

Standards

What is the Code of Conduct?

Document issued by central government and adopted by Councils

What is its purpose?

To provide acceptable standards of behaviour.

Is a shield rather than a sword.

What is it made up of?

10 principles of Public life (1)

General Obligations

- Treat others with Respect
- Complying with equality laws
- Bullying or Harassment
- Not to Compromise the impartiality of officers of the authority
- Not to disclose confidential information (subject to exceptions)
- Not to prevent access to information
- Not to bring office or authority into disrepute
- Not to use position improperly
- Not to misuse council resources (political elements)
- To consider and have regard to advice received from the MO and CFO

Consideration of Business

- Personal Interests
 - o Interests registered
 - o Interests that affect your financial position or well-being or that of your family or close associates more than the majority of your ward residents or authority area
- effect is that you must declare but may remain and speak on the business

- Prejudicial Interest
 - o Personal Interest that
 - Affects your personal financial position or someone through whom you have a personal interest
 - Affects licence permission or consent for which you have a personal interest
 - Is so significant a member of the public in possession of all relevant facts would think your judgement of the public interest is affected.
- you should declare and leave the meeting, although you have the same rights to address the meeting as a member of the public, ie you should leave the meeting during any deliberation and decision.

**Code of Conduct only applies where you are acting in the course of your business as a councillor or holding yourself out as such.
Common Law**

Bias and Predetermination

This is triggered where a member expresses a view on council business prior to its consideration.

Members are allowed to have a lawful predisposition – recognises that members may be elected on certain platforms or are there to represent communities.

Not allowed to have an unlawful predetermination.

Difference?

Predisposition means member open to persuasion just that is their starting position

Predetermination means they are unlikely to be persuaded away from their stance (closed mind).

Code – v – Common Law

Code is personal to members if breached sanctions are against the member personal and can lead to disqualification as a councillor

Common Law affects decisions of the council and can lead to the challenge of those decisions.