



NOTICE OF MEETING

Special Standards Committee

THURSDAY, 22ND MARCH, 2012 at 19:30 HRS – CIVIC CENTRE, HIGH ROAD, WOOD GREEN, LONDON N22

INDEPENDENT MEMBERS: Ms R. Chambers (Chair) Mr J. Darbyshire, Ms A. Loyd, Ms A. Rabe, Mr P. Skinner (Vice-Chair) and Mr C. Watts

COUNCIL MEMBERS: Egan, Gibson, Gorrie, McNamara, Stanton, Reece, and Whyte

AGENDA

1. APOLOGIES FOR ABSENCE

2. URGENT BUSINESS

The Chair will consider the admission of any late reports in relation to the item shown on the agenda.

(Please note that under the Council's Constitution – Part 4 Section B paragraph 17 – no other business shall be considered).

3. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if 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 the member's judgment of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

4. THE ETHICAL FRAMEWORK (PAGES 1 - 52)

Report of the Head of Legal Services & Monitoring Officer

5. DATES OF NEXT MEETINGS

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14 March 2012



Haringey Council

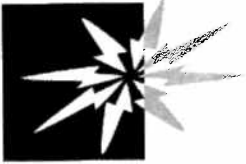
Report for:	Standards Committee 22 March 2012	Item number	To be added by the Committee Section
Title:	The Ethical Framework		
Report authorised by :	Bernie Ryan, Head of Legal Services and Monitoring Officer <i>Bernie Ryan</i>		
Lead Officer:	Graham White, Principal Project Lawyer graham.white@haringey.gov.uk 020 8489 2751		
Ward(s) affected N/A	Report for Key/Non Key Decision: N/A		

1. Describe the issue under consideration

- 1.1 At its last meeting on 20 December 2011 the Committee considered a report upon the fundamental changes to the system of regulation of standards of conduct for local authority members brought about by the Localism Act 2011.
- 1.2 This report presents proposals for a new Members' Code of Conduct, Arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Code, the establishment of a new Standards Committee and the appointment of an Independent Person. The views of the Committee are sought to assist in the development of the proposals prior to submission to Council for approval.

2. Cabinet Member Introduction

- 2.1 N/A



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3. Recommendations

3.1 The Standards Committee is recommended to:

- (i) Approve the general principles the draft Code of Conduct attached at Appendix 1 and the Arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Code attached at Appendix 2;
- (ii) Recommend to Council approval of a Code of Conduct based on the draft Code attached at Appendix 1 subject to such amendments as are necessary as a result of Regulations, recommendations from the Local Government Association and to such comments as the Committee may wish to make;
- (iii) Recommend to Council approval of Arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Code based on the draft Arrangements attached at Appendix 2 subject to such amendments as are necessary as a result of Regulations, recommendation from the Local Government Association and to such comments as the Committee may wish to make;
- (iv) Recommend to Council to create a new Standards Committee at its Annual Meeting in May 2012 with the terms of reference as set out at Appendix 3 subject to such amendments as may be deemed necessary by the Monitoring Officer
- (v) Submit any comments the Committee may wish to make regarding the composition and implementation of the new Standards Committee;
- (vi) Note the need for the appointment of an Independent Person and the discretion to appoint at least one Deputy to be in place in time for the implementation of the new standards regime.



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4. Other options considered

4.1 Pursuant to the Localism Act 2011 the Council is under a statutory duty to establish a newly ordered ethical framework:

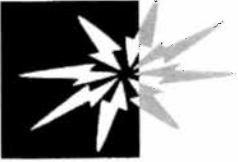
- (i) Under section 27(2) it must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity.
- (ii) Under section 29 (1) the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.
- (iii) Under Section 28 (6) the Council must have in place arrangements under which allegations that a member or co-opted member has failed to comply with the Code can be investigated and decisions made upon the allegations.
- (iv) Under section 28(7) the arrangements put in place must include provision for the appointment of at least one Independent Person whose views are to be sought and taken into account by the Council before it makes its decision on allegations which have been investigated and whose views upon an allegation may be sought by the Council at other times and may be sought by a member who is the subject of an allegation.

