

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. A co-opted member is a person who is not a member of the Council but is a member (with or without voting rights) of any committee or sub-committee of the Council or represents the Council on any joint committee or joint sub-committee of the Council.

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 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 this Code, except and insofar as it conflicts with any other lawful obligation to which that other body may be subject.

PART 2

High standards of conduct

3. You must maintain a high standard of conduct and, in particular, comply with the following general 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 this Code; 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

	<ul style="list-style-type: none"> (iv) The disclosure is – <ul style="list-style-type: none"> (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.	<p>You –</p> <ul style="list-style-type: none"> (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 – <ul style="list-style-type: none"> (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 (iii) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
8.	<ul style="list-style-type: none"> (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by – <ul style="list-style-type: none"> (a) The Council’s Chief Finance Officer; or (b) The Council’s Monitoring Officer, <p>where that officer is acting pursuant to his or her statutory duties.</p> (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
9.	<p>You must attend mandatory training sessions on this Code or Members’ standards in general, and in accordance with the Planning Code of Practice and Licensing Code of Practice.</p>
10.	<p>You must attend Safeguarding training provided by the Council and receive, attend and consider updates as appropriate.</p>
<p>PART 3</p> <p>Interests</p> <p>Registration of Interests</p>	
11.	<ul style="list-style-type: none"> (1) You must, within 28 days of your election or your appointment as a co-opted member, notify the Monitoring Officer in writing of any interests which fall within the categories specified in Appendix A (Disclosable Pecuniary Interests) or Appendix B (Personal Interests). (2) You must, within 28 days of your re-election or re-appointment as a co-opted Member, or becoming aware of any change to an interest registered or any new interest, notify the Monitoring Officer in writing of any change to your

interests or any new interests which fall within the categories specified in Appendices A (Disclosable Pecuniary Interests) and B (Personal Interests).

- (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) If the nature of the your interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation your interest will be considered to be a sensitive interest.
- (2) Your sensitive interest will still be entered in the Council's register of interests, but the copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest. Instead it will state that you have an interest but the details have been withheld because it is a sensitive interest.
- (4) If at a meeting you have an interest which the Monitoring officer agrees is a sensitive interest, you must disclose to the meeting that you have an interest that is sensitive but need not disclose the nature of the interest or any sensitive information to the meeting.

Definition of Interests

Personal Interests -

- 13 (1) For the purposes of this Code you have a **personal interest in any** business of the Council where either -
- (a) The business of the Council 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 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 ward affected by the decision;
- and that interest is not a disclosable pecuniary interest.
- 13 (2) For the purpose of paragraph 13(b) a "relevant person" is -
- (a) a member of your family or your friend or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed persons in sub-paragraph (2)(a), any firm in which they are a partner, or any company of which they are a director; or
- (c) any person or body in whom persons in sub-paragraph (2)(a) 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 Appendix B, paragraph 1) and 2).

Prejudicial Interests

- 14 (1) Where you have a personal interest, 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 judgement of the public interest;
- and** the matter:
- (a) affects your financial position or the financial position of a person or body described in paragraph 13, **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.
- 14 (2) A personal interest in any matter to be considered or being considered at a meeting is not a prejudicial interest where that matter relates to the functions of the Council in respect of –
- (i) housing, where you are a tenant of the Council 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 your 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 entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; or
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992

Disclosable Pecuniary Interests

15. 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. The descriptions refer to your interests and the interests your spouse or civil partner (or person with whom you are living as a spouse or civil partner) has and which you are aware of.

