

A. CODE OF CONDUCT FOR COUNCILLORS

Background

The Localism Act 2011 requires the Harrow Council to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. It also requires the Council to adopt a code of the conduct expected of such Members when acting in that capacity.

This Code has been prepared and adopted by Harrow Council

The Council having adopted this Code will, from time to time, revise and replace it as is appropriate but will publicise such changes through its website and otherwise for the information of people living in its area.

Part 1

General provisions

Introduction and interpretation

- 1.1 This Code defines the standards of conduct, which will be required of you and in your relationships with the Council and its Officers. It has been created to embrace the 10 general principles of conduct which are set out in the Appendix.
- 1.2 The Code represents the standard against which the public, fellow Councillors, and the Authority's Standards Committee will judge your conduct. A breach of the Code may also constitute a criminal offence.
- 1.3 You should familiarise yourself with the requirements of this Code. You should regularly review your personal circumstances, particularly when those circumstances change. If in any doubt, you should seek advice from the Authority's Monitoring Officer.
- 1.4
 - (1) This Code applies to you as a member of the Council..
 - (2) You should read this Code together with the general principles set out in the Appendix.
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) In this Code –

“Co-opted Member” means a person who is not a Member of the Council but who:

- (i) is a member of any committee or sub-committee of the Council, or**

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- (ii) **is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council.**

“meeting” means any meeting of -

- (a) the Council ;
- (b) the executive of the Council ;
- (c) any of the Council’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“Member” includes a co-opted member and an appointed member.

“subject to a pending notification” means a notification made of a disclosable pecuniary interest to the Monitoring Officer which has not yet been entered into the Register of Interests.

Scope

2. (1) You must comply with this Code whenever you **are acting in your capacity as a Member of the Council**

General obligations

3. (1) You must treat others with respect.
- (2) You must not-
- (a) do anything which may cause the Council 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 the Council’s code of conduct; or

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(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council .

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

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

6.1 (1) 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 or authorising the use by others of the resources of the Council -

(i) act in accordance with the Council's reasonable requirements;

(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.

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- 6.2 You may have dealings with the Council on a personal level, for instance as a council tax payer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in those dealings because of your position as a Member. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment. Likewise, you should never use your position as a Member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.
- 6.3 You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the Council for your use in your duties as a Councillor or a committee member or member of the Executive are used strictly for those duties and for no other purpose.
- 7.1 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
- (a) the Council's chief finance officer; or
 - (b) the Council's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.
- 7.2 When reaching decisions you should -
- (i) not act or cause the Council to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking to the Court, or for the advantage of any particular person or interest rather than in the public interest; and
 - (ii) take into account all material information of which you are aware and then take the decision on its merits and in the public interest

Part 2

Interests

This part is subject to amendment once regulations are received

Personal interests

8. (1) You have a personal interest in any business of the Council where either -
- (a) it relates to or is likely to affect -

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- (i) any body of which you are a member or in a position of general control or, management and to which you are appointed or nominated by the Council ;
- (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, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your 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);
 - (vii) any contract for goods, services or works made between your 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 (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in the Council's area in which you have a beneficial interest;
 - (x) 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 (vi) is, the tenant;
 - (xi) 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; or
- (b) a decision 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

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majority) of other council tax payers, ratepayers or inhabitants of the electoral 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).

Disclosure of personal interests

- 9.1 (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of the Council and you attend a meeting of the Council 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 Council 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 the Council of the type mentioned in paragraph 8(1)(a)(viii), 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 and but, by virtue of paragraph 14, sensitive information relating to it is not registered in the Council's your authority'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.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of the Council your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "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.

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- 9.2 For the avoidance of doubt if you have a personal (but not prejudicial) interest) and observe a meeting from the public gallery (or any part of the room or chamber) but do not address the meeting or take part in the discussion you are nevertheless deemed to be attending the meeting and are required to declare the interest.
- 9.3 Decision-making by a single executive member is a matter of particular sensitivity, and if you have a personal interest in a matter on which you may take a decision, even if it is not a prejudicial interest, you should wherever possible refer the matter to the Executive for a collective decision.

Prejudicial interest generally

10.1 (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your 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 the 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 your authority in respect of -

(i) housing, where you are a tenant of your 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.

10.2 If you are in any doubt as to whether you should continue to participate in any matter, you should

- (a) consider whether a member of the public - if he or she knew all the facts - would reasonably think that your personal interest was so important that your decision on the matter would be affected by it. If he or she would think that your judgement would be affected, then it is likely that you have a prejudicial interest; and

take advice from the Monitoring Officer at an early stage as to whether your circumstances permit continued participation.

10.3 You, or some firm or body with which you are personally connected may have professional, business or other personal interests within the area for which the Council is responsible. Such interests may be substantial and closely related to the work of the Executive or one or more of the Council's committees.

You should not seek, or accept, membership of the Executive or any such committee, if that would involve you in disclosing an interest so often that you could be of little value to the Executive or committee, or if it would be likely to weaken public confidence in the duty of the Executive or committee to work solely in the general public interest.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where -

- (a) **that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and**
- (b) **at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.**

Effect of on participation

12.1 (1) Where you have a prejudicial interest in any business of your authority –

(c) 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;**

- (i) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) 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

Registration of Members' interests

13. (1) You must, within 28 days of –

(a) this Code being adopted by the Council or

(b) your election or appointment to office (where that is later),

register in the Council's register of members' interests (maintained under details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to the Council's monitoring officer.

(2) 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 the Council's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's 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 13.

(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 your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability or 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.

APPENDIX

THE 10 GENERAL PRINCIPLES OF CONDUCT

Members are reminded of the 10 General Principles of Conduct (as set out below), which govern the conduct of members.

1. **Selflessness** - Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
2. **Honesty and Integrity** - 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.

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3. **Objectivity** - Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
4. **Accountability** - Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
5. **Openness** - Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
6. **Personal judgement** - Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
7. **Respect for others** - 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. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.
8. **Duty to Uphold the Law** - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
9. **Stewardship** - Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.
10. **Leadership** - Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.