These statutory duties do not facilitate alternative courses of action.

4.2 The establishment of a new Standards Committee is at the Council's discretion and alternatives to not creating a committee are considered in the body of the report.

5. Background information

5.1 The report submitted to the Committee on 20 December 2011 provided details of the provisions of the Localism Act 2011 which will replace the current ethical framework when implemented in the relatively near future. The Committee noted the imminent changes and offered helpful comments upon various aspects of the arrangements which need to be implemented in Haringey.



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5.2. In respect of the Members' Code of Conduct the Committee favoured amendment of the current code in order to comply with the Localism Act but that a more fundamental review be carried out over a longer timescale. Attached at Appendix 1 to this report is a draft Code which captures the mandatory elements of the new regime whilst endeavouring to retain current elements which are no longer a statutory requirement but may be added at the Council's discretion.

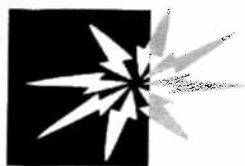
5.3. The mandatory elements are by no means as extensive as previously required and at its most basic all that is required is consistency with the Seven Principles of Public Life (The Nolan Principles) published by the Committee on Standards in Public Life together with specific provisions about the registration and declaration of disclosable pecuniary interests, non-compliance with which are criminal offences.

5.4. However in order to promote and maintain high standards of conduct, as the Act requires, a broader and more comprehensive set of provisions is proposed retaining much of the current code which whilst no longer a statutory requirement provides a framework which members understand and are familiar with and which requires high standards of conduct to be maintained.

5.5 At the time of writing this report the Local Government Association is proposing to approve and publish very shortly both minimal and expanded model Codes of Conduct. It is anticipated that the expanded version will be in somewhat similar style to the draft attached at Appendix 1. If a LGA model is substantially similar it might be beneficial to adopt it as there is merit in sharing the ethical framework with other authorities, whereby their experiences can be taken in account in the implementation and development of Haringey's ethical framework.

6 Members' Code of Conduct Generally and as far as is possible, the draft Code at Appendix 1 shows required paragraphs taken from the current code in black typeface, amendments to those paragraphs as a result of the Localism Act in red, and paragraphs which can be added at the Council's discretion in blue. The following commentary explains why provisions have been included and the impact of them,

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6.2 Part 1: General Provisions – Introduction

This new section provides an overview of the principles and statutory provisions upon which the Code is based. It refers to consistency with the Nolan Principles plus additional principles which the Council may add (derived from the current code). It refers to the requirements to register interests and to the criminal offences created by the Localism Act 2011.

6.3 The General Principles

In the current code the principles are a preamble and not an integral part. They have now been integrated fully so that failure to adhere to the principles will be a breach of the Code. The principles of the current code have all been retained but are now shown in the order of those which the Act requires (the Nolan Principles) followed by those which may be added by the Council. In the prescribed principles, honesty and integrity, amalgamated in the current code, have been separated out to match the Nolan Principles specifically as set out in the Localism Act

6.4 Application of the Code

This section combines important changes in the Act as well as additional clarification. The Code applies only when a member is acting in his/her capacity as a member and does not extend to any other situation as is the position at present. A gloss on what is meant by acting in the capacity as a member provides clarity.

6.5 General obligations

These are the general obligations which were prescribed previously but are no longer mandatory. They contain useful guidelines upon appropriate /inappropriate conduct and are considered worthy of retention.

6.6 Part 2: Members Interests – Disclosable Pecuniary Interests

The biggest change in the standards regime is the abolition of personal and prejudicial interests and the creation of Disclosable Pecuniary Interests. Whilst the Localism Act provides that registration and disclosure of such interests are legal requirements with criminal penalties for failure to comply, at present there is no definition of a Disclosable Pecuniary Interest though Regulations are imminent. The Act provides that a Disclosable Pecuniary Interest has to be disclosed if the interest is the member's or the member's spouse or partner and the member is aware of the interest. This is the first time that an interest of a third party has to be registered and disclosed when it does not relate back to the member's own circumstances except by association. Previously it was necessary for such an interest to have a beneficial effect on the member's financial position or well-being in order to be disclosable.



