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Haringey Council

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22 May 2012

To: All Members of the Standards Committee

Dear Member,

Standards Committee - Monday, 28th May, 2012

Please find attached the 'TO FOLLOW' Item 8 - The Ethical Framework for consideration at the forthcoming Standards Committee on Monday 28 May 2012.

The Item was also considered at the meeting of Full Council on 21 May 2012 and the recommendations contained within the report were agreed.

Yours sincerely

Clifford Hart
Democratic Services Manager

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Haringey Council

Report for:	Council 21 May 2012	Item Number:	
Title:	The Ethical Framework		
Report Authorised by:	Bernie Ryan Head of Legal Services and Monitoring Officer		
Lead Officer:	Graham White Principal Project Lawyer		
Ward(s) affected: N/A	Report for Key/Non Key Decisions: N/A		

1. Describe the issue under consideration

1.1 The Localism Act 2011 has abolished the ethical framework which was brought in by the Local Government Act 2000 and replaced it with new powers and duties which leave an element of discretion for local authorities to decide how far to go in order to fulfil their duty to promote and maintain high standards of conduct. Although Regulations are awaited it is anticipated that the new arrangements will be brought into effect from 1 July 2012, when the current Members' Code of Conduct and the statutory Standards Committee will cease to exist. The Standards Board for England was abolished on 31 March 2012.

1.2 Under the new ethical framework the Council is under a duty to approve a code of conduct for members together with arrangements for dealing with allegations that a member has failed to comply with the code. However there is no prescribed code and each authority must develop and introduce its own code. In order for a code and the attendant arrangements to be approved by Full Council before 1 July 2012 it is necessary to submit recommendations to this meeting. This report proposes a code and arrangements set out at Appendices 1 and 2 for implementation when the new ethical framework is brought into effect.



1.3 Whilst the current Standards Committee will be abolished when the new regime is implemented, it will continue until at least 30 June and thereafter the establishment of a new Standards Committee will be at the Council's discretion. The membership of any new committee would be subject to the usual proportionality provisions and there would be no requirement to co-opt independent members though that remains possible at the Council's discretion. If a new Committee is to be established, its terms of reference and membership need to be approved by the Council. This report also proposes the establishment of a Standards Committee with terms of reference and membership as set out at Appendix 3.

1.4 Subject to Full Council's agreement to the proposals in this report, various constitutional changes will be required to give effect to the new regime, including the replacement of the current Members' Code of Conduct. These changes are set out at Appendix 4.

2. Cabinet Member introduction

N/A

3. Recommendations

3.1 It is recommended that with effect from the date upon which the new ethical framework comes into effect as prescribed by Regulations;

- (i) The Members' Code of Conduct attached at Appendix 1, be approved;**
- (ii) The Monitoring Officer be authorised to make any necessary amendments to the code in order to comply with Regulations;**
- (iii) The Arrangements for dealing with allegations that a member has failed to comply with the code, attached at Appendix 2, be approved;**
- (iv) A Standards Committee, an Assessment Sub-Committee and a Hearing Sub-Committee be established upon the terms of reference set out at Appendix 3;**
- (v) The amendments to the Constitution consequential to the changes to the ethical framework, as set out at Appendix 4, be approved.**

4. Other options considered

4.1 The Localism Act 2011 makes it a duty upon local authorities to approve a code of conduct and attendant arrangements to deal with allegations of breach of the code. Whilst there is some discretion as to the content of those documents there is no alternative course of action to the approval of a code of conduct and arrangements for dealing with allegations of failure to comply with the code.



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4.2 The establishment of a Standards Committee is at the Council's discretion. The alternative option is not to establish such a committee and to place the duty to promote and maintain high standards of conduct elsewhere.

5. Background information

Code of Conduct

- 5.1 The Localism Act requires a code to be consistent with the Seven Principles of Public Life (The Nolan Principles) and to contain provisions regarding the disclosure and registration of disclosable pecuniary interests, a new category of interests not yet defined. Beyond that it is left to each authority to determine what is necessary to promote and maintain high standards of conduct amongst members.
- 5.2 At its meeting on 20 December 2011 the Standards Committee considered the principles driving the new ethical framework and felt that a code of conduct as close as possible to the current code should be the initial code with a more fundamental review conducted over time if necessary. The Governance Review Delivery Group at its meeting on 24 January 2012 agreed that the current Standards Committee should be consulted and provide recommendations on the proposals. The Monitoring Officer submitted a draft code and draft arrangements to the Standards Committee on 22 March 2012 both of which broadly found satisfaction though with a number of amendments and simplifications suggested for the Monitoring Officer to consider. Revised documents were submitted to the members of the Governance Review Delivery Group on 30 April with a deadline for response by 8 May. No further comments were received.
- 5.3 Attached at Appendix 1 is a draft code based on the current code together with the statutory requirements. Efforts have been made to simplify the procedures somewhat, for example, so that minor personal interests once registered in the register of members' interests need not be disclosed at subsequent meetings.
- 5.4 The code sets out the seven Nolan Principles, a reduction of four from those in the current code. The code applies only when a member is acting in the capacity of a member and has no effect in relation to conduct at any other time. The current general obligations which identify conduct which could amount to a breach are repeated as they amplify the conduct required to meet the Nolan Principles.
- 5.5 The Act only requires the disclosure of disclosable pecuniary interests and leaves it to authorities to include provision it considers appropriate in respect of other interests. At present disclosable pecuniary interests have not been defined and Regulations are awaited. However the Act does provide that such interests are ones which are a member's own or the interests of the member's spouse or partner where the member is aware of those interest. This is wider than at present as registration of spouse's and partner's interests in the register of members' interests will be required and it will be a criminal offence under the Act not to so register.



- 5.6 The draft code maintains the current provisions regarding personal and prejudicial interests and makes specific provision with regard to disclosable pecuniary interests to the extent required by the Act. Further provision may be required when the Regulations are published. Whatever the eventual definition for disclosable pecuniary interests it is considered that members will have wider interests which ought to be disclosed in the interests of transparency and in promoting and maintaining high standards of conduct. The present regime is understood and it is felt that to maintain that arrangement will be much simpler than introducing something entirely new in addition to all the new statutory provisions.
- 5.7 A member will have a statutory duty to register disclosable pecuniary interests within 28 days of becoming a member or when a member becomes aware of such interest and the Act makes it a criminal offence not to do so. The code extends the obligation to register to all interests, though criminal sanctions only extend to disclosable pecuniary interests.
- 5.8 Once interests are registered the Act does not oblige members to disclose the interests at meetings, but it is considered that disclosable pecuniary interests and prejudicial interests should be disclosed at all meetings. However it is not thought necessary for personal interests to be disclosed on every relevant occasion if those interests are registered, though members may disclose them if they wish.
- 5.9 The Act provides that where a member has a disclosable pecuniary interest he/she may not participate or vote at the meeting and must leave the room. It is a criminal offence not to do so. The provision is extended in the code to prejudicial interests (though there is no criminal sanction). The current limited scope for a member with a prejudicial interest to participate at a meeting to make representations or answer questions etc is retained.
- 5.10 It is no longer a legal requirement to undertake to adhere to the Code before a person can act as a member, but it is considered that members should be required to give a written undertaking to that effect as it emphasises to members the importance of the obligations which they undertake to meet.
- 5.11 The proposed code may need to be amended once Regulations are published and will need to be kept under review.

