by the Committee.

### Question 14

It was considered that the Code should apply to all employees. It was also acknowledged that although a number of professions have their own codes of conduct it was unlikely to result in a conflict between the Codes as they were all a matter of good practice.

### Question 15

It was not considered necessary to apply the code to other categories of employees on the basis that it should apply to all employees.

### Question 16

The Committee were satisfied that the core values were enshrined in the Code.

It was noted that the Council's own local code covered outside employment and other commitments and it was suggested that these should be covered by the national model code. Members also discussed whether the code should apply to officers when they are not acting in their official capacity, particularly about political neutrality

### Question 17

It was considered that the additional requirements of the Code should apply to all employees who had an influence on decisions, and these may not necessarily be covered by either of the models suggested.

### Question 18

There was no consensus about whether the Code should contain a requirement for qualifying employees to publicly register any interests, particularly around the public declaration of political interests. It was felt that by publicising the fact that an employee was a member of a particular political party could impact upon their credibility and the perception of their impartiality. On the other hand, the risk of this not being publicly declared and later becoming publicly known could also impact on their credibility.

### Question 19

The Committee were satisfied with the criteria of what should be registered.

### Question 20

The Committee were satisfied that all pertinent aspects of the Members' code had been applied to qualifying employees.

### Question 21

Members did not think that the section of the employee's code which would apply to qualifying employees placed too many restrictions on employees.

### Question 22

Members felt that the new code should apply to Parish Council employees, including Parish Clerks.

### Other Matters

It was considered that responsibility for policing the employee code needed to be clarified and whether any additional resources would be made available to administer the code and deal with any complaints. Members were of the view that if the Standards Committee was to be involved this could have a significant impact on the Committee's workload.

Members also questioned whether the Code should take account of any criminal convictions, although would depend on the relevance/nature of convictions.

Consultation on the code should also include all those bodies representing employees' interests.

RESOLVED:

That the Council's response to the consultation from the Department of Communities and Local

Government in relation to the Codes of Conduct for local authority Members and employees be co-ordinated by the Monitoring Officer and take into account the comments of the Committee.

(At the conclusion of the meeting, the Chairman and Members of the Committee thanked Mr. Philip Lloyd-Williams, the Director of Governance, for all his hard work and assistance in supporting the Committee and wished him well in his new role at Solihull Metropolitan Borough Council).

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CHAIRMAN