

Part 5, Section 2

– Members’ Code of Conduct

PREAMBLE TO THE CODE OF CONDUCT

This Preamble provides an explanatory introduction to the Members’ Code of Conduct. It does not form part of the Code of Conduct, and in the event of any conflict between the Preamble and the Code, the Code shall take precedence. It should be noted that only the Code of Conduct itself is enforceable by the Standards Board for England.

Introduction

Members hold office by virtue of the law, and must at all times act within the law. They should make sure that they are aware of the Code of Conduct and other Protocols contained within the Council’s Constitution.

Members have a responsibility to ensure that they comply with the Code of Conduct in all respects. They should regularly review their personal circumstances and intended actions in the context of the Code.

If in doubt, Members should seek advice from the Monitoring Officer or Deputy Monitoring Officer, but the final decision and responsibility on how to act rests with Members themselves.

Members should not do anything in their capacity as councillors, which they could not justify to the public or could not justify by law. Members’ conduct and what the public believe about their conduct will affect the reputation and credibility of Members and the Council as a whole.

It is not enough to avoid impropriety; perception is also important. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct.

General Principles Governing Conduct

The Council has adopted the Government’s Model Code of Conduct, which came into force on the 3rd May 2007.

The Local Government Act 2000 requires that the Model Code of Conduct must be consistent with the Principles for the time being specified by the Secretary of State for governing the conduct of Members. The current Principles were specified in the Local Authorities (General Principles) Order 2001, and are as follows:

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. 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.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. 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.

Openness

5. 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.

Personal Judgement

6. 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.

Respect for Others

7. 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.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Whilst these Principles provide a useful background to the Code of Conduct, it should be noted that one Principle should not be construed as being any more important than another. The Standards Board for England has also emphasised that no duty arises directly out of any Principle. The only duties are those enshrined in the Code of Conduct, and only those duties are enforceable by the Standards Board for England.