Arrangements for dealing with allegations that a member has failed to comply with the code

- 5.12 Attached at Appendix 2 are the proposed arrangements for dealing with allegations that a member has failed to comply with the code. This is a somewhat streamlined version of the current statutory arrangements, retaining the Monitoring Officer as the lead officer and the Standards Committee and its sub-committees as the bodies which determine allegations of failure to comply. It is intended to keep these arrangements under review in the light of practical experience of operating them.



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- 5.13 Before decisions are made there is a requirement to consult and have regard to the views of the Council's Independent Person, a statutory appointment created by the Localism Act. A recruitment process compliant with the Act will be undertaken shortly so that the Full Council meeting in July can appoint an Independent Person.
- 5.14 The workload of the Independent Person cannot be anticipated at this stage as it will depend upon the number of allegations made and the seriousness of such allegations. Whilst it is not expected that the workload will be constant it could be quite concentrated over short periods of time. In any event the Council should recognise the contribution of the Independent Person making themselves available as and when required and it is proposed that the post holder be afforded remuneration of £1000 per annum. It is also proposed to appoint one or two deputies to the Independent Person who may be called upon in the event of the Independent Person being unavailable or conflicted. A deputy will only be called upon occasionally but for making themselves available in these circumstances it is proposed that a deputy be afforded a modest retainer payment of £250 per annum.

Standards Committee

- 5.15 Whilst the Localism Act abolishes the current Standards Committee with effect from the implementation of the new arrangements, the Council must decide whether to establish a new Committee charged with most of the functions currently undertaken save that it will not have any statutory duties. A new committee would be subject to the normal proportionality provisions and the present restriction for only one executive member on the committee will cease. There is no statutory requirement to appoint independent members though the Council could co-opt some or all of the current independent members if it wished to retain their experience. They would be non-voting members who would not be subject to any allowance under the Members' Allowances Scheme. Co-opted members cannot also be considered for appointment as an Independent Person. It is considered that the Standards Committee should be given the ability to appoint co-opted members, enabling it to decide whether or not it wishes to avail itself of the power. Power to appoint up to six co-opted members is provided for in the proposed terms of reference attached at Appendix 3.
- 5.16 The primary purpose of a newly formed Standards Committee would be to provide a focused lead on the promotion and maintenance of high standards of conduct whereby the Council will fulfil its statutory duty. One of the key roles will be the assessment and determination of allegations of failure to comply with the code of conduct and to assist in this it is proposed that sub-committees be appointed for the purposes of assessment of allegations and for the hearing and determination of allegations which are investigated. This is built into the arrangements attached at Appendix 2. If the Council decides not to establish a new Standards Committee, the duties set out in the proposed terms of reference will need to be delegated elsewhere.



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- 5.17 The establishment of a new code of conduct, a new Standards Committee with different membership and varied terms of reference and sub-committees and the new non-statutory regime in general necessitate various changes to the constitution, as attached at Appendix 4.
- 5.18 As the implementation date for the new ethical framework has not yet been announced, the Council will need to appoint a statutory Standards Committee on the existing terms of reference comprising 7 members and 6 independent members, one of whom must be appointed as Chair, to operate until the new ethical framework is brought into force. It should also appoint the new non-statutory Standards Committee on the basis of proportional representation to be established when the statutory committee is abolished.

6. Comments of the Chief Finance Officer and financial implications

- 6.1 The only direct financial implications are those arising from the changes to the remuneration payable to independent members of the current Standards Committee and that payable under the newly proposed Standards Committee. The existing fully year cost is £4962; that for the newly proposed Standards Committee is £2763 which represents a full year saving of £2199.

7. Head of Legal Services and legal implications

- 7.1 As this is a report from the Head of Legal Services and Monitoring Officer, the legal considerations and implications are dealt with in the body of the report and in the drafting of the Appendices. All legal aspects have been taken into account in the compilation of this report.

8. Equalities and Community Cohesion Comments

- 8.1 The Council has a public sector equality duty under S149 of the Equality Act 2010 to have due regard to need to:
- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - advance equality of opportunity between people who share those protected characteristics and people who do not;
 - foster good relations between people who those characteristics and people who do not.
- 8.2 Policy and Equalities Team have been consulted in the preparation of this report and they comment that the proposals outlined in this report carry no apparent implications for the any aspect of duty outlined above.

9. Head of Procurement Comments



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9.1 N/A

10. Use of Appendices

Appendix 1: Members' Code of Conduct

Appendix 2: Arrangements for dealing with allegations that a member or co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct.

Appendix 3: Terms of reference of new Standards Committee and its Sub-Committees.

Appendix 4: Consequential amendments to the Constitution.

11. Local Government (Access to Information) Act 1985

11.1 There are no background documents to this report

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MEMBERS' CODE OF CONDUCT

Part 1: GENERAL PROVISIONS

1. Introduction

- 1.1 This Code of Conduct, adopted pursuant to Section 27(2) of the Localism Act 2011, contributes towards the discharge of the Council's statutory duty under Section 27(1) to promote and maintain high standards of conduct by elected and co-opted members of Haringey Council. It is consistent with the principles of public life which are prescribed in Section 28(1) of the Localism Act 2011 and which are included in the Code at paragraphs 2.1 - 2.7 below.
- 1.2 Members are required to give a written undertaking to the Council that when acting in their capacity as a member, they will observe the Code of Conduct. This is attached at Appendix A.
- 1.3 The Council's Monitoring Officer must establish and maintain a register of interests of the members of the Council under Section 29 of the Localism Act 2011. It is a legal requirement that members must register all their disclosable pecuniary interests within 28 days of becoming a member. Other interests as specified in the Code must be notified to the Monitoring Officer in the manner described in the Code. The Members' Register of Interests will be available for inspection by the public at all reasonable hours and will be published on the Council's website.
- 1.4 The Localism Act 2011 has created a number of criminal offences for failure to comply with statutory requirements relating to disclosable pecuniary interests. A full list of the offences is attached at Appendix B.

2. The General Principles

2.1 Selflessness

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

2.2 Integrity

Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.3 Objectivity

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

2.4 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.

2.5 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.

2.6 Honesty

Members should not place themselves in situations where their honesty may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.7 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.

3. Application of the Code

3.1 This Code applies to you as a member of Haringey Council.

3.2 In your capacity as a member you should at all times adhere to the general principles prescribed in the Localism Act 2011 and set out at paragraphs 2.1 – 2.7 above.

3.3 It is your responsibility to comply with the provisions of this Code.

3.4 In this Code

"meeting" means any meeting of

(a) the Council; or

(b) the executive of the Council; or

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

"member" means an elected member and a co-opted member

3.5 You must comply with this Code whenever you are acting in your capacity as a member

3.6 This Code regards you as acting in your capacity as a member when you

(a) conduct the business of your authority (which in this Code includes the business of the office to which you are elected or appointed); or

(b) act as a representative of your authority,

3.7 This Code does not have effect in relation to your conduct other than where you are acting in your capacity as a member.

