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Date: 12 June 2012  
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Dear Patrick

**CORE STRATEGY - MATTER 1  
STATEMENT SUBMITTED BY SAVE FILTON AIRFIELD**

The Matter Statements submitted by Save Filton Airfield have been passed to South Gloucestershire Council Legal Services for comment.

The paper alleges a failure by the Council to comply with the requirements of the national Code of Conduct. The application of the Code is restricted to the conduct of elected and co-opted members. It is not, as is implied by the SFA paper applicable to officers of the Council.

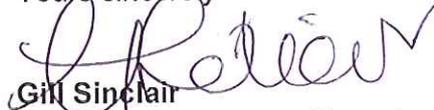
The Council has at all times, complied with the requirement of the Local Government Act 2000 and the Regulations made thereunder. Complaints made about the conduct of councillors are currently required to be determined by the Councils Standards Committee. Further details of the application of the Code are set out in the attached Appendix.

The Council takes any concerns about the conduct of officers seriously and it has specific policies and procedures for dealing with any concerns raised with it about officer conduct. Any such concerns raised with the Council would be subject to investigation in accordance with the appropriate management procedures

It is considered that the concerns that have been raised lie outside the scope of EIP and as such they should not be taken into consideration as part of the EIP. They are matters for the Council to address in accordance with its internal policies and procedures.

We hope these comments are of assistance.

Yours sincerely



**Gill Sinclair**  
Deputy to the Head of Legal and Democratic Services  
Legal & Democratic Services

**SGC Response to Save Filton Airfield Legality Paper  
Dated 1<sup>st</sup> May 2012**

Save Filton Airfield (SFA) has submitted two papers to the EiP dated 1<sup>st</sup> May 2012 entitled Legality

The paper alleges that there has been a failure by the Local Authority to comply with the Local Authorities Model Code of Conduct.

**Failure to comply with the Local Authorities Model Code of Conduct.**

The paper questions the Council's approach to the preparation of the Core Strategy, in particular it alleges that the Council has failed to comply with the Local Government Act 2000 in particular the requirements relating to the adoption of and thereafter conduct in accordance with the Local Government Code of Conduct.

The SFA paper discloses a fundamental misunderstanding of the Code of Conduct, in particular the persons to whom the Code of Conduct applies.

The Local Government Act 2000 made provision for the introduction by regulation of a national code of conduct for members. The code was first brought in to force in 2001 and was subsequently amended by The Local Authorities (Model Code of Conduct) Order 2007 (the 2007 Regulations)

Section 1 of the 2007 Regulations states as follows:

- 1 (1) *This Code applies to **you** as a member of an authority.*
- (3) *It is your responsibility to comply with the provisions of this Code.*
- (4) *In this Code meeting means any meeting of –*
  - (a) *the authority;*
  - (b) *any meeting of the authority's committees or sub-committees, joint committees or joint sub-committees;**“member” includes a co-opted member and an appointed member*

South Gloucestershire Council adopted the amended Model Code following the 2007 Regulations in May 2007. The Code forms part of its Constitution and will be replaced, in due course, by a Local Code as required by the Localism Act 2011.

As is evident from Section 1 of the 2007 Regulations, the application of the Code is restricted to the conduct of members. It does not, as is implied by the SFA paper, apply to officers of the Council. The Standards Committee's jurisdiction is limited by law to consider matters relating to members as defined by the Regulations.

All complaints are referred by the Monitoring Officer on behalf of the Independent Chair of the Standards Committee, they are reported by the Monitoring Officer to the Standards Committee.

In the SFA paper includes examples of alleged breaches. Examples 1, 2 & 5 relate to e-mails produced by the Council following an FOI request, none of which have been produced by Councillors. The Code can not be applied to this correspondence.

In respect of examples 3 & 4, these examples appear to refer to the conduct of councillors.

A detailed record is maintained of all complaints made against councillors, when it was reported to the Assessment Sub-Committee and its outcome. The Monitoring Officer has confirmed that he has not received any complaints from any individual in relation to the three councillors referred to by SFA, namely Councillor John Calway, Councillor Brian Allinson and Councillor Adam Monk that allege that their actions in relation to Filton Airfield have breached the adopted Code of Conduct.

SFA makes reference to the Relevant Authorities (General Principles) Order 2001. This order contains the 10 general principles of conduct in public life. It should be noted that the general principles are not incorporated in to the 2007 Model Code and as such do not form part of the Code against which member conduct is assessed.

It is the Council's opinion that matters pertaining to the conduct of councillors are not within the jurisdiction of the EiP. Any complaint received by the Monitoring Officer will be dealt with in accordance with the statutory arrangements for determining member complaints in force at the time of the receipt of the complaint.

In so far as the conduct of officers is concerned, the Council takes any concerns about the conduct of officers seriously and it has specific policies and procedures for dealing with any concerns raised with it about officer conduct.

Any such concerns raised with the Council would be subject to investigation in accordance with the appropriate management procedures

It is considered that the concerns that have been raised lie outside the scope of EiP and as such they should not be taken into consideration as part of the EiP. They are matters for the Council to address in accordance with it internal policies and procedures.