

BROADS AUTHORITY

Code of Conduct for Members

Introduction

This Code has been prepared and adopted by the Broads Authority in accordance with Section 51 of the Local Government Act 2000. The part of the text printed in ordinary type comprises the formal code. The text printed in italics comprises additional advisory text approved by the Authority; this text does not form part of the formal Code.

Every member of the Broads Authority and the Navigation and Standards Committees, as well as any co-opted member, must sign an undertaking to observe the Code. Any person may then make a written complaint to the Standards Board (or to the Authority's Standards Committee) from a date in 2008 still to be determined that a member has acted in breach of the Code, which will secure the investigation of the complaint, and may lead to sanctions being applied to the member by a Case Tribunal or, by the Authority's own Standards Committee.

Members are also reminded of the general duty of the Broads Authority to manage the Broads for the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads, promoting opportunities for the understanding and enjoyment of the Broads' special qualities by the public and protecting the interests of navigation. In this respect, members must always seek to act in the interests of the Broads Authority.

Members' attention is also drawn to the separate Planning Code of Conduct for Members and Officers originally adopted by the Authority on 18 July 2003 and updated in November 2007. This is a separate Code for planning matters which does not replace this general Code but adds to it.

The General Principles of Member Conduct

The Secretary of State has prescribed the following 10 general principles governing the conduct of members of local authorities, including the Authority. These principles define the standards which members should uphold, and serve as a reminder of the purpose of the Code of Conduct. However, they do not in themselves create statutory obligations for members.

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 of 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.

THE CODE OF CONDUCT

Part 1

General Provisions

Introduction and Interpretation

- 1 (1) This Code applies to you as a member of the Broads Authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—

“the Authority” means the Broads Authority
“meeting” means any meeting of—

- (a) the Authority;
- (b) any of the Authority's committees, sub-committees, joint committees or joint sub-committees,

“member” includes a co-opted member and an appointed member.

Footnote

For the purpose of paragraph 1(4)(b), the Authority's committees currently are the Navigation, Planning and Standards Committees and any sub committees established by them.

Scope

- 2 (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
- (a) conduct the business of the Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

- (b) act, claim to act or give the impression you are acting as a representative of the Authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of the Authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you 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.

General Obligations

- 3** (1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause the Authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or

- (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with the Authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

4 You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

Footnote

For the purpose of paragraph 4(a)(iv)(bb) the Authority has adopted the protocol set out in the Annex to this code.

5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.

6 You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself 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 reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Footnote

Members are advised that they should always make sure that any facilities provided by the Authority for their use in connection with their duties as Members are used strictly for those duties and for no other purpose, except where the Authority has specifically permitted limited private use in circumstances which do not cause significant additional cost to the Authority.

- 7 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) the Authority's chief finance officer; or
 - (b) the Authority's monitoring officer, where that officer is acting pursuant to their statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

Part 2

Interests

Personal Interests

- 8 (1) You have a personal interest in any business of the Authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;

- (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in the Authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between the Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in the Authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is the Authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the Authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the Authority's area.

- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body 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 person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Footnote

- (a) *In paragraph 8(1)(a)(ii) a body exercising functions of a public nature includes a local authority.*
- (b) *Paragraph 8(1)(a) does not automatically extend to the membership of clubs and societies unless they happen to fall within one of the categories listed in it. Nevertheless, Members are encouraged to register their membership of any clubs, societies or similar organisations to which they belong.*
- (c) *Members are advised to treat with extreme caution any offer or gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing, or seeking to do, business with the Authority, or may be applying to the Authority for planning permission or some other kind of decision.*
- (d) *For the purpose of this Code, the Authority's area means the area as defined in the Norfolk and Suffolk Broads Act 1988.*

Disclosure of Personal Interests

- 9**
- (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of the Authority and you attend a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
 - (2) Where you have a personal interest in any business of the Authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

- (3) Where you have a personal interest in any business of the Authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in the Authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Footnote

Paragraph 9 does not automatically extend to the membership of clubs and societies unless they happen to fall within one of the categories referred to in paragraph 8(1)(a). Nevertheless, members are encouraged to declare their membership of any club or society or similar organisation to which they belong as though it were a personal interest within the meaning of paragraph 8.

Prejudicial Interest Generally

- 10**
- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of the Authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
 - (2) You do not have a prejudicial interest in any business of the Authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of the Authority in respect of—
 - (i) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (ii) an allowance, payment or indemnity given to members;
 - (iii) any ceremonial honour given to members; and

- (iv) setting council tax or a precept under the Local Government Finance Act 1992.

Footnote

Members are advised always to apply the principles about the disclosure of interests to their dealings with Officers, and to their unofficial relations with other Members no less scrupulously than at formal meetings of the Authority, committees and sub-committees.

Effect of Prejudicial Interests on Participation

- 11** (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of the Authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting; unless you have obtained a dispensation from the Authority's standards committee; and
 - (b) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of the Authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of Members' Interests

- 12** (1) Subject to paragraph 13, you must, within 28 days of—
- (a) this Code being adopted by or applied to the Authority; or

- (b) your or appointment to office (where that is later), register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to the Authority's monitoring officer.
- (2) Subject to paragraph 13, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to the Authority's monitoring officer.

Sensitive Information

- 13**
- (1) Where you consider that the information relating to any of your personal interests is sensitive information, and the Authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 12.
 - (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the Authority's monitoring officer asking that the information be included in the Authority's register of members' interests.
 - (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

KRH/LJT
Broads Authority
December 2007

Members Code of Conduct: Confidential Information Protocol
(Adopted at the Broads Authority Meeting – 25 January 2008)

- (a) A member wishing to disclose (to the press or otherwise) information which he or she has reason to believe may be confidential or ought to know is confidential, must first notify either the Chief Executive, the Director of Corporate Services or the Authority's Solicitor, giving full written details of the information which it is proposed to disclose. This will then create the opportunity for the Authority, together with the member, to consider whether it is, in fact, confidential and, if it is, the extent to which any of it can appropriately be disclosed.
- (b) In some cases, it will necessarily be that these issues cannot be resolved immediately. Therefore, unless the Authority (through one of the three officers named above) agrees in writing that the information can be released earlier, the member will not release it for 72 hours following the written contact referred to in paragraph (a).
- (c) A member who is unsure whether particular information is confidential shall take advice from the Chief Executive, Director of Corporate Services or Solicitor.
- (d) For the purposes of this protocol information may be confidential for a number of reasons e.g.:
 - (i) It is commercially sensitive.
 - (ii) It concerns an Individual.
 - (iii) It relates to enforcement action to be taken by the Authority.