3.8 Where you act as a representative of your authority

(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 your 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. General Obligations

4.1 You must treat others with respect.

4.2 You must not

(a) do anything which may cause your authority to breach any of its equality duties;

(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 Members' Code of Conduct; or

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

4.3 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 Council; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

- 4.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute
- 4.5 You 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.
- 4.6 You must when using or authorising the use by others of the resources of your authority
- (a) act in accordance with your authority's reasonable requirements;
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes);
- (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 4.7 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/her statutory duties.
- 4.8 You must give reasons for all decisions you make in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2: MEMBERS INTERESTS

5. Disclosable Pecuniary Interests

5.1 You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in Regulations made by the Secretary of State and either:

- (a) it is an interest of yours, or
- (b) it is an interest of
 - (i) your spouse or civil partner
 - (ii) a person with whom you are living as husband and wife or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

6. Personal Interests

6.1 You have a personal interest in any business of your authority where either

- (a) it relates to or is likely to affect
 - (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 your authority;
 - (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 your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority 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 authority'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 majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

6.2 For the purposes of Paragraph 6.1(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 Paragraph 6.1(a)(i) and (ii) above of which such persons are members or in a position of general control or management.

7. Prejudicial Interests

7.1 Subject to Paragraph 7.2 below, where you have a personal interest in any business of your authority and 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 in the public interest, that interest is a prejudicial interest.

7.2 You do not have a prejudicial interest in any business of your authority where that business

- (a) does not affect your financial position or the financial position of a person or body described in Paragraph 6 above;
- (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 6 above; 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;
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992

PART 3: REGISTRATION OF MEMBERS' INTERESTS

8. Registration of Members' Interests

8.1 You must, within 28 days of becoming a member notify the Monitoring Officer of any disclosable pecuniary interest, prejudicial interest or personal interest which you have and the Monitoring Officer shall, subject to Paragraph 9 (Sensitive Interests) below, enter the interest(s) notified in the Council's Register of Members' Interests maintained under Section 29 of the Localism Act 2012

8.2 You must, within 28 days of becoming aware of any new interest or change to any interest registered under Paragraph 8.1 above, register details of that new interest or change by providing written notification to the Monitoring Officer who shall, subject to Paragraph 9 (Sensitive Interests) enter the interests notified in the Council's Register of Members' Interests.

9. Sensitive Interests

9.1 Where you have an interest (whether or not a disclosable pecuniary interest) and the nature of it 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 and intimidation if the interest is entered in the Members' Register of Interests then copies of the register 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 section 32(2) of the Localism Act 2011

9.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under Paragraph 9.1 above is no longer sensitive information, notify the Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

PART 4: DISCLOSURE OF MEMBERS' INTERESTS AND EFFECT UPON PARTICIPATION AT MEETINGS

10 Disclosure of Interests

10.1 Subject to paragraphs 10.4 to 10.8 below, where you have a disclosable pecuniary interest or a prejudicial interest in any business of your authority and you are present at a meeting at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered in the Members' Register of Interests or for which you have made a pending notification.

10.2 Where you have a personal interest in any business of your authority which is not a disclosable pecuniary interest nor a prejudicial interest and which is registered in the Members' Register of Interests and you are present at a meeting at which the business is considered, you are under no obligation to make a disclosure to the meeting but you may do so if you wish.

10.3 Where you have a personal interest in any business of your authority which is not a disclosable pecuniary interest nor a prejudicial interest and which is not registered in the Members' Register of Interests and you are present at a meeting at which the business is considered you

must disclose to that meeting the existence and nature of that interest.

- 10.4 Paragraphs 10.1 - 10.3 above only apply where you are aware or ought reasonably to be aware of the existence of the interest.
- 10.5 If you have a disclosable pecuniary interest which is not registered in the Members' Register of Interests 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
- 10.6 Where you have an interest in any business of the Council which would be disclosable by virtue of Paragraph 10.1 but by virtue of Paragraph 9 (Sensitive Interests) details of the interest are not registered in the Council's published Register of Members' Interests, at a meeting at which you are present you must disclose the fact that you have a disclosable interest in the matter concerned but details of that interest need not be disclosed
- 10.7 Where you have an interest in any business of your authority which is not a disclosable pecuniary interest or a prejudicial interest 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.
- 10.8 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.

11. Effect of Disclosable Pecuniary Interest or Prejudicial Interest on participation

11.1 Subject to Paragraph 11.3, if

(a) you are present at a meeting and

(b) you have a disclosable pecuniary interest of which you are aware or a prejudicial interest in any matter to be considered, or being considered, at the meeting,

(c) **You may not** participate, or participate further, in any discussion of the matter at the meeting, or

(d) participate in any vote, or further vote, taken on the matter at the meeting, and

(e) **You must** withdraw from the room or chamber where the meeting considering the business is being held: unless you have obtained a dispensation from your authority's Standards Committee.

(f) **You may not** exercise executive functions in relation to that business, or

(g) seek improperly to influence a decision about that business.

11.2 If a function of the Council may be discharged by a member acting alone and you have a disclosable pecuniary interest of which you are aware or a prejudicial interest of which you are aware in any matter to be dealt with or being dealt with in the course of discharging that function:

(a) if the interest is not registered in the Members' Register of Interests 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 upon which you first became aware of having the interest in relation to the matter; and

(b) 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 yourself).

11.3 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.

Appendix A

Written Undertaking

I, , being a member/co-opted member (delete as appropriate) of the London Borough of Haringey Council, undertake to observe the code as to the conduct which is expected of Members/co-opted members (delete as appropriate) of the London Borough of Haringey Council.

Signed.....Date

This undertaking was made and signed before me

Signed.....Date.....

Proper Officer

14 Offences under the Localism Act 2011

14.1 If a member

(a) fails to notify the Monitoring Officer of any disclosable pecuniary interest before the end of 28 days beginning with the day on which he/she becomes a member [Section 30(1) Localism Act 2011], or

(b) fails to disclose to a meeting at which he/she is present a disclosable pecuniary interest in any matter to be considered or being considered which is not entered in the Council's Members' Interests Register [Section 31(2) Localism Act 2011], or

(c) fails to disclose to a meeting at which he/she is present a disclosable pecuniary interest in any matter to be considered or being considered which is a sensitive interest which requires disclosure of the interest itself though not the detail [Section 31(2) Localism Act 2011], or

(d) fails to notify the Monitoring Officer before the end of 28 days beginning with the date of disclosure any disclosable pecuniary interest which is not entered in the Council's Register of Members' Interests [Section 31(3) Localism Act 2011], or

(e) fails to notify the Monitoring Officer before the end of 28 days beginning with the date when he/she became aware that he/she had a disclosable pecuniary interest in any matter to be dealt with or being dealt with by the member in the course of discharging a Council function [Section 31(7) Localism Act], or

(f) provides information that is false or misleading in relation to any matter covered by paragraphs (a) - (e) knowing that the information is false or misleading or is reckless as to whether the information is true and not misleading. [Section 34(2) Localism Act 2011], or

(g) has a disclosable pecuniary interest in a matter and participates or participates further in any discussion of the matter at a meeting, or participates in any vote or further vote taken on the matter at a meeting except where he/she has been granted a dispensation relieving him/her of either or both of the restrictions. [Section 31(4) Localism Act 2011], or

(h) takes any steps or any further steps in relation to a matter where he/she is discharging a Council function, having become aware that he/she has a disclosable pecuniary interest in the matter. {section 31(8) Localism Act 2011},

he/she is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000).

