

Joint Scrutiny Panel

CODE OF CONDUCT

Part 1

General provisions

1. Introduction and interpretation

- (1) This Code applies to you as a member of the Local Area Joint Scrutiny Panel.
- (2) It is your responsibility to comply with the provisions of this Code.
- (3) In this Code—

“Authority” or “local authority” means any of the participating authorities in Suffolk;

“Meeting” means any meeting of the LAA Joint Scrutiny Panel;

“Member” means a person appointed by the Appointments Panel, sometimes referred to as Independent Community Members or ICMs;

“Monitoring Officer” means Suffolk County Council’s Monitoring Officer;

“Panel” means the LAA Joint Scrutiny Panel

2. Scope

- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you -
 - (a) conduct the business of the Joint Scrutiny Panel; or
 - (b) act, claim to act or give the impression you are acting as a representative of the Joint Scrutiny Panel,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 were appointed, but for which you are convicted after that date).

3. General obligations

- (1) You must treat others with respect.
- (2) You must not -
- (a) do anything which may cause any 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 this 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, any authority.

4. Disclosure of Information

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.

5. Conduct and Disrepute

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

6. Improperly securing an advantage etc

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 the resources of an authority -
 - (i) act in accordance with the reasonable requirements of an authority;
 - (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.

7. Must Have Regard to Relevant Advice

- (1) When making recommendations on any matter you must have regard to any relevant advice provided to you by Suffolk County Council's Monitoring Officer where that officer is acting pursuant to his statutory duties.

Part 2

Interests

8. Personal interests

- (1) You have a personal interest in any business of the Panel 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 have been appointed or nominated by a local 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 who has a place of business or land in an 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);
 - (vi) any contract for goods, services or works made between an 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 (v);
 - (vii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (viii) any land in an authority's area in which you have a beneficial interest;
 - (ix) any land where the landlord is an 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 (v) is, the tenant;
 - (xi) any land in an authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a recommendation 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 electoral division or ward, as the case may be, affected by the decision;
- (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).

9. Disclosure of personal interests

- (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of the Panel and you attend a meeting of the Panel 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 Panel 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 an authority of the type mentioned in paragraph 8(1) (a) (vii), 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 13, sensitive information relating to it is not registered in the Panel'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.

10. Prejudicial interest generally

- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of an 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 an 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 an authority in respect of -
 - (i) housing, where you are a tenant of an authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) 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;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Effect of prejudicial interests on participation

- (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of the Panel
 - (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;

and

- (b) you must not seek improperly to influence a recommendation about that business.
- (2) Where you have a prejudicial interest in any business of the Panel, 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

12. Registration of members' interests

- (1) Subject to paragraph 13, you must, within 28 days of being asked to do so by the Monitoring Officer, register details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to the 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 your authority's monitoring officer.

13. Sensitive information

- (1) Where you consider that the information relating to any of your personal interests is sensitive information, and the 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 Monitoring Officer asking that the information be included in the 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.

LAA Joint Scrutiny Panel

THE GENERAL PRINCIPLES

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 recommendations on merit.

Accountability

4. **Members** should be accountable to the public for their actions and the manner in which they carry out their responsibilities.

Openness

5. **Members** should be as open as possible about their actions and should be prepared to give reasons for those actions.

Personal Judgement

6. **Members** may take account of the views of others, 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.

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 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.