

SWINDON BOROUGH COUNCIL

CODE OF CONDUCT TO BE OBSERVED BY MEMBERS OF THE COUNCIL

**Adopted by the Authority as from 1st May 2002
(Reviewed 18 April 2005)**

(References within this Code of Conduct to “he” should be understood as referring to “he / she,” him” to “him / her” and “his” to “his/hers”)

PART 1

GENERAL PROVISIONS

Scope

1 (1) A Member must observe the Authority's code of conduct whenever he:

- (a) conducts the business of the Authority;
- (b) conducts the business of the office to which he has been elected or appointed; or
- (c) acts as a representative of the Authority,

and references to a Member's official capacity shall be construed accordingly.

(2) An Authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a Member undertaken other than in an official capacity.

(3) Where a Member acts as a representative of the Authority:

- (a) on another relevant Authority, he must, when acting for that other Authority, comply with that other Authority's code of conduct, or
- (b) on any other body, he must, when acting for that other body, comply with this Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

(4) In this code, “Member” includes a co-opted Member of an Authority.

General Obligations

2 A Member must:

- (a) promote equality by not discriminating unlawfully against any person;
- (b) treat others with respect; and
- (c) not do anything which comprises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

3 A Member must not:

- (a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor
- (b) prevent another person from gaining access to information to which that person is entitled by law.

4 A Member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or the Authority into disrepute.

5 A Member:

- (a) must not in his official capacity, or any other circumstance, use his position as a Member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Authority:
 - (i) act in accordance with the Authority's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which the Member has been elected or appointed.

6 (1) A Member must when reaching decisions:

- (a) have regard to any relevant advice provided to him by:

- (i) the Authority's Director of Finance acting in pursuance of his duties under section 114 of the Local Government Finance Act 1988; and
 - (ii) the Authority's Monitoring Officer acting in pursuance of his duties under section 5(2) of the Local Government and Housing Act 1989; and
 - (b) give the reasons for those decisions in accordance with the Authority's and any statutory requirements in relation to the taking of an executive decision.
- (2) In sub-paragraph (1)(b) above and in paragraph 9(2) below, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

7 A Member must, if he becomes aware of any conduct by another Member which he reasonably believes involves a failure to comply with the Authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.