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6.7 Part 2: Members Interests – Disclosable Pecuniary Interests

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6.8 Prejudicial Pecuniary and Non-Pecuniary Interests

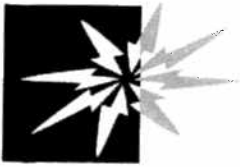
It is not proposed that the disclosure of all pecuniary and non-pecuniary interests should result in members being excluded from participation and voting but where a member's judgment in the public interest is likely to be adversely affected due to an interest then the constraints which apply to Disclosable Pecuniary Interests should also apply to prejudicial pecuniary and non-pecuniary interests. This retains the distinction which applied under the current regime where exclusion applied to prejudicial interests (using the same definition as now proposed) and personal interests. Failure to observe such provisions would not attract criminal liability but would be a breach of the Code.

6.9 Disclosure of Interests

The Act requires the registration of Disclosable Pecuniary Interests within 28 days of becoming a member but once registered it is not necessary as a matter of law to declare the interest at every meeting where it arises even though the member would be guilty of an offence if he/she participated or voted. This is unsatisfactory and it would be preferable for a declaration at a meeting to be necessary for all interests whether or not registered already. This is provided for here. Provision is also made to ensure the proper notification and recording of interests which are not Disclosable Pecuniary Interests held by a member exercising an executive function. Further guidance is given upon matters which do not amount to Disclosable Pecuniary Interests (to be confirmed following the publication of Regulations which define Disclosable Pecuniary Interest).

6.10 Effect of Disclosable Pecuniary Interest on participation

This section sets out what members must do and what they cannot do having declared a Disclosable Pecuniary Interest. The constraints are similar to a declaration of a prejudicial interest at present though there is



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one significant difference. Having declared a Disclosable Pecuniary Interest a member may not participate or participate further in any discussion of the matter at a meeting. At present where the public may attend a meeting for the same purpose, a member may declare a prejudicial interest, make representations, answer questions or give evidence relating to the business and then leave the meeting. It appears that the Localism Act has removed that capacity in relation to a Disclosable Pecuniary Interest, though discussion upon the interpretation of the provision is continuing between the professional associations and DCLG.

6.11 Part 3: Registration of Members' Interests

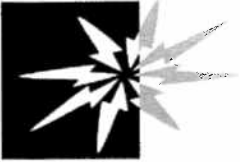
The law requires the notification of Disclosable Pecuniary Interests within 28 days of becoming a member, but it is considered that members should notify all interests within that timeframe and be required to notify of any new interests or changes to registered interests within 28 days of becoming aware of them. This places the onus on members to keep their registered interests up to date. Members must act themselves to notify and not wait for the periodic reminder. Sensitive information is protected from public disclosure, as at present and is defined somewhat more widely as it now embraces a person with whom the member is connected and not merely one with whom the member lives.

6.12 Written Undertaking

At present a member cannot act as a member unless he/she has given an undertaking to observe the Code. This is contained within the Declaration of Acceptance of Office which all members sign shortly after election. This legal requirement is removed but it is still considered worthwhile for members to give a written undertaking to observe the Code as it concentrates the mind upon the obligations and emphasises that these obligations are not trivial but a serious commitment to observing high standards of conduct at all times whilst acting as a member.

6.13 Failure to fulfil obligations of the Code

The Localism Act 2011 creates a number of criminal offences for failure to adhere to certain provisions of the Code. Appendix 2 to the Code sets out those offences. Failure to fulfil the obligations of the Code could lead to allegations that a member has breached the Code and also that the member has committed a criminal offence.