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Arrangements for dealing with allegations that a member or co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council's statutory obligations.
- 1.3 In these Arrangements a number of terms are used which have the following meanings:

Member	An elected Councillor
Co-opted Member	A person who is not an elected member of the Council but has been appointed to a committee or sub-committee of the Council.
Monitoring Officer	A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.
Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an

investigation into an allegation.

Independent Person	A person appointed by the Council pursuant to Section 28 of the Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.
Standards Committee	A committee of members responsible for promoting and maintaining high standards of member conduct within the Council.
Assessment Sub-Committee	A Sub-Committee of Standards Committee established to decide whether allegations against members are worthy of being investigated.
Hearing Sub-Committee	A Sub-Committee of Standards Committee established to conduct hearings which Standards Committee may require into allegations against members and to determine such allegations following a hearing.

2. The Members' Code of Conduct

2.1 The Council has adopted a Members' Code of Conduct which is available for inspection on the Council's website and on request from the Monitoring Officer.

3. The Independent Person

3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person. The person appointed shall have responded to a public advertisement for the vacancy and submitted an application for the post. The appointment of the successful applicant shall be approved by a majority of the members of the Council.

3.2 The views of the Independent Person shall be sought and taken into account by the Standards Committee/Hearing Sub-Committee before it makes its decision on an allegation which it has decided to investigate.

3.3 The views of the Independent Person may be sought:

- (i) by the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.
- (ii) by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation.

4. Making an allegation

4.1 An allegation that a member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct should be made to:

Bernie Ryan
Monitoring Officer
Haringey Council
7th Floor
Alexandra House
10 Station Road
London
N22 7TR

Tel: 0208 489 3974

or email:

bernie.ryan@haringey.gov.uk

4.2 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.

4.3 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.

4.4 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.

5. Assessment of an allegation

5.1 The Monitoring Officer will review every allegation received and may consult the Independent Person before taking a decision as to

whether or not it merits reference to the Assessment Sub-Committee of the Standards Committee.

- 5.2 If the Monitoring Officer requires additional information in order to reach a decision, he/she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.
- 5.3 The Monitoring Officer may determine that an allegation does not merit any further action, where:
 - (a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision, or
 - (b) It is about someone who is no longer a member or a co-opted member of the Council, or
 - (c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently.
 - (d) The same or a similar allegation has been investigated and determined, or
 - (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or
 - (f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination.
- 5.4 Except as provided for in Paragraph 5.3 above, the Monitoring Officer shall refer all allegations to the Assessment Sub-Committee for consideration.
- 5.5 The Assessment Sub-Committee shall determine whether the allegation:
 - (a) merits no further investigation and is dismissed, or

(b) merits further investigation.

5.6 The Assessment Sub-Committee may determine that an allegation merits no further investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 5.3 above and to the following additional criteria:

(a) The allegation is not considered sufficiently serious to warrant investigation, or

(b) The allegation appears to be motivated by malice or is 'tit-for-tat', or

(c) The allegation appears to be politically motivated, or

(d) The matter about which the allegation is made took place more than three months prior to receipt of the allegation unless there are exceptional circumstances or it is otherwise appropriate to investigate.

5.7 Where the Assessment Sub-Committee considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation and report to the Standards Committee.

5.8 The decision as to whether or not an allegation be investigated will normally be taken within thirty clear working days from receipt. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation and the likely meeting of the Standards Committee to which the report will be submitted. The Monitoring Officer will keep the person informed if the initial timetable changes substantially,

6. The Investigation

6.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.

6.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.

- 6.3 The Monitoring Officer/Investigating Officer will normally write to the member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the papers given to the member. Where disclosure of details of the allegation to the member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the member until the investigation has progressed sufficiently.
- 6.4 Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give both an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.
- 6.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Standards Committee. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 6.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and where appropriate having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Standards Committee.
- 7. Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.**
- 7.1 When the Standards Committee receives an Investigation Report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:

(a) accept the recommendation, resolve that no further action is required and dismiss the allegation, or

(b) remit the report to the Monitoring Officer for further consideration, or

(c) remit the complaint to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.

8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult the Independent Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.

8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Standards Committee. The Committee may:

(a) note the recommendation and remit the allegation to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation, or

(b) remit the report to the Monitoring Officer for further action including, where the Committee considers it appropriate, to pursue an alternative informal resolution. If the further action does not achieve a resolution, the Monitoring Officer may refer the allegation and the Investigation Report to the Hearing Sub-Committee.

9. The Hearing

9.1 Wherever possible hearings conducted by the Hearing Sub-Committee shall take place within three calendar months of the referral to the Hearing Sub-Committee.

- 9.2 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Standards Committee.
- 9.3 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.
- 9.4 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.
- 9.5 The Hearing Sub-Committee, having sought and taken into account the views of the Independent Person may conclude:
- (a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
 - (b) that the member did fail to comply with the Members' Code of Conduct.
- 9.6 In the event of a finding under Paragraph 9.4 (b) above, the Chair will inform the member of this finding and the Hearing Sub-Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Hearing Sub-Committee will give the member an opportunity to make representations to the Sub-Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of the Independent Person. It will then decide what action, if any, to take in respect of the matter.

10. Action which may be taken where a member has failed to comply with the Code of Conduct

- 10.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Hearing Sub-Committee may:
- (a) Publish its findings in respect of the member's conduct;
 - (b) Report its findings to Council for information;
 - (c) Issue the member with a formal censure or be reprimanded a report of which may be submitted to

Council

- (d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Instruct the Monitoring Officer to arrange training for the member;
- (g) Recommend to Council or Cabinet (as appropriate) that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council/Cabinet
- (h) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- (i) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.
- (j) Any other appropriate sanction which may be available to the Sub-Committee.

10.2 The Hearing Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

10.3 At the end of the hearing, the Chair shall state the decision of the Hearing Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any action which the Sub-Committee has resolved to take.

10.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chair of the Hearing Sub-Committee, and send a copy to the person making the allegation, to the member concerned, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

11 Appeals

- 11.1 There is no right of appeal for either the person making the allegation or for the member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee
- 11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman.

Appendix A

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Hearing Sub-Committee and advised to the parties

1. The Chair shall facilitate introductions and explain the procedure for the hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
8. Members of the Sub-Committee may question the Member and any witnesses.
9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
10. The Member or his/her representative may sum up his/her case and make a closing speech.
11. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon the allegation. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of the Independent Person.
12. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision in the following terms:-

(a) The Sub-Committee has determined that the Member has failed to comply with the Code of Conduct, or

(b) The Sub-Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Sub-Committee will give reasons for its decision.

13. If the Sub-Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.
14. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of the Independent Person.
15. In addition to any action upon the current matter, the Sub-Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.
15. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision
16. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

Terms of Reference

Standards Committee

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to the Elected Mayor, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommend
- (h) Assessing, hearing and determining allegations of failure to comply with the Members' Code of Conduct by Councillors and co-opted Members.
- (i) Responding to national reviews and consultations on standards related issues;
- (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (k) Advising the Council on the appointment of independent Persons and taking steps to select them.

[Article 9.02 of the Council's Constitution provides that the Standards Committee will be composed of councillors appointed on the basis of political balance. In addition the Standards Committee may appoint up to six non-voting co-opted members.]

Assessment Sub-Committees

To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine whether the allegation:

- (a) Merits no further action and is dismissed, or
- (b) Merits further investigation.

The quorum of the Assessment Sub-Committee is three.

