

SUBJECT:	MEMBER CODE OF CONDUCT & TERMS OF REFERENCE REVISION: THE PRINCIPLES OF PUBLIC LIFE
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To propose changes to the Member Code of Conduct following the recent revision of the seven principles of public life by the Committee on Standards in Public Life.
- 1.2 To propose a revision of the Committee's terms of reference to allow the Leader to be appointed to the Committee, subject to the provision that the Leader should not take part in any matters directly relating to complaints against members of the Council.

2. Background to the Principles

- 2.1 The Committee on Standards in Public Life was established in 1994 to act as an independent advisory body to the government. It monitors, reports and makes recommendations on all issues relating to standards in public life, including local government.
- 2.2 The fourteenth report of the committee ([*Standards Matter: A Review of Best Practice in Promoting Good Behaviour in Public Life*](#)) was released on 17 January 2013 and included changes to the seven principles of public life, often known as the Nolan Principles.
- 2.3 The principles were proposed as part of the first report of the committee under the chairmanship of Lord Nolan in 1995 as a consequence of general concerns regarding standards of behaviour in public life.
- 2.4 The changes made to the seven principles of public life do not alter the broad topics already incorporated within the Member Code of Conduct (selflessness, integrity, objectivity, accountability, openness, honesty, and leadership). Rather, the changes relate to a shift in definitions, as laid out in paragraph 3.2.

3. The Proposed Changes

- 3.1 The seven principles on public life are reproduced as a whole within the Council's Member Code of Conduct. As the expression of the principles has now changed, it is recommended that members consider incorporating the revisions within the

Member Code of Conduct.

- 3.2 For members' information a side-by-side comparison of the previous and revised principles is shown below. Members should particularly note the changes made with regard to the explanations of honesty and integrity, and the potential implications for future consideration of any future complaints.

Current Principles	Revised Principles
<p>SELFLESSNESS Holders of public office should act solely in terms of public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.</p>	<p>SELFLESSNESS Holders of public office should act solely in terms of the public interest.</p>
<p>INTEGRITY Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.</p>	<p>INTEGRITY Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.</p>
<p>OBJECTIVITY In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.</p>	<p>OBJECTIVITY Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</p>
<p>ACCOUNTABILITY Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.</p>	<p>ACCOUNTABILITY Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.</p>
<p>OPENNESS Holders of public office should be as open as possible about all their decisions and actions that they take. They should give reasons for their decisions and restrict information only</p>	<p>OPENNESS Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful</p>

when the wider public interest clearly demands.	reasons for so doing.
HONESTY Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.	HONESTY Holders of public office should be truthful.
LEADERSHIP Holders of public office should promote and support these principles by leadership and example.	LEADERSHIP Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 3.3 Members should note that the removal of wording from the revised principles, e.g. ‘They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.’ under selflessness, is not tacit approval for behaviour of this kind. Rather, in this case, the additional wording appears to have been removed for the purposes of concision. Some broad indications as to the overall purpose of the changes is made within the committee’s report, although specific rationales for each revision are not provided.
- 3.4 The most straightforward and clear way forward is the adoption of the new principles as a whole within the Member Code of Conduct. However, under the Localism Act 2011 members are given significant powers to revise the wording of the Member Code of Conduct including the seven principles of public life.
- 3.5 Members may wish to note that some public organisations have chosen to adopt only a limited number of the seven principles. However, in view of the broad nature of councillors’ roles in local government, the relevance of the principles to these areas, and the public expectation of high standards of behaviour it is not recommended that the principles should be adopted on a piecemeal basis.
- 3.6 As an adjunct to the proposed changes, it is also proposed that the Ethics and Engagement Committee’s terms of reference (attached as **Appendix A**) be broadened to allow the appointment of the Leader as a member. Following a direct replication of the provisions made under the previous standards arrangements the current terms of reference preclude the appointment of the Leader to the Committee. This term ensured that a leader would be unable to exert influence on fellow members in the determination of matters relating to individual standards complaints.
- 3.7 Given the Committee’s new focus on areas including increasing democratic engagement, as incorporated within the Council’s Strategic Plan, the Leader has expressed a particular interest in being able to contribute towards this aspect of the Committee’s work.

3.8 In view of the expanded remit of the Committee, it is therefore felt that a provision specifically to exclude the Leader solely from matters relating to complaints against individual members of the Council would be more appropriate than a complete exclusion. While any future appointments to the Committee would remain the responsibility of Council, the proposed change in the terms of reference would ensure that all councillors, regardless of their position, would be able fully to contribute towards fulfilling the broadened scope of the Committee.

4. Strategic Priorities

4.1 An effective and properly drafted code of conduct is an important part of ensuring public trust in councillors, and in maintaining appropriate standards of behaviour.

5. Finance Implications

5.1 There are no direct financial implications arising from this report, although certain principles are of relevance, for example, to areas involving procurement.

6. Legal Implications

6.1 The principles of public life form an important basis for the Council's Member Code of Conduct, and any change to them necessarily impacts upon the manner in which the code may be interpreted. However, the principles do not carry statutory authority and are an optional part of the Member Code of Conduct.

7. Recommendations

7.1 That Council:

1. be recommended to approve revisions to the Member Code of Conduct, replacing the previous principles of public life with those included in the fourteenth report of the Committee on Standards in Public Life.
2. be recommended to approve revised terms of reference for the Ethics and Engagement Committee permitting the Leader to be appointed to take part in all matters other than those directly relating to complaints made against members of the Council.