

BRENT COUNCIL CODE OF CONDUCT FOR MEMBERS

PART 1

Introduction and interpretation

1. (1) This code applies to **you** as a member of Brent Council.
- (2) It is your responsibility to comply with the provisions of this Code
- (3) In this Code –

“meeting” means any meeting of –

- (a) Full council;
- (b) The Cabinet ;
- (c) Any of the council’s or Cabinet’s committees, sub-committees, joint committees or joint sub-committees;

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

Scope

2. (1) You must comply with this Code whenever you –
 - (a) Conduct the business of the council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) Act, claim to act, or give the impression you are acting as a representative of the council,
 and references to your official capacity are construed accordingly.

- (2) Where you act as a representative of the council –

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct, or
- (b) on any other body, you must, when acting for that other body, comply with Brent Council’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject

PART 2

High standards of conduct

3. You must maintain a high standard of conduct, and comply with the following general conduct principles:

The General Principles

Selflessness – you should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity – you should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity – you should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – you should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

Openness – you should be as open as possible about your actions and those of their authority, and should be prepared to give reasons for those actions.

Honesty – you should be truthful in your council work and avoid creating situations where your honesty may be called into question.

Leadership – you should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

General Obligations

4. (1) You must treat others with respect.
- (2) You must not –
- (a) do anything which may cause the council to breach any of the duties under the Equality Act 2010.;
 - (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
 - (d) Do anything which comprises or is likely to compromise the impartiality of those who work for, or on behalf of, the council.

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

6. 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 in all the circumstances and
 - (bb) in the public interest; and
 - (cc) made in good faith and in compliance with the reasonable requirements of the council; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

7. 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)

8. (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 the council.

9. You must attend training sessions in accordance with the Planning Code of Practice and Licensing Code of Practice
 10. You must attend Safeguarding training provided by the local authority and receive, attend and consider updates as appropriate.

PART 3
Interests
Registration of Interests
 11 (1) Within 28 days of this Code being adopted by the Council, or of your election, re-election or your appointment as a co-opted member (whichever is the later), you shall notify the Monitoring Officer of any interests which fall within the categories specified in Appendix A (Disclosable Pecuniary Interests) or Appendix B (Personal Interests).
 11 (2) You shall notify the Monitoring Officer of any change to interests or any new interests in Appendices A and B within 28 days of becoming aware of it.
 11 (3) The Monitoring Officer will maintain the council's register of interests and enter onto that register all interests notified to him/her.

Sensitive Interests
 12. (1) A member will have a Sensitive Interest if the nature of the member's interest is such that the member and the Monitoring Officer consider that disclosure of the details of the interest could lead to the member, or a person connected with the member, being subject to violence or intimidation.
 12 (2) Where the member has a Sensitive Interest then the council's public register of interests will not include details of the interest, but may state that the member has an interest the details of which are withheld under this subsection.
 12 (3) If sections 16 and 17 of this Code apply in relation to the sensitive interest those provisions are to be read as requiring the member to disclose not the nature of the interest but merely the fact that the member has an interest in the matter concerned.

Definition of Interests

Personal Interests

13 (1) For the purposes of this code you have a **personal interest in any** business of the authority where either

- (a) The business of the authority relates to or is likely to affect an interest that you are required to register under Appendix B or
- (b) where a decision in relation to that business of the authority 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;

And that interest is not a Disclosable Pecuniary Interest.

13 (2) For the purpose of Paragraph 13 (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 a member of your family or a person with whom you have a close association, any firm in which a member of your family or a person with whom you have a close association is a partner, or any company of which they are a director; or
- (c) any person or body in whom a member of your family or a person with whom you have a close association has a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in Appendix B, of which a member of your family or A person with whom you have a close association is a member or in a position of general control or management.

Prejudicial Interests

14 (1) For the purposes of this code where you have a personal interest in any matter to be considered or being considered by your authority you also have a **prejudicial interest** in that matter 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 judgment of the public interest **and** where that matter:

- (a) affects your financial position or the financial position of a person or body described in paragraph 13 above, **or**
- (b) relates to the determining of any approval, consent, licence, permission, or registration in relation to you or any person or body described in paragraph 13 above.

14 (2) A personal interest in any matter to be considered or being considered by your authority is not a prejudicial interest where that matter 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.

