

Croydon Council

For General Release

REPORT TO:	ETHICS COMMITTEE 9 DECEMBER 2014
AGENDA ITEM NO:	7
SUBJECT:	CODE OF CONDUCT FOR NON-VOTING CO-OPTees
LEAD OFFICER:	COUNCIL SOLICITOR, DIRECTOR OF DEMOCRATIC AND LEGAL SERVICES & MONITORING OFFICER
CABINET MEMBER:	
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics and to consider and recommend revisions to the Code of Conduct.	
FINANCIAL IMPACT Implementation of the recommendations contained in this report shall be contained within existing budgets	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

1. RECOMMENDATION

The Committee is asked to:

- 1.1 Consider and comment on the proposed Code of Conduct for non-voting co-optees and recommend the Code for adoption by the Council.

2. EXECUTIVE SUMMARY

- 2.1 The Council has adopted a Code of Conduct which applies to Members and voting Co-optees which is governed by statutory requirements. In addition to voting co-optees, the Council also appoints non-voting co-optees (including to Pensions Committee and in respect of Audit functions of General Purposes and Audit Committee) and non-voting appointees to Task and Finish Groups, including in relation to Scrutiny functions (hereafter referred to jointly as “non-voting co-optees” for the sake of brevity). This report recommends, for consideration, a Code of Conduct for non-voting co-optees.

3. DETAIL

- 3.1 Non-voting co-optees and appointees provide advice and external perspective to the work of the Council and enhance decision making. Such non-voting co-optees may nevertheless have access to often confidential and sensitive information in order to carry out their role.
- 3.2 With a view to enhancing the transparency and accountability of such external involvement in council business it is proposed to introduce a Code of Conduct for non-voting co-optees. Members will recall that voting co-optees on the Council committees are already required to abide by the Code of Conduct and make a declaration of interests under the provisions of statute in the same manner as Members do. As non-voting co-optees are not covered by the statutory regime, a Croydon specific Code is proposed for adoption for Croydon non-voting co-optees.
- 3.3 A draft of the proposed Code is attached at Appendix 1 for Members' consideration.
- 3.4 Members will note that the draft Code mirrors the Members' Code in many respects. However the "interests" section has been revised, as Disclosable Pecuniary Interests are a statutory construct which are not applicable to non-voting co-optees. Members will also note specific reference has been made to non-voting co-optees undertaking not to disclose sensitive or confidential information and the possibility that non-compliance may result in a termination of their role as non-voting co-optees.
- 3.5 Members are asked to consider and comment on the proposals and recommend a Code for non-voting co-optees for adoption.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 There are no direct financial implications arising from this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal consequences arising from the contents of this report beyond those set out in the body of the report.

CONTACT OFFICERS:

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BACKGROUND DOCUMENTS:

None

LONDON BOROUGH OF CROYDON

Code of Conduct for Non-voting Co-optees

For the purposes of this Code, “non-voting co-opted Member” includes any person appointed as a non-voting co-optee or any appointee on any Council Task and Finish Group who is not a Member or Officer of the London Borough of Croydon. It does not include Statutory Co-opted Members or Non-Statutory Co-opted Members appointed to Scrutiny and Strategic Overview Committee who are subject to the provisions of the Scheme of Co-option in Part 6D of the Council’s Constitution.

1. You are a non-voting co-opted Member of the London Borough of Croydon and as such you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty, leadership and undertake to observe this Code when acting in your capacity as a non-voting co-opted Member.
2. When acting in your capacity as a non-voting co-opted Member:-
 - i) You must act solely in 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 or other business or employment relationship you may have.
 - ii) 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 as a non-voting co-opted Member.
 - iii) When carrying out your public duties you must make all choices and recommendations on merit.
 - iv) When carrying out your public duties you shall not disclose sensitive information or 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 or sensitive nature.
 - v) You are accountable for your actions to the public and you must co-operate fully with whatever scrutiny is appropriate to your role as determined by the Council.
 - vi) You must be as open as possible about your decisions and actions in your role and should be prepared to give reasons for those decisions and actions.
 - vii) You must declare any private interests, both pecuniary and non-pecuniary, which relate to your role and must take steps to resolve any conflicts arising in a way that protects the public interest. This means you shall notify the Council’s Monitoring Officer of any interests set out in paragraph 3 below.

viii) You must, when using or recommending the use by others of the resources of the Council, 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.

ix) You must promote and support high standards of conduct when serving in your public role, in particular as characterised by the above requirements, by leadership and example, including not doing anything which breaches the equalities legislation.

3. Registering and notifying interests

i) You must, within 28 days of taking on your role as a non-voting co-opted Member or on becoming aware of the interest, notify the Council's Monitoring Officer of any of the following interests you may have:

- Any matter of business which is before the Council Committee/body to which you are co-opted/appointed for consideration or decision where it either relates to or is likely to affect—

(1) any body (including any body exercising functions of a public nature or directed to charitable purposes or which has as one of its principal purposes, the influence of public opinion or policy (which shall encompass any political party or trade union)) of which you are a member or in a position of general control or management or which has nominated you for the role of co-optee; and

(2) any contract for goods, services or works made between the Council 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 (1) above;

(3) any land in which you have a beneficial interest;

(4) any land where the landlord is the Council 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 (1) above is, the tenant;

(5) any land in the Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

- Any any gift(s) or hospitality the value of which exceeds £50 and which relate to your role as a non-voting co-opted Member.

ii) You may not participate in any discussion of any matter before the Committee to which you are co-opted which relates to any matter in respect of which you have notified or ought to have notified an interest as set out above.

4. Failure to comply with this Code

Failure to comply with the requirements of this Code may result in a termination of your role as non-voting co-optee on behalf of the Council.

5