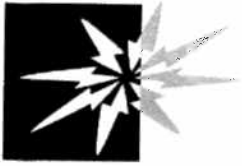


7. Arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Code

- 7.1 Attached at Appendix 2 are the draft arrangements for dealing with allegations that a member or co-opted 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.
- 7.2 It is proposed that the Monitoring Officer has modest powers to dismiss allegations which for one of several reasons do not match the basic criteria. All other allegations are considered initially by the Assessment Sub-Committee which may either dismiss the allegation or instigate an investigation by the Monitoring Officer.
- 7.3 The Monitoring Officer will submit his Investigation Report to the Standards Committee which, after consultation with the Independent Person, may either dismiss the allegation or refer to the Hearing Sub-Committee for hearing and determination.
- 7.4 Following a hearing and having sought and taken account of the views of the Independent Person, the Sub-Committee may determine the allegation and if a breach of the Code is its finding, it may go on to impose one of a number of sanctions which are more limited than hitherto and do not extend as far as suspension from office.
- 7.5 These arrangements fulfil legal requirements of fairness and provide a robust process whereby allegations will be handled equitably. There is no appeal/review stage. An aggrieved party would need to refer the matter to the Ombudsman or the Courts.

8. Standards Committee

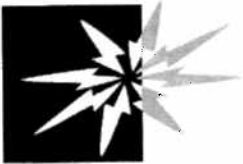
- 8.1 The Local Government Act 2000 provided that each authority must establish a Standards Committee comprising members of the Council and Independent voting members, chaired by an Independent member. The political balance requirements did not apply.
- 8.2 The functions of Standards Committees were prescribed by Section 54 of the Local Government Act 2000. The general functions were promoting and maintaining high standards of conduct by members



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and co-opted members of the authority and assisting members and co-opted members to observe the authority's code of conduct. Without prejudice to those general functions, specific functions were specified, being advising the authority on the adoption or revision of a code of conduct, monitoring the operation of a code of conduct and advising and training members on the code of conduct. An authority could arrange for the Standards Committee to exercise such other functions as it considered appropriate.

- 8.3 The Localism Act 2011 amends the Local Government Act 2000 to the effect that the provisions which established the statutory Standards Committee are abolished. It is currently anticipated that these provisions will be brought into force on 1 July 2012 at which point this Committee will cease to exist in its present form.
- 8.4 The question for the Council is whether it wishes to create a new Standards Committee charged with most of the functions which are currently undertaken. Now there is no specific statutory basis for such a Committee, all functions carried out will be Council (non-executive) functions.
- 8.5 Moreover the composition of the Committee must be very different from that which currently obtains. The Committee would be subject to the normal proportionality provisions. The present restriction for only one member of the Executive on the Standards Committee will cease and there is no statutory requirement to appoint independent members to the committee.
- 8.6 The Committee could co-opt the current Independent members if it wished to retain their experience but they would not be voting members and they would not fulfil the criteria of the Independent Person(s) whom the Council is under a duty to appoint and to seek and take account of the views of before making decisions upon allegations of failure to comply with the Code of Conduct. Indeed, by virtue of Section 28(8)(b) of the Localism Act 2011, a person may not be appointed as an Independent Person if at any time during the preceding 5 years that person was a member, co-opted member or officer of the authority. This means that the current experienced Independent members of the Standards Committee will not be eligible to be appointed as an Independent Person for at least 5 years. The local government community regards these provisions as draconian and discussions are continuing with DCLG with a view to moderating the exclusion criteria so that the experience of the current Independent Members is not lost entirely. The anticipated Regulations will clarify the issue.