Hearing Sub-Committees

- (a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.
- (b) To determine whether or not the member or co-opted member did / did not fail to comply with the Members' Code of Conduct.
- (c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.
- (d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.

The quorum of the Hearing Sub-Committee is three.

[Articles 9.04 and 9.07 of the Council's Constitution provide that the two sub-committees will be composed of councillors appointed on the basis of political balance.]

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(NB. Extract only of relevant Articles of the Constitution)

Article 7 - The Leader and the Cabinet

7.02 The Leader will hold office until:

- (a) He/she resigns from the office; or
- ~~(b) He/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or~~
- (b) He/she is disqualified from being a councillor by order of a court;
- (c) He/she is no longer a councillor; or
- (d) He/she is removed from office by resolution of the Council under Article 7.06; or
- (e) The Annual Meeting following the Council Elections after his/her election as Leader.

7.04 Form and Composition

The Cabinet will consist of the Cabinet Leader together with between 2 and 9 other councillors ("Cabinet Members") appointed to the Cabinet by the Leader but may not include the Mayor or Deputy Mayor

7.05 Other Cabinet Members

- (i) The Leader will determine the number of Cabinet Members to be appointed which will be between 2 and 9 (in addition to the Leader).
- (ii) Each Cabinet Member will be appointed by the Leader to cover one of the specific portfolio responsibilities (other than those reserved to the Leader) determined by the Leader. The Leader or a Cabinet Member must hold the specific statutory portfolio responsibility for Children's Services and a separate portfolio responsibility for Adult Services.
- (iii) One Cabinet Member will be appointed as Deputy Leader with power to exercise the Leader's functions in the event that the Leader is unable to act or the office is vacant.
- (iv) Individual Cabinet Members may exercise powers delegated by The Leader within their specific portfolio responsibilities as set out in Part 3.
- (v) Cabinet Members shall hold office until one of the events (a) to (e) ~~(d)~~ below:

PART TWO - ARTICLES OF THE CONSTITUTION

- (a) They resign from office; or
- ~~(b) They are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or~~
- (b) They are disqualified from being councillors by order of a court;
- (c) They are no longer councillors; or
- (d) They are removed from office, either individually or collectively, by the Leader; or
- (e) The Annual Meeting following the Council Elections after their appointment.

7.09 Responsibility for Functions

- (i) The Leader may discharge all the Council's "executive" functions or may arrange for the discharge of any of these functions by:
 - (a) The Cabinet;
 - (b) A Cabinet Member;
 - (c) A Committee of the Cabinet;
 - (d) An Area Committee; or
 - (e) An officer

(ii) The Leader will maintain a list in this Constitution or the appendices to it setting out which individual Cabinet Members, Committees of the Cabinet or officers are responsible for the exercise of particular Cabinet functions.

Article 9 - The Standards Committee**9.01 Standards Committee**

The Council meeting will establish a Standards Committee to promote and maintain high standards of conduct by Members and Co-opted Members of the Council.

9.02 Composition

The Standards Committee will be composed of Councillors appointed on the basis of political balance. In addition, the Standards Committee may appoint up to six non-voting co-opted members. ~~who may not include the Leader or Mayor or more than one Cabinet Member and the independent members none of whom are Councillors or officers of the Council or any other body having a Standards Committee. At least one quarter of the membership of the Committee must be independent members.~~

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- ~~(a) **Membership.** The Standards Committee is composed of Councillors and independent members~~
- ~~(b) **Independent members.** Independent members will be entitled to vote at meetings;~~
- ~~(c) **Chairing the Committee.**~~
 - ~~(i) The Committee selects its own Chair from among the Independent Members.~~
 - ~~(ii) The Chair of the Standards Committee will have a casting vote in the event of a vote being tied.~~
- (d) **Quorum.** The quorum *of the Standards Committee* is three. including a Chair from among the independent members and at least one Councillor.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to ~~the Elected Mayor~~, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- ~~(h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and co-opted members;~~
- ~~(i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;~~
- ~~(j) Hearing complaints against Councillors and co-opted members made to the Council or referred back from the Standard Board for England;~~

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- ~~(k)~~ Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- ~~(h)~~ Assessing, hearing and determining allegations of failure to comply with the Members' Code of Conduct by Councillors and co-opted Members.
- ~~(i)~~ (i) Responding to national reviews and consultations on standards related issues;
- ~~(j)~~ (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- ~~(k)~~ (k) Advising the Council on the appointment of independent persons ~~members~~ and taking steps to select them.

9.04 Assessment Sub-Committee

The Standards Committee will establish an Assessment Sub-Committee to assess allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct, as referred by the Monitoring Officer.

9.05 Composition

The Assessment Sub-Committee will be composed of Councillors appointed on the basis of political balance.

9.06 Role and Function

The Assessment Sub-Committee will have the following roles and functions:

To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine whether the allegation:

- (a) merits no further investigation and is dismissed, or
- (b) merits further investigation.

9.07 Hearing Sub-Committee

The Standards Committee will establish a Hearing Sub-Committee to conduct hearings into allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine such allegations.

9.08 Composition

The Hearing Sub-Committee will be composed of Councillors appointed on the basis of political balance.

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9.09 Role and Function

The Hearing Sub-Committee will have the following roles and functions:

- (a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.
- (b) To determine whether or not the member or co-opted member did/did not fail to comply with the Members' Code of Conduct.
- (c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.
- (d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.

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(NB. Extract only of relevant Sections Part 3 C of the Constitution)

SECTION 2 - COMMITTEES

3. Standards Committee

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to the Elected Mayor, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- ~~(h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and co-opted members;~~
- ~~(i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;~~
- ~~(j) Hearing complaints against Councillors and co-opted members~~

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

~~made to the Council or referred back from the Standard Board for England;~~

~~(k) Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;~~

~~(h) Assessing, hearing and determining allegations of failure to comply with the Members' Code of Conduct by Councillors and co-opted Members.~~

~~(l) (i) Responding to national reviews and consultations on standards related issues;~~

~~(m) (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;~~

~~(n) (k) Advising the Council on the appointment of independent persons members and taking steps to select them.~~

SECTION 3 - SUB-COMMITTEES AND PANELS

3. Under Standards Committee

~~The following rules will apply to all three types of Sub-Committee listed below. The quorum is three including an independent member as Chair, with a casting vote if necessary, and at least one Councillor. So far as practicable, and having regard to relevant Regulations and Guidance, every Sub-Committee will include two Councillors, each from a different party group.~~

3.1 Assessment Sub-Committees

~~Between three and five members of the Committee.~~

~~To make initial assessments of written allegations to the Committee of failure to comply with the Code of Conduct. The Sub-Committees will follow procedures agreed by the Committee.~~

~~To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine whether the allegation:~~

(a) Merits no further action and is dismissed, or

(b) Merits further investigation.

The quorum of the Assessment Sub-Committee is three.

~~3.2 Review Sub-Committees~~

~~Between three and five members of the Committee. Not to include any member of the Assessment Sub-Committee for the same allegation.~~

~~To review, when requested, any decision of an Assessment Sub-Committee to take no action on an allegation. The Sub-Committees will follow procedures agreed by the Committee.~~

3.3 Hearing Sub-Committees

~~Five members of the Committee.~~

~~To hear complaints against Councillors and co-opted members made to the Council or referred back from the Standards Board for England. The Sub-Committees will follow procedures agreed by the Committee.~~

(a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.

