

## 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 Executive;
- (c) Any of the council's or its Executive's committees, sub-committees, joint committees or joint sub-committees;

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

#### Scope

2. (1) Subject to sub-sections (2) and (5), 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) Subject to sub-sections (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, section 5 also has effect at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-section (3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) 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 –
  - (3) (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 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) in all the circumstances
    - (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 Director of Legal and Procurement, 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.

### **PART 3**

#### **Interests**

##### **Pecuniary interests and registration**

9. (1) For the purposes of this Code, a pecuniary interest is a “disclosable pecuniary interest” in relation to a person (“M”) if it is of a description specified in regulations made by the Secretary of State and either –

- (a) It is an interest of M's, or
  - (b) It is an interest of –
    - (i) M's spouse or civil partner,
    - (ii) A person with whom M is living as husband and wife, or
    - (iii) A person with whom M is living as if they were civil partners, and M is aware that that other person has the interest.
- (2) Subject to section 11, you must, within 28 days of your election or appointment to office, notify the Director of Legal and procurement of any disclosable pecuniary interests which you have at the date when the notification is given

- (3) Subject to section 11, you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any pecuniary interest registered under sub section (2), notify the Director of Legal and Procurement of that change or new interest
- (4) The Director of Legal and Procurement will maintain the council's register of interests, and enter onto that register all interests notified to him/her

**Disclosure of pecuniary interests**

10. (1) Sub sections (2) and (4) 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, Executive or Executive subcommittee meeting,
  - (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 paragraph (b) is met.
- (2) If the interest is not entered in the council's register, you must disclose the interest to the meeting, but this is subject to section 11.
- (3) If the interest is not entered in the council's register and is not the subject of a pending notification, you must notify the Director of Legal and Procurement of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) 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,
  - (c) remain in the meeting during the duration of any discussion of the matter but this is subject to section 11.
- (5) Sub sections (6) and (7) apply if –
- (a) a function of the 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 section (6) (b) is met.
- (6) If the interest is not entered in the Council's register and is not the subject of a pending notification, you must notify the Director of Legal and Procurement 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 (7), the Director of Legal and Procurement will enter the interest notified in the Council's register (whether or not it is a disclosable pecuniary interest).
- (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 Director of Legal and Procurement, but
  - (b) that interest has not yet been entered in the council's register in

consequence of that notification.

### **Sensitive interests**

11. (1) Sub sections (2) and (3) apply where –
  - (a) You have an interest (whether or not a disclosable pecuniary interest), and
  - (b) The nature of the interest is such that both you, and the Director of Legal and Procurement, 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.
- (2) If the interest is entered in the council's register, copies of the registers that are made available for inspection, and any published version of the register, must not include details of the interest (but may state that you have an interest the details of which are withheld under this subsection).
- (3) If section 10(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

### **Dispensations**

12. (1) The Director of Legal and Procurement may, on written request made by you, grant a dispensation relieving you from either or all of the restrictions in section 10(4) in cases described in the dispensation.
- (2) The Director of Legal and Procurement may grant you a dispensation under this section only if, after having had regard to all relevant circumstances, s/he –
  - (a) considers that without the dispensation the number of persons prohibited by section 10(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business
  - (b) Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
  - (c) Considers that granting the dispensation is in the interest of persons living in the authority's area
  - (d) considers that granting the dispensation each member of the Executive would be prohibited by section 10(4) from participating in any particular business to be transacted by the Executive, or
  - (e) considers that it is otherwise appropriate to grant a dispensation.
- (3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Section 10(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

## **PART 4 Miscellaneous**

### **Related documents**

13. 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 the latest version of these from time to time and any breach may be regarded as a breach of this Code. The following codes and protocols are currently in effect:

- (1) Code of Conduct for Members in relation to Planning Matters
- (2) Code of Conduct for Members in relation to Licensing Matters
- (3) Use of Information Technology: Guidance on the Brent's Local Code of Conduct for members
- (4) Convention on Working Relations

**Guidance**

14. If you need further advice or guidance on interpretation of this Code, please contact:

Fiona Ledden, Director of Legal and Procurement; Ext: 1292 or  
Kathy Robinson, Senior Lawyer, Ext: 1368