

Decisions Standards and Ethics

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Decision making

- **Decisions must be lawful, taken fairly and so as to avoid any bias or apparent bias. Unfair decisions are open to legal challenge and complaints of maladministration**
- **Distinction between policy decisions and regulatory decisions**
- **Bias**
An attitude of mind which prevents you from making an objective determination of the issues e.g. having an interest in the outcome
- **Apparent bias**
Would a fair minded observer knowing the background consider that there was a real possibility of bias?
- **Predisposition**
A tendency towards a particular view but you are still able to consider the matter on its merits
- **Predetermination**
You have already made up your mind

Standards and Ethics

- **Nolan principles of conduct**

Define the standards you should uphold

- **Code of Conduct**

- All provisions apply whenever you are conducting Council business or representing the Council

- Some provisions apply to your private life as well

- acting in a way that brings your office or the Council into disrepute

- using your office to improperly secure an advantage/disadvantage

- intimidation of those involved in an investigation [**New**]

- **Old Code and New Code**

Old applies until the Council adopts the New

General obligations

Old

- No unlawful discrimination
- Treat others with respect
[OK to criticise
ideas/policies/performance
but risk if criticise
Officers/public]

New

- Not do anything to seriously prejudice Council's ability to comply with equality laws
- No change
- No bullying
- No intimidation of those involved in an investigation [applies at all times]

General obligations

Old

- Not compromise the impartiality of anyone who works for or on behalf of the Council
- Not disclose confidential information other than in limited circumstances
[use access to information/whistleblowing regimes]
- Not prevent anyone getting information that they are entitled to

New

- No change
- No change
- No change

General obligations [applying at all times]

Old

- Not bring your office or the Council into disrepute
[but Livingstone case: private conduct unlikely to be caught]
- Not use your position improperly to the advantage/disadvantage of yourself/anyone else

New

- No change
[but Local Government and Public Involvement in Health Bill: private conduct leading to a criminal conviction will be caught]
- No change
- Not seek to improperly influence decisions to the advantage/disadvantage of yourself/anyone else

General obligations

Old

- Only use Council resources [e.g. IT] in accordance with its requirements AND for proper purposes only [i.e. Council not private/party political business]
- Take account of Chief Finance Officer/Monitoring Officer advice when making decisions

New

- No change
- No change

General obligations

Old

- Must report suspected breaches

New

- No reporting requirement
- Have regard to LA Code of Publicity
- Give reasons for decisions

Personal Interests

Old

- Registered interests
- Affects you a **relative** or a **friend** more than other people in the **District**
- Public service interests
Council/public appointments]
- Declare speak and vote

New

- No change
- Affects you a **family member** or a **close associate** more than other people in your **ward**
- Registered gifts/hospitality for 3 years following registration
- Only if speak on the matter or if prejudicial
- No change

Prejudicial interests

Old

- Your personal interest in the issue is so great that it would be seen as likely to prejudice your judgement of the public interest
- Declare and leave

New

- Matter affects your financial interests/relates to a regulatory matter and public interest test
- [If the public can speak] Declare speak leave and not vote

Registers

Old

- Interests within 28 days following acceptance of office
- Changes to interests during office within 28 days
- Gifts/hospitality worth more than £25 received in your role as a Member within 28 days

New

- No change
- No change
- No change