

**DEVELOPMENT CONTROL PANEL
EMPLOYMENT LIAISON ADVISORY GROUP
EMPLOYMENT PANEL
STANDARDS COMMITTEE
COUNCIL**

**18TH AUGUST 2003
8TH SEPTEMBER 2003
8TH SEPTEMBER 2003
10TH SEPTEMBER 2003
24TH SEPTEMBER 2003**

**CODES AND PROTOCOLS
(Report by Head of Administration)**

1. INTRODUCTION

- 1.1 Members may be aware that the Local Government Act 2000 makes provision for the adoption by Councils of a code of conduct for employees and for the issue of a model code by the Office of the Deputy Prime Minister. The absence of a code for Huntingdonshire employees has been referred to by the District Auditor in previous annual audit letters but a decision has been taken to await the issue of the model code to avoid abortive work in preparing a code specifically for District Council employees.
- 1.2 The Standards Board has now indicated that a model code of conduct for employees will not be issued for some time and that authorities which have not adopted a code should draft their own for implementation.
- 1.3 In addition, the advent of the Comprehensive Performance Assessment regime has necessitated a re-examination of the various policies, codes etc. that the Council has in place and an identification of ones that are outstanding.

2. CODES AND PROTOCOLS

- 2.1 As a result, the following codes and protocols have been drafted for consideration by the Panels/Committee shown and subsequent adoption by the Council at their meeting to be held on 24th September 2003:-

Members' Planning Code of Good Practice	- Development Control Panel - Standards Committee
Protocol for Community Leadership by Members	- Standards Committee
Protocol on Member/Employee Relations	- Employment Liaison Advisory Group - Employment Panel - Standards Committee
Employees' Code of Conduct	- Employment Liaison Advisory Group - Employment Panel

- 2.2 In addition a Code of Corporate Governance will be submitted to meetings of both Overview and Scrutiny Panels and the Cabinet before also being submitted to the meeting of the Council to be held on 24th September 2003 for adoption.

3. COMMENTS BY PANELS

- 3.1 *At their meeting held on 18th August 2003, the Development Control Panel raised the following points in relation to the draft Members' Planning Code of Good Practice:-*

(i) Section 4 - Second bullet point

The Panel felt that this was overly prescriptive and did not reflect instances such as a pre-Panel inspection of an application site by a Member. However the guidance is not intended to preclude casual remarks/comments between an applicant and a Member on such occasions, although even these should be treated with caution. The guidance is aimed at reminding Members that they should not engage in any formal or informal meeting with either the proponents or objectors to an application.

(ii) Section 4 - Fourth bullet point

Again the Panel felt that this was overly prescriptive and have referred to instances of Members attending presentations where they also represent a parish council. In such circumstances, Members attending a presentation that has been arranged by a parish council of which they are Members would be doing so in their capacity as a parish councillor. Members will be aware of the need to declare personal interests in planning matters if they represent different tiers of authority and there is further guidance in the guidance about membership of more than one authority.

(iii) Section 7- Eighth bullet point

As in (i) above, Panel Members felt that this did not reflect the practice of Members in attending application sites prior to a Panel meeting. The guidance is not intended to prevent this happening – merely to remind Members to ensure compliance with the good practice rules when they do so.

- 3.2 *The proposed Code of Good Practice closely follows the model prepared by the Association of Council Secretaries and Solicitors in consultation with the Standards Board for England, the District Audit Service and the Local Government Ombudsman. Whilst it is open to the Council to amend the draft, it is suggested that the Code, as worded, does not preclude the type of situations described by the Panel. As part of the Council's constitution, the Code will also be subject to annual review and it may be useful to gain some practical experience of its operation before changes are considered.*

4. CONCLUSION

- 4.1 The relevant Panel/Committee are invited to consider the respective codes and/or protocols and to formally recommend their adoption by the Council with any amendments that the Panel/Committee may wish to make.


BACKGROUND PAPERS

Model Members' Planning Code of Good Practice issued by the Association of Council Secretaries and Solicitors

Nolan Committee Report on Standards of Conduct in Local Government

Code of Conduct for Local Government Employees issued by Local Government Management Board

A Councillor's Guide 2003/04 issued by the Improvement and Development Agency.

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