

Code of Conduct

Principles of Conduct

- 1 **Selflessness**
Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- 2 **Honesty and Integrity**
Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- 3 **Objectivity**
Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- 4 **Accountability**
Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
- 5 **Openness**
Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- 6 **Personal Judgement**
Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- 7 **Respect for Others**
Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.
- 8 **Duty to Uphold the Law**
Members should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place in them.
- 9 **Stewardship**
Members should do whatever they are able to do to ensure that their Authorities use their resources prudently and in accordance with the law.
- 10 **Leadership**
Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Part 1 – General Provisions

Scope

- 1 (1) A Member must observe the Authority's code of conduct whenever he –
 - a) conducts the business of the Authority;
 - b) conducts the business of the office to which he has been elected or appointed; or
 - c) acts as a representative of the Authority and references to a Member's official capacity shall be construed accordingly.
- (2) An Authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a Member undertaken other than in an official capacity.
- (3) Where a Member acts as a representative of the Authority –
 - (a) on another relevant Authority¹, he must, when acting for that other Authority, comply with that other Authority's code of conduct; or
 - (b) on any other body, he must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (4) In this code, "Member" includes a co-opted Member of an Authority.

[Paragraph 1 provides that the Code applies whenever a Member is acting in his official capacity, and that it does not apply in other circumstances unless otherwise indicated. Additionally, where a Member is acting as a representative of his Authority, he must continue to observe the Authority's Code, unless he is subject to another relevant authority's Code, or unless (in relation to any other body) it conflicts with any other legal obligation.]

¹ See section 49(6) of the Local Government Act 2000 for the definition of "relevant authority".

General Obligations

- 2 A Member must –
- a) promote equality by not discriminating unlawfully against any person;
 - b) treat others with respect; and
 - c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

[Paragraph 2 provides that Members must promote equality, treat others with respect and not do anything which compromises the impartiality of those work for the Authority.]

- 3 A Member must not –
- a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor
 - b) prevent another person from gaining access to information to which that person is entitled by law.

[Paragraph 3 provides that Members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.]

- 4 A Member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

[Paragraph 4 provides that in a Member's official capacity and in other circumstances, a Member must not conduct himself in a manner which could bring his authority into disrepute.]

- 5 A Member –
- (a) must not be in his official capacity, or any other circumstance, use his position as a Member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of the Authority, -
 - (i) act in accordance with the Authority's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the Member has been elected or appointed.

[Paragraph 5 provides that Member must not in his official capacity or in other circumstances use his position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the Authority's resources, he must act in accordance with the Authority's requirements and must not permit those resources to be used for political purposes.]

- 6 A Member must when reaching decisions have regard to any relevant advice provided to him by –
- (a) the Authority's Chief Finance Officer acting in pursuance of his duties under section 114 of the Local Government Finance Act 1988² or an equivalent provision in any regulations made under section 6(6) of the Local Government and Housing Act 1989³; and
 - (b) the Authority's Monitoring Officer acting in pursuance of his duties under section 5(2) of the Local Government and Housing Act 1989⁴.

² 1988 c 41 Section 114 was amended by section 130(1) to (4) of the Greater London Authority Act 1999; articles 1, 2(k) and 20 of SI 2001/2237 section 43 of and paragraph 34 of Schedule 4 to the Police and Magistrates Courts Act 1994, section 88 of and paragraph 28 of Schedule 6 to the Police Act 1997; and sections 128 (1) and 137 of, paragraphs 45 and 48 of Schedule 6 to and Part V of Schedule 7 to the Criminal Justice and Police Act 2001.

³ 1989 c 42. See The Common Council and New Successor Bodies (Chief Finance Officer) Regulations 1991 (SI 1991/445).

⁴ Section 5 of the Local Government and Housing Act 1989 was amended by articles 1, 2 and 23 of SI 2001/2237, section 107 of and paragraphs 24 of Schedule 5 to the Local Government Act 2000; sections 43 and 93 of, paragraph 35 of Schedule 4 to and Schedule 9 to the Police and Magistrates' Court Act 1994; section 103 of and paragraph 1(2) of Schedule 7 to the Police Act 1996; sections 127(2) and 325 of and paragraph 62 of Schedule 27 to the Greater London Authority Act 1999; and section 120 of and Schedule 24 to the Environment Act 1995. Under section 73 of the Greater London Authority Act 1999, sections 5 of the 1989 Act applies to the Greater London Authority as if it were a relevant authority for the purposes of the Act.