(b) To determine whether or not the member or co-opted member did / did not fail to comply with the Members' Code of Conduct.

(c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.

(d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.

The quorum of the Hearing Sub-Committee is three.

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PART FOUR - RULES OF PROCEDURE
Section A - Council Procedure Rules

(NB. Extract only of relevant Council Procedure Rules of the Constitution)

24. DECLARATIONS OF INTEREST OF MEMBERS

24.1 If a member of the Council has a disclosable pecuniary interest or a prejudicial personal interest as referred to in ~~Part 2 of the Council's Members' Code of Conduct for Members~~ in any matter under consideration, then the member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. ~~If the interest is considered prejudicial the~~ The member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must ~~should~~ withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.

24.2 If a member of the Council has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest and which is registered in the Members' Register of Interests, the member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

30. VOTES OF NO CONFIDENCE

30.1 A vote of no confidence relating to any office holder may only be moved if notice of it clearly set out as such appears on the agenda of the relevant meeting of the Council

30.2 In accordance with Article 7.06 in Part 2 of this Constitution, the Leader shall cease to hold office if a vote of no confidence is carried at a meeting of the full council by a majority of the members of the whole council then present. In that event Articles 7.06 and 7.07 make provision for the discharge of the Leader's functions.

30.3 A Chair of a Committee, Sub-Committee or other body shall cease to hold office if a vote of no confidence is carried at a meeting of the full Council by a majority of the members of the whole Council then present. The Vice Chair will assume the role of Chair until such time as the appointment of a replacement as Chair, or the re-appointment of the member concerned, by full Council.

30.4 For the avoidance of doubt, Rule ~~30.3~~ ~~31.3~~ applies to all other bodies exercising non-executive functions including the Alexandra Palace and Park Board. Rule ~~30.3~~ ~~31.3~~ shall not apply to the Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny/Review Panel but Article 6.05 shall apply. ~~Rule 31.3 shall not apply to the Chair of the Standards Committee but Article 9.02(c) shall apply.~~

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PART FOUR – RULES OF PROCEDURE Section B – Committee Procedure
Rules

(NB. Extract only of relevant Committee Procedure Rules of the Constitution)

8. In the light of such a report under paragraph 7 above, the Council or committee, as the case may be, shall determine the allocation of seats to political groups.
9. Whenever variations in voting membership of a committee or sub-committee occur in accordance with the wishes of a political group to whom the seat has been allocated, then the proper officer shall make or terminate the appointment accordingly except where a member has been removed or suspended from the body concerned.
11. These rules in respect of committees shall apply to the Standards Committee and Licensing Sub-Committee, to the extent indicated in paragraph 6 above, with the exception of the rules on political balance *in relation to the Licensing Sub-Committee.*

MEETINGS OF COMMITTEES, SUB-COMMITTEES, ETC.

12. The meetings of Committees and Sub-Committees shall be organised in accordance with a timetable approved each year by the Council and/or the Cabinet. The Chair may call a special meeting and may agree to the cancellation of a meeting on being satisfied that there is insufficient business to warrant it. Dates of meetings may be changed to a date decided by the Chair if it is in the interests of the Council's affairs or in the public interest to do so.
13. Other bodies may be timetabled or shall meet as and when required on dates to be decided by the Chair following consultation with the leading Opposition member.
14. The Chair of a Committee or sub-committee may call a special meeting if a requisition for a special meeting, signed by at least two, or one quarter of the total number of the voting members of a committee or sub-committee, whichever is greater, has been presented to the Head of Local Democracy & Member Services.
15. If the Chair has refused to call a meeting or, without him/her so refusing, no special meeting has been called within seven days of the presentation of the requisition, then any two, or one quarter of the number of the voting members of the committee or sub-committee, whichever is greater, may forthwith call a special meeting of the committee or sub-committee.
16. Where any Members decide to call a special meeting of a committee or sub-committee, they shall signify to the Chief Executive that they have done so, the business to be transacted and the date and time for which the meeting is called. The Chief Executive shall thereupon ensure that the agenda is published and sent as at Standing Order No. 51 below.
17. The notice convening a special meeting shall set out the business to be considered, and no other business shall be considered.

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Part Five, Section A

Members' Code of Conduct

PART 1: GENERAL PROVISIONS

1. Introduction

- 1.1 This Code of Conduct, adopted pursuant to Section 27(2) of the Localism Act 2011, contributes towards the discharge of the Council's statutory duty under Section 27(1) to promote and maintain high standards of conduct by elected and co-opted members of Haringey Council. It is consistent with the principles of public life which are prescribed in Section 28(1) of the Localism Act 2011 and which are included in the Code at paragraphs 2.1 - 2.7 below.
- 1.2 Members are required to give a written undertaking to the Council that when acting in their capacity as a member, they will observe the Code of Conduct. This is attached at Appendix A.
- 1.3 The Council's Monitoring Officer must establish and maintain a register of interests of the members of the Council under Section 29 of the Localism Act 2011. It is a legal requirement that members must register all their disclosable pecuniary interests within 28 days of becoming a member. Other interests as specified in the Code must be notified to the Monitoring Officer in the manner described in the Code. The Members' Register of Interests will be available for inspection by the public at all reasonable hours and will be published on the Council's website.
- 1.4 The Localism Act 2011 has created a number of criminal offences for failure to comply with statutory requirements relating to disclosable pecuniary interests. A full list of the offences is attached at Appendix B.

2. The General Principles

2.1 Selflessness

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

2.2 Integrity

Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

2.3 Objectivity

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

2.4 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.

2.5 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.

2.6 Honesty

Members should not place themselves in situations where their honesty may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.7 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.

3. Application of the Code

3.1 This Code applies to you as a member of Haringey Council.

3.2 In your capacity as a member you should at all times adhere to the general principles prescribed in the Localism Act 2011 and set out at paragraphs 2.1 - 2.7 above.

3.3 It is your responsibility to comply with the provisions of this Code.

3.4 In this Code

"meeting" means any meeting of

(a) the Council; or

(b) the executive of the Council; or

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

"member" means an elected member and a co-opted member

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

3.5 You must comply with this Code whenever you are acting in your capacity as a member

3.6 This Code regards you as acting in your capacity as a member when you

(a) conduct the business of your authority (which in this Code includes the business of the office to which you are elected or appointed); or

(b) act as a representative of your authority,

3.7 This Code does not have effect in relation to your conduct other than where you are acting in your capacity as a member.

3.8 Where you act as a representative of your authority

(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 your 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. General Obligations

4.1 You must treat others with respect.

4.2 You must not

(a) do anything which may cause your authority to breach any of its equality duties;

(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 Members' Code of Conduct; or

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

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

4.3 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 Council; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

4.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute

4.5 You 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.

4.6 You must when using or authorising the use by others of the resources of your authority

(a) act in accordance with your authority's reasonable requirements;

(b) ensure that such resources are not used improperly for political purposes (including party political purposes);

(c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

4.7 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/her statutory duties.

4.8 You must give reasons for all decisions you make in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2: MEMBERS INTERESTS

5. Disclosable Pecuniary Interests

5.1 You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in Regulations made by the Secretary of State and either:

(a) it is an interest of yours, or

(b) it is an interest of

(i) your spouse or civil partner

(ii) a person with whom you are living as husband and wife
or

(iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

6. Personal Interests

6.1 You have a personal interest in any business of your authority where either

(a) it relates to or is likely to affect

(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 your authority;

(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 your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority 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 authority’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 majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

6.2 For the purposes of Paragraph 6.1(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 Paragraph 6.1(a)(i) and (ii) above of which such persons are members or in a position of general control or management.