Disclosable pecuniary interests

15. For the purposes of this code you have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State as set out in Appendix A to this Code.

Disclosure of Interests and Participation in Meetings

Disclosure of personal interests

16 (1) Where you have a personal interest in any matter being considered by your authority and you are present at a meeting of the authority at which the matter is considered, you should declare the existence and nature of the interest before the matter is discussed or as soon as it become apparent to you, but this is subject to section 12.

16 (2) Paragraph 16(1) only applies where you are aware or ought reasonably to be aware of the existence of the interest.

Disclosure of pecuniary interests and prejudicial interests and effect on participation

17. (1) Subsections (2) (3) (4) and (5) apply to you if you –

(a) Are present at a meeting of the council or of any committee, sub-committee, joint committee or joint sub-committee, Cabinet or Cabinet subcommittee meeting,

(b) Have a disclosable pecuniary interest **or** a prejudicial interest in any matter to be considered, or being considered, at the meeting, and

(c) Are aware that the condition in paragraph (b) is met.

(2) You must disclose the existence and nature of the interest to the meeting, but this is subject to section 12.

(3) If the interest is a disclosable pecuniary interest not yet entered in the council's register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

(4) If the interest is a **disclosable pecuniary interest or a prejudicial interest** you may not

- (a) participate, or participate further, in any discussion of the matter at the meeting, or
- (b) participate in any vote, or further vote, taken on the matter at the meeting, (but this is subject to section 18 save that you may remain in the meeting only for the purpose of making representations, answering questions or giving evidence relating to the matter, and provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. You should withdraw from the room in which the meeting is held for the duration of any discussion or vote on the matter once you have made representations, answered questions or given evidence relating to the matter.

(5) Sub sections (6) and (7) apply if –

- (a) a function of the Council may be discharged by a member acting alone,
- (b) you have a disclosable pecuniary interest **or** prejudicial interest in any matter to be dealt with, or being dealt with, by you in the course of discharging that function, and
- (c) you are aware that the condition in sub section(b) is met.

(6) If the interest is a disclosable pecuniary interest not yet entered in the Council's register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that the condition in sub section (6) (b) is met in relation to the matter.

(7) You must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you).

(8) Where you give a notification for the purposes of sub sections (3) and (6), the Monitoring Officer will enter the interest notified in the Council's register.

(9) You will be excluded from a meeting while any discussion or vote takes place in which, as a result of the operation of sub section (4), you may not participate.

(10) for the purpose of this section, an interest is "subject to a pending notification" if –

- (a) under this section or section 11, the interest has been notified to the Monitoring Officer, but
- (b) that interest has not yet been entered in the council's register in consequence of that notification.

Dispensations

18 On a written request made to the council's monitoring officer, the council may grant you a dispensation to participate in a discussion and/or vote on a matter at a meeting where you would otherwise not be allowed to if the council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the council's area to allow you to take part or it is otherwise appropriate to grant a dispensation.

APPENDIX A

Disclosable Pecuniary Interests

Such interests of:

1. the member, or
2. the member's spouse or civil partner, or
3. a person with whom the member is living as husband and wife, or
4. a person with whom the member is living as if they were civil partners'

and the member is aware that that other person has the interest

Please note: any person mentioned in 2, 3 & 4 above is known as a "relevant person"

"Member" includes co-opted member and appointed members.

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to the member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.</i>

Securities

Any beneficial interest in securities of a body where—
(a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and
(b) either—
(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

APPENDIX B

Personal Interests

- 1) any body of which the member is in a position of general control or management, and to which he / she is appointed or nominated by the Council.
- 2) any body:
 - a) exercising functions of a public nature;
 - b) directed to charitable purposes; or
 - c) whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management;
- 3) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his / her office.

**PART 4
Miscellaneous**

Related documents

14. The council has adopted other codes and protocols which do not form part of this Code but which deal with specific activities you may be required or wish to carry out in the course of your duties as a councillor. You are required to comply with these and any breach may be regarded as a breach of this Code. The following codes and protocols are currently in effect:
 - (1) Planning Code of Practice
 - (2) Licensing Code of Practice
 - (3) Local Authority Code of Publicity
 - (4) Protocol for Member/Officer Relations
 - (5) IT Policies and Procedures