[Paragraph 6 provides that a Member must have regard to any relevant advice provided to him by the Authority's Chief Finance Officer which relates to the Officer's report on unlawful expenditure or expenditure which exceeds resources, and to relevant advice provided by the Authority's Monitoring Officer which relates to the Officer's report on contraventions of law or maladministration. It also provides that in reaching executive decisions, a Member must give reasons for the decision in accordance with the Authority's and statutory requirements.]

- 7 A Member must, if he becomes aware of any conduct by another Member which he reasonably believes involves a failure to comply with the Authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.

[Paragraph 7 provides that a Member must make a written allegation of misconduct to the Standards Board for England if he becomes aware of conduct by another Member involving failure to comply with the Authority's Code of Conduct.]

Part 2 – Interests

Personal Interests

- 8 (1) A Member must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 13 and 14 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the Authority's area, the well-being or financial position of himself, a relative or a friend or –
- (a) any employment or business carried on by such persons;
 - (b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in sub-paragraphs (a) to (e) or paragraph 14 below in which such persons hold a position of general control or management.
- (2) In this paragraph –
- (a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - (b) “partner” in sub-paragraph (2)(a) above means a member of a couple who live together.

[Paragraph 8 provides that a Member has a personal interest in a matter which has been registered, or where a decision upon a matter could reasonably be regarded as affecting the well-being or financial position of those persons described in the paragraph.]

Disclosure of Personal Interests

- 9 A Member with a personal interest in a matter who attends a meeting of the Authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

[Paragraph 9 provides that a Member with a personal interest in a matter must disclose that interest at any meeting at which the matter is considered.]

Prejudicial Interests

- 10 (1) Subject to sub-paragraph (2) below, a Member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with the knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.
- (2) A Member may regard himself as not having a prejudicial interest in a matter if that matter relates to –
- (a) another relevant Authority of which he is a Member;
 - (b) another public authority in which he holds a position of general control or management;
 - (c) a body to which he has been appointed or nominated by the Authority as its representative;
 - (d) the housing functions of the Authority where the Member holds a tenancy or lease with a relevant Authority, provided that he does not have arrears of rent with that relevant Authority of more than two months, and provided that those functions do not relate particularly to the Member's tenancy or lease;
 - (e) the functions of the Authority in respect of school meals, transport and travelling expenses, where the member is a guardian or parent of a child in full time education, unless it relates particularly to the school where the child attends;
 - (f) the functions of the Authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992⁵, where the Member is in receipt of, or is entitled to the receipt of such pay from a relevant Authority; and
 - (g) any functions of the Authority in respect of an allowance or payment made under sections 173 to 176 of the Local

⁵ 1992 c 4 Part XI has been amended.

⁵ 1972 c 70 Section s173 to 176 were amended by section 194 of and paragraphs 26 and 27 of Schedule 11 to the Local Government and Housing Act 1989; section 7 of the Miscellaneous Provisions Act 1983 c 29; sections 25 and 194 of and Schedule 34 to the Local Government, Planning and Land Act 1980 c 65; section 11(3) of and Schedule V to the Water Act 1983; section 328 of and paragraph 18 and 19 of Schedule 29 to the Greater London Authority Act 1999; section 84 of and paragraph 18 of Schedule 14 to the Local Government Act 1985 and section 237 of and Schedule 13 to the Education Reform Act 1988. Section 173A was inserted by section 24(2) of the Local Government, Planning and Land Act 1980.

⁵ 1989 c 42 Section 18 was amended by section 99 of the Local Government Act 2000; section 43 of and paragraph 37 to Schedule 4 of the Police and Magistrates Court Act 1994 and section 582(1) of and paragraph 97 of Schedule 37 to the Education Act 1996.

Local Government Act 1972⁶ or section 18 of the Local Government and Housing Act 1989⁷.

[Paragraph 10 provides that a Member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his judgement of the public interest. The paragraph provides that in the circumstances specified a Member may regard himself as not having a prejudicial interest.]

Participation in Relation to Disclosed Interests

- 11 Member with a prejudicial interest in any matter must –
- a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation⁸ from the Authority's Standards Committee; and
 - b) not seek improperly to influence a decision about that matter.