Disclosure of Interests and Participation in Meetings

Disclosure of personal interests

- 16 (1) Subject to paragraph 12, where you have a personal interest in any matter being considered by the Council and you are present at a meeting of the Council at which the matter is considered, you should disclose the existence and nature of the interest before the matter is discussed or as soon as it becomes apparent to you.
- 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 prejudicial interests and effect on participation

17. (1) Sub-paragraphs (2), (3) and (4) apply to you if you –
- (a) Are present at a meeting of the Council, and
 - (b) Have a prejudicial interest in any matter to be considered, or being considered, at the meeting.
- (2) You must disclose the existence and nature of the interest to the meeting, but this is subject to paragraph 12.
- (3) You must not participate, or participate further, in any discussion of, or in any vote or further vote taken on, the matter at the meeting, 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.
- (4) Subject to sub-paragraph (3), you must withdraw from the room where a meeting considering the matter is being held.

Disclosable pecuniary interests and effect on participation

18. (1) Sub-paragraphs (2), (3), (4) and (5) apply to you if you –
- (a) Are present at a meeting of the Council,
 - (b) Have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
 - (c) Are aware that the condition in sub-paragraph (b) is met.
- (2) You must disclose the existence and nature of the interest to the meeting, but this is subject to paragraph 12.
- (3) You must not participate, or participate further, in any discussion of, or in any vote or further vote taken on, the matter at the meeting.
- (4) You must withdraw from the room where a meeting considering the matter is being held.
- (5) If the interest is 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 meeting.
- (6) Sub-paragraphs (7) and (8) apply if –
- (a) a function of the Council may be discharged by a member acting alone;
 - (b) you have a disclosable pecuniary 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-paragraph (b) is met.
- (7) If the interest is 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-paragraph (5)(b) is met in relation to the matter.

- (8) 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).
- (9) For the purpose of this paragraph, an interest is the “subject of a pending notification” if –
 - (a) 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

- 19. On a written request to the Monitoring Officer, the Council may grant you a dispensation to participate in a discussion and/or vote on a matter at a meeting, or discharge a Council function acting alone, where you would otherwise not be allowed to if, after having had regard to all relevant circumstances, one of the grounds specified in section 33(2) of the Localism Act 2011 is satisfied.

Appendix A

Disclosable Pecuniary Interests

A disclosable pecuniary interest is an interest of a description specified in regulations made by the Secretary of State (as set out below) which you may have or your spouse or civil partner (or person with whom you are living as a spouse or civil partner) also has (referred to below as “the relevant person”) and you are aware of it.

Subject	Description of interest
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain which you or the relevant person undertakes.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade</i>

Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you notify the Monitoring Officer about your disclosable pecuniary interests following your election or re-election.

Contracts

Any contract which is made between you or the relevant person (or a body in which you or the relevant person has a beneficial interest) and the Council -

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

Land

Any beneficial interest in land which you or the relevant person have and which is within the area of the Council.

Licences

Any licence (alone or jointly with others) which you or the relevant person holds to occupy land in the area of the Council for a month or longer.

Corporate tenancies

Any tenancy where (to your knowledge) -

(a) the landlord is the Council; and

(b) the tenant is a body in which you or the relevant person has a beneficial interest.

Securities

Any beneficial interest which you or the relevant person has in securities of a body where—

(a) that body (to your knowledge) has a place of business or land in the area of the Council; 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 you or the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Appendix B

Personal Interests

You have a personal interest in any business of the Council where either it relates to or is likely to affect:

- 1) 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.

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 you are a member or in a position of general control or management.

3) The interests of any person from whom you have received a gift or hospitality worth an estimated value of at least £50 in your capacity as a Member. This includes a series of gifts and hospitality from the same person that add up to an estimated value of at least £50 in a municipal year.

PART 4

Miscellaneous

Related documents

20. The Council has adopted other codes, protocols, policies and procedures which do not form part of this Code but which impact upon and regulate your conduct as a councillor. You are required to comply with these rules and any breach may be regarded as a breach of this Code. Examples include:

- (1) Members' Gifts and Hospitality Protocol
- (2) Planning Code of Practice
- (3) Licensing Code of Practice
- (4) Local Authority Code of Publicity
- (5) Protocol for Member/Officer relations
- (6) IT policies and Procedures