7. Prejudicial Interests

7.1 Subject to Paragraph 7.2 below, where you have a personal interest in any business of your authority and 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 in the public interest, that interest is a prejudicial interest.

7.2 You do not have a prejudicial interest in any business of your authority where that business

- (a) does not affect your financial position or the financial position of a person or body described in Paragraph 6 above;
- (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 6 above; 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;
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992

PART 3: REGISTRATION OF MEMBERS' INTERESTS

8. Registration of Members' Interests

- 8.1 You must, within 28 days of becoming a member notify the Monitoring Officer of any disclosable pecuniary interest, prejudicial interest or personal interest which you have and the Monitoring Officer shall, subject to Paragraph 9 (Sensitive Interests) below, enter the interest(s) notified in the Council's Register of Members' Interests maintained under Section 29 of the Localism Act 2012
- 8.2 You must, within 28 days of becoming aware of any new interest or change to any interest registered under Paragraph 8.1 above, register details of that new interest or change by providing written notification to the Monitoring Officer who shall, subject to Paragraph 9 (Sensitive Interests) enter the interests notified in the Council's Register of Members' Interests.

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

9. Sensitive Interests

9.1 Where you have an interest (whether or not a disclosable pecuniary interest) and the nature of it 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 and intimidation if the interest is entered in the Members' Register of Interests then copies of the register 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 section 32(2) of the Localism Act 2011

9.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under Paragraph 9.1 above is no longer sensitive information, notify the Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

PART 4: DISCLOSURE OF MEMBERS' INTERESTS AND EFFECT UPON PARTICIPATION AT MEETINGS

10. Disclosure of Interests

10.1 Subject to paragraphs 10.4 to 10.8 below, where you have a disclosable pecuniary interest or a prejudicial interest in any business of your authority and you are present at a meeting at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered in the Members' Register of Interests or for which you have made a pending notification.

10.2 Where you have a personal interest in any business of your authority which is not a disclosable pecuniary interest nor a prejudicial interest and which is registered in the Members' Register of Interests and you are present at a meeting at which the business is considered, you are under no obligation to make a disclosure to the meeting but you may do so if you wish.

10.3 Where you have a personal interest in any business of your authority which is not a disclosable pecuniary interest nor a prejudicial

interest and which is not registered in the Members' Register of Interests and you are present at a meeting at which the business is considered you must disclose to that meeting the existence and nature of that interest.

10.4 Paragraphs 10.1 - 10.3 above only apply where you are aware or ought reasonably to be aware of the existence of the interest.

10.5 If you have a disclosable pecuniary interest which is not registered in the Members' Register of Interests 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

10.6 Where you have an interest in any business of the Council which would be disclosable by virtue of Paragraph 10.1 but by virtue of Paragraph 9 (Sensitive Interests) details of the interest are not registered in the Council's published Register of Members' Interests, at a meeting at which you are present you must disclose the fact that you have a disclosable interest in the matter concerned but details of that interest need not be disclosed

10.7 Where you have an interest in any business of your authority which is not a disclosable pecuniary interest or a prejudicial interest 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.

10.8 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.

11. Effect of Disclosable Pecuniary Interest or Prejudicial Interest on participation

11.1 Subject to Paragraph 11.3, if

(a) you are present at a meeting and

(b) you have a disclosable pecuniary interest of which you are aware or a prejudicial interest in any matter to be considered, or being considered, at the meeting,

(c) You may not participate, or participate further, in any discussion of the matter at the meeting, or

(d) participate in any vote, or further vote, taken on the matter at the meeting, and

(e) You must withdraw from the room or chamber where the meeting considering the business is being held: unless you have obtained a dispensation from your authority's Standards Committee.

(f) You may not exercise executive functions in relation to that business, or

(g) seek improperly to influence a decision about that business.

11.2 If a function of the Council may be discharged by a member acting alone and you have a disclosable pecuniary interest of which you are aware or a prejudicial interest of which you are aware in any matter to be dealt with or being dealt with in the course of discharging that function:

(a) if the interest is not registered in the Members' Register of Interests 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 upon which you first became aware of having the interest in relation to the matter; and

(b) 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 yourself).

11.3 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.

Appendix A

WRITTEN UNDERTAKING

I,, being a member/co-opted member (delete as appropriate) of the London Borough of Haringey Council, undertake to observe the code as to the conduct which is expected of Members/co-opted members (delete as appropriate) of the London Borough of Haringey Council.

Signed.....Date

This undertaking was made and signed before me

Signed.....Date.....

Proper Officer

OFFENCES UNDER THE LOCALISM ACT 2011

If a member:

(a) fails to notify the Monitoring Officer of any disclosable pecuniary interest before the end of 28 days beginning with the day on which he/she becomes a member [Section 30(1) Localism Act 2011], or

(b) fails to disclose to a meeting at which he/she is present a disclosable pecuniary interest in any matter to be considered or being considered which is not entered in the Council's Members' Interests Register [Section 31(2) Localism Act 2011], or

(c) fails to disclose to a meeting at which he/she is present a disclosable pecuniary interest in any matter to be considered or being considered which is a sensitive interest which requires disclosure of the interest itself though not the detail [Section 31(2) Localism Act 2011], or

(d) fails to notify the Monitoring Officer before the end of 28 days beginning with the date of disclosure any disclosable pecuniary interest which is not entered in the Council's Register of Members' Interests [Section 31(3) Localism Act 2011], or

(e) fails to notify the Monitoring Officer before the end of 28 days beginning with the date when he/she became aware that he/she had a disclosable pecuniary interest in any matter to be dealt with or being dealt with by the member in the course of discharging a Council function [Section 31(7) Localism Act], or

(f) provides information that is false or misleading in relation to any matter covered by paragraphs (a) - (e) knowing that the information is false or misleading or is reckless as to whether the information is true and not misleading. [Section 34(2) Localism Act 2011], or

(g) has a disclosable pecuniary interest in a matter and participates or participates further in any discussion of the matter at a meeting, or participates in any vote or further vote taken on the matter at a meeting except where he/she has been granted a dispensation relieving him/her of either or both of the restrictions. [Section 31(4) Localism Act 2011], or

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

(h) takes any steps or any further steps in relation to a matter where he/she is discharging a Council function, having become aware that he/she has a disclosable pecuniary interest in the matter. [section 31(8) Localism Act 2011],

he/she is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000).

THE GENERAL PRINCIPLES

Selflessness

~~1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.~~

Honesty and Integrity

~~2. 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.~~

Objectivity

~~3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.~~

Accountability

~~4. 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.~~

Openness

~~5. 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.~~

Personal Judgement

~~6. 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.~~

Respect for Others

7. 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.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

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

EXPLANATORY NOTE

Listed above are the general principles, as specified by the Secretary of State, which are to govern the conduct of Members and co-opted members of relevant authorities in England and police authorities in Wales, in accordance with section 49(1) of the Local Government Act 2000. The general principles are expected to govern only the official conduct of Members and co-opted members, apart from the second and eighth, which have effect on all occasions.

