

Members Code of Conduct

Report by Solicitor and Monitoring Officer and
Head of Governance and Executive Assistant

Summary: This report provides a suggested revision to the Authority's Code of Conduct following members' comments during the Broads Authority meeting on 22 March 2013.

Recommendation: That the revised Code of Conduct at Appendix 1 be adopted.

1 Background

- 1.1 Section 27 of the Localism Act 2011 places a duty on the Authority to promote and maintain high standards of conduct and to adopt a code of conduct. The current Code of Conduct was adopted by the Authority at its meeting on 18 May 2012. This Code of Conduct is more conceptual and less prescriptive than the previous Code of Conduct.
- 1.2 At its meeting on 22 March 2013 the Authority received a report and gave consideration to a Draft Equality Policy as well as the further actions needed to ensure that the Authority complied in full with the Equality Act 2010. Members noted that the Policy applied to all individuals associated with the Authority as either member, employee, (current, prospective or previous) or volunteer. It provided guidance in complying with good practice and a process for dealing with complaints particularly for officers, backed up by the Code of Conduct for Employees. Members noted that the existing Code of Conduct for Members as adopted in May 2012 did not make reference to the key principles enshrined in the legislation particularly with regard to respect. As this omission would need to be remedied, Members advocated and considered that it was important that a revised version of the Code of Conduct should be prepared for adoption at this meeting.
- 1.3 The Person Specification for Members of National Park Authorities (and the Broads Authority) refers to ten general principles of public life which also encompass the principles of public life as subscribed to by the Office of the Commissioner for Public Appointments. The ten principles are: selflessness; honesty and integrity; objectivity; accountability; openness; personal judgement; respect for others; duty to uphold the law; stewardship; and leadership

1.4 These principles were included within the previous Code of Conduct and made reference with regard to respect for others. It is therefore suggested that these ten general principles of public life are used as the basis for the Authority's Code of Conduct together with the provisions of the Equality Act 2010. A tracked change proposed revision to the Code of Conduct, to encompass all ten general principles of public life, is at Appendix 1 for consideration.

Background papers:	Localism Act 2011
Authors:	Victoria McNeill and John Organ
Date of report:	17 April 2013
Broads Plan Objectives:	None
Appendices:	APPENDIX 1 – Revised Broads Authority Code of Conduct

Broads Authority Code of Conduct

You are a member of the Broads Authority and hence you shall have regard to the following ten general principles:

– selflessness; honesty and integrity; objectivity; accountability; openness; honesty personal judgement; respect for others; duty to uphold the law; stewardship; and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

- (1) You must serve only the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- (2) You must not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (3) When carrying out your public duties you must make all decisions on merit, including when making appointments, choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (4) You are accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office. ~~You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.~~
- (5) You must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions.
- (6) You may take account of the views of others, but you must reach your own conclusions on the issues before you and act in accordance with those conclusions.
- (7) You must promote equality and adhere to the requirements of the Equality Act 2010. You must not discriminate unlawfully against any person, and must treat people with respect, regardless of their race, age, religion, gender,

sexual orientation or disability. You must respect the impartiality and integrity of the Authority's statutory officers, and its other employees.

(8) You must uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

(9) You must do whatever you are able to do to ensure that your Authority uses its resources prudently and in accordance with the law. You must, when using or authorising the use by others of the resources of ~~your~~ the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(10) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example, and should act in a way that secures or preserves public confidence.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your Authority's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your Authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your Authority has decided should be included in the register.

If an interest has not been entered onto the Authority's register, then the member must disclose the interest to any meeting of the Authority at which they are present, where they have a disclosable pecuniary interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Members are required to notify the Monitoring Officer of membership of Lobby Groups, Clubs and Societies, Gifts and Hospitality (at a value of over £25) or Toll Paying for entry on the register but once entered on the register it is not necessary to disclose these interests in meetings.

Following any disclosure of an interest not on the Authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by regulations made by the Secretary of State.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.