[Paragraph 11 provides that a Member with a prejudicial interest must, unless he has obtained a dispensation, withdraw from any meetings at which the matter is being considered, and must not influence decisions in relation to the matter. In the circumstances specified a Member with a prejudicial interest may participate in meetings.]

- 12 For the purposes of this Part, "meeting" means any meeting of –
- (a) the Authority; or
 - (a) any of the Authority's committees, sub-committees, joint committees, joint sub-committees, or advisory committees.

[Paragraph 12 defines "meeting" for the purposes of Part 2]

51992 C 4 Part XI has been amended

⁶ 1972 c 70 Section s173 to 176 were amended by section 194 of and paragraphs 26 and 27 of Schedule 11 to the Local Government and Housing Act 1989; section 7 of the Miscellaneous Provisions Act 1983 c 29; sections 25 and 194 of and Schedule 34 to the Local Government, Planning and Land Act 1980 c 65; section 11(3) of and Schedule V to the Water Act 1983; section 328 of and paragraph 18 and 19 of Schedule 29 to the Greater London Authority Act 1999; section 84 of and paragraph 18 of Schedule 14 to the Local Government Act 1985 and section 237 of and Schedule 13 to the Education Reform Act 1988. Section 173A was inserted by section 24(2) of the Local Government, Planning and Land Act 1980.

⁷ 1989 c 42 Section 18 was amended by section 99 of the Local Government Act 2000; section 43 of and paragraph 37 to Schedule 4 of the Police and Magistrates Court Act 1994 and section 582(1) of and paragraph 97 of Schedule 37 to the Education Act 1996.

⁸ Under section 81(5) of the Local Government Act 2000, the Secretary of State may prescribe in regulations the circumstances in which Standards Committees may grant dispensations.

Part 3 – The Register of Members’ Interests

Registration of Financial and Other Interests

- 13 Within 28 days of the provisions of an Authority’s Code of Conduct being adopted or applied to that Authority or within 28 days of his election or appointment to that office (if that is later), a Member must register his financial interests in the Authority’s register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the Authority’s Monitoring Officer of –
- (a) any employment or business carried on by him;
 - (b) the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director;
 - (c) the name of any person, other than a relevant authority, who has made a payment to him in respect of his election or any expenses incurred by him in carrying out his duties;
 - (d) the name of any corporate body which has a place of business or land in the Authority’s area, and in which the Member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (e) a description of any contract for goods, services or works made between the Authority and himself or a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
 - (f) the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the Authority;
 - (g) the address or other description (sufficient to identify the location) of any land where the landlord is the Authority and the tenant is a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and
 - (h) the address or other description (sufficient to identify the location) of any land in the Authority’s area in which he has a licence (alone or jointly with others) to occupy for 28 days or longer.

[Paragraph 13 provides that a Member must notify the Authority’s monitoring officer of the financial interests specified in the paragraph.]

- 14 Within 28 days of the provisions of the Authority's code of conduct being adopted or applied to that Authority or within 28 days of his election or appointment to office (if that is later), a Member must register his other interests in the Authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the Authority's Monitoring Officer of his membership of or position of general control or management in any –
- (a) body to which he has been appointed or nominated by the Authority as its representative;
 - (b) public Authority or body exercising functions of a public nature;
 - (c) company, industrial and provident society⁹, charity, or body directed to charitable purposes;
 - (d) body whose principal purposes include the influence of public opinion or policy; and
 - (e) trade union¹⁰ or professional association.

[Paragraph 14 provides that a Member must notify the Authority's Monitoring Officer of interests specified in the paragraph.]

- 15 A Member must within 28 days of becoming aware of any changes to the interests specified under paragraphs 13 and 14 above, provide written notification to the Authority's Monitoring Officer of that change.

[Paragraph 15 provides that a Member must notify the Monitoring Officer of any changes to his interests.]

Registration of Gifts and Hospitality

- 16 A Member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Authority's Monitoring Officer of the existence and nature of that gift or hospitality.

[Paragraph 16 provides that a Member must notify the Authority's Monitoring Officer of any gift or hospitality he receives which may be over the value of £25.]

⁹ See the Industrial and Provident Society Acts 1965 to 1978 for the requirements for registration of industrial and provident societies.

¹⁰ See section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 c 52 for the definition of a trade union.