Members are required to give the authority a written undertaking that in performing their functions they will observe the Code of Conduct adopted by the London Borough of Haringey as set out below. This is based on the general principles above but contains more detailed mandatory requirements. A person who becomes a Member or co-opted Member of the Council may not act in that office until he/she has given the authority this written undertaking.

The monitoring officer of the authority must establish and maintain a register of interests of the Members and co-opted members of the authority under section 81 of the Local Government Act 2000. Members and co-opted members must register all their financial and other interests as specified in the Code and do so before participating in any business of the authority related to those interests. The register of interests will be available for inspection by the public at all reasonable hours.

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

SCHEDULE
~~THE MODEL CODE OF CONDUCT~~

~~Part 1~~
~~General provisions~~

~~Introduction and interpretation~~

~~1. —(1) This Code applies to you as a member of an authority.~~

~~(2) You should read this Code together with the general principles prescribed by the Secretary of State.~~

~~(3) It is your responsibility to comply with the provisions of this Code.~~

~~(4) In this Code—~~

~~"meeting" means any meeting of—~~

~~(a) the authority;~~

~~(b) the executive of the authority;~~

~~(c) any of the authority'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.~~

~~Scope~~

~~2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—~~

~~(a) conduct the business of your authority (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 your authority;~~

~~and references to your official capacity are construed accordingly.~~

~~(2) Subject to sub-paragraphs (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, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.~~

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

~~(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (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 your authority—~~

~~(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 your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.~~

General obligations

~~3. (1) You must treat others with respect.~~

~~— (2) You must not—~~

~~(a) do anything which may cause your authority 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 his or her authority's code of conduct; or~~

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

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

~~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 authority into disrepute.~~

~~6. 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 your authority—~~

~~(i) act in accordance with your authority'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.~~

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

~~7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—~~

- ~~(a) your authority's chief finance officer; or~~
- ~~(b) your authority'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.~~

~~—Part 2~~

~~Interests~~

~~Personal interests~~

~~8. (1) You have a personal interest in any business of your authority where either—~~

~~(a) it relates to or is likely to affect—~~

~~(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 your authority;~~

~~(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;~~

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

~~(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 your authority's area in which you have a beneficial interest;~~

~~(x) any land where the landlord is your authority 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 authority'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 majority of—~~

~~(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;~~

~~(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or~~

~~(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.~~

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

~~(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) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority 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 your authority 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 authority 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 but, by virtue of paragraph 14, sensitive information relating to it is not registered in 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 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.~~

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

~~Prejudicial interest generally~~

~~10. (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.~~

~~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~~

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

~~(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 prejudicial interests on participation**~~

~~**12.**—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—~~

~~(a) 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;~~

~~(ii) 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) Subject to paragraph 14, you must, within 28 days of—~~

~~(a) this Code being adopted by or applied to your authority; or~~

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

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

~~register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.~~

~~(2) Subject to paragraph 14, 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 your authority'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 for 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~~

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

~~Written Undertaking~~

~~I,, being a member/co-opted member (delete as appropriate) of the London Borough of Haringey Council, undertake to observe the code as to the conduct which is expected of Members/co-opted members (delete as appropriate) of the London Borough of Haringey Council.~~

~~Signed.....Date~~

~~This undertaking was made and signed before me~~

~~Signed.....Date.....~~

~~Proper officer of the authority~~

PART FIVE – CODES AND PROTOCOLS
Section A– Member Code of Conduct

~~DECLARATION OF ACCEPTANCE OF OFFICE~~

I ~~[(1)]~~ having been elected to the office of ~~[(2)]~~ of the London Borough of Haringey declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the code as to the conduct that is expected of members of the London Borough of Haringey

Signed _____ Date

This declaration was made and signed before me,

Signed _____ Date

~~Proper officer of the council.~~

~~(1) Insert the name of the person making the declaration.~~

~~(2) Insert "member" or "Mayor" as appropriate.~~

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(NB. Extract only of relevant parts of Member Officer Protocol)

Formal complaints about Members

9.14. These may be made to the employee's Service Head. Within five working days, they will give an indication of how the matter will be dealt with and roughly how long it might take. Any complaint by a Chief Officer should be referred to the Chief Executive.

9.15. Normally they will:

- (a) inform and involve the Monitoring Officer, and
- (b) advise the Leader of the party group of the complaint.

The Monitoring Officer may reject a complaint made under paragraph 9.16 (a) or (b) below on the grounds that it is vexatious, plainly ill-founded or substantially the same as a complaint previously determined under the procedures below. There is no right of appeal against the Monitoring Officer's ruling but this is without prejudice to any statutory rights to pursue the matter which the complainant may have. The Monitoring Officer has *limited* power to reject a complaint made under the Arrangements for dealing with allegations that a member has failed to comply with the Members' Code of Conduct (the 'Arrangements') which must *otherwise* be considered by a Standards Assessment Sub-Committee.

9.16 Complaints will be handled under one of the following procedures:

- (a) Through a process of mediation if this is appropriate and both parties to the complaint agree; or
- (b) Through an internal investigation by the Service Head or their appointee. The Service Head will consult the Head of Human Resources and the Monitoring Officer about the arrangements for the investigation and may appoint an appropriate person from within or outside the complainant's Service/Directorate to investigate. Whenever practicable an investigation will be completed within 6 months but there may be circumstances where this is not possible. This procedure is distinct from the ~~statutory~~ procedures under the Arrangements; Members' Code of Conduct;
- (c) Through a formal complaint under the Arrangements Members' Code of Conduct which is appropriate for more serious cases, or if the officer concerned requests it, provided that the facts fall within the scope of the Code.

Only one of the three procedures will be pursued at any time but a complainant has the right to discontinue under one procedure and to start the complaint afresh under another procedure. The advice of the Service Head and the Monitoring Officer on the options available

PART FIVE - CODES AND PROTOCOLS

Section B- Protocol for Member Officer Relations

in terms of procedures will be given to the complainant when the complaint is first made and before any change to a different procedure.

- 9.17 An officer making a complaint can ask the Monitoring Officer to advise whether the matter might amount to a potential breach of the Members' Code of Conduct. At all times, a complainant has the right to make a formal complaint that a Member has acted in breach of the Code of Conduct and any such complaint will be referred to the Monitoring Officer who has limited power to determine that it does not merit any further action or to refer it to an Assessment Sub-Committee of the Standards Committee for a decision as to whether it should be investigated under the Arrangements. Code. But not all complaints will fall within the scope of the Code and complainants will be advised wherever possible to refer less serious complaints to mediation or internal investigation.
- 9.18 Some issues are matters of party discipline. Such breaches of this protocol will normally be dealt with by the party itself. More serious breaches falling under the Members' Code of Conduct, and where the Monitoring Officer advises that this is appropriate, will be referred to the Standards Assessment Sub-Committee ~~by the party Leader and/or by the complainant~~.
- 9.19 Complaints under paragraphs 9.16 (a) and (b) will be kept confidential to the parties to the complaint, the investigator, persons interviewed in the course of the investigation, the party Leader and the Monitoring Officer. ~~Complaints under 9.16 (c) follow the statutory procedure.~~
- 9.20 The outcome of complaints handled under paragraphs 9.16 (a) and (b) will be reported regularly by the Monitoring Officer to the Standards Committee for monitoring and for the Committee to consider issuing guidance on ethical governance to the Council in the light of cases.