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- 8.7 It would be beneficial if the Independent Person, when appointed, was co-opted onto the Standards Committee thereby providing a link between the statutory role regarding the determination of allegations of failure to comply with the Code and the ongoing development of the ethical framework. The Independent Person could act only in a non-voting capacity.
- 8.8 The Committee would be subject to the same requirements upon confidential and exempt information as any other committee and will not have the benefit of additional exemptions upon which it can rely at present, for example following a hearing to reach its decision in private.
- 8.9 The ethical framework is a Council (non-executive) function and without a statutory Standards Committee the statutory responsibilities for promoting and maintaining high standards of conduct by members will revert to the Council. Whilst the Council will wish to retain the most important decisions such as the adoption or revision of the Code of Conduct, the continuing responsibilities will need to be delegated as appropriate in order to maintain a high profile in the continuing development of appropriate standards of conduct and to monitor progress. Without a committee charged with such responsibilities there will not be a specific focal point for matters relating to the ethical framework.
- 8.10 The Monitoring Officer has his own statutory responsibilities, for example to establish and maintain the Members' Register of Interests, and it would be unduly onerous to place the entire responsibility upon him subject only to reference to Council. For example whilst the determination of allegations of failure to comply with the code could all be delegated to an officer it would be more appropriate for hearings upon investigations and decisions in this regard to be taken by members after consultation with the Independent Person.
- 8.11 The options of the Council retaining complete responsibility for the ethical framework or for the Monitoring Officer to be given delegated authority for the whole are not considered to be viable rather that the best option is for the establishment of a new Standards Committee which can take a member lead in championing high standards of conduct.
- 8.12 Attached at Appendix 3 are proposed terms of reference which are based on the current terms of reference with amendments as appropriate having regard to the abolition of the previous standards regime.



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- 8.13 One of the key roles for the Standards Committee will be the assessment and determination of allegations of failure to comply with the Members' Code of Conduct. It would be unwieldy for the entire Committee to have to convene to make assessments of allegations and for hearings and it is anticipated that the Standards Committee will appoint Sub-Committees to undertake those functions. This is built into the arrangements attached at Appendix 2 to this report.

9 The Independent Person

- 9.1 Section 28 of the Localism Act 2011 provides that arrangements which the Council must put in place for dealing with allegations of failure to comply with the Members' Code of Conduct must include provision for the appointment of at least one Independent Person.
- 9.2 An Independent Person is someone whose views are sought and taken into account by the authority before it makes its decisions on an allegation that it has decided to investigate. The Independent Person's views may also be sought by the authority in relation to an allegation at other stages in the process or by a member or co-opted member if that person's behaviour is the subject of an allegation.
- 9.3 The Act provides that a person is not independent if he/she is a member, a co-opted Member or an officer of the authority or a relative or close friend of thereof. Furthermore a person is not eligible for appointment if during the preceding 5 years the person was a member, co-opted member or an officer of the authority. As mentioned in paragraph 8.6 above there is continuing discussion on this at national level.
- 9.4 A person may not be appointed as an Independent Person unless the post has been advertised, an application has been submitted and the appointment has been approved by a majority of the members of the authority.
- 9.5 Although the minimum statutory requirement is the appointment of one Independent Person, it would be useful to have one such person plus at least one deputy who could act in the event of the Independent Person being indisposed or conflicted.
- 9.6 The Council will need to advertise, interview applicants and have the appointments approved by Council by no later than the Annual Meeting in May in order to be in time for implementation of the



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revised arrangements on 1 July 2012. For future appointments it is proposed that the new Standards Committee or more likely a Sub-Committee appointed for the purpose will have the responsibility of interviewing applicants and making recommendations to Council.

10 Questions for Members to consider

10.1 To assist the Committee to consider all relevant aspects of issues concerning the new ethical framework, a number of key questions have been set out at Appendix 4.

11. Comments of the Chief Financial Officer and Financial Implications

11.1 The proposals set out will enable the Council to comply with the revised statutory requirements in relation to standards of conduct for local authority members brought about by the Localism Act 2011.

11.2 The requirement to appoint at least one Independent Person is likely to lead to some small one-off costs such as advertising and interviewing, as set out in paragraph 9.6, and potentially some incidental subsistence expenses however at this stage it is expected that these will be low and met from within existing council budgets.

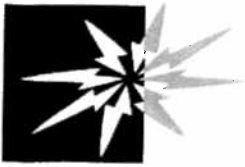
11.3 As set out in Section 8 above, the current Standards Committee would cease to exist however, this report proposes to continue with a Standards Committee from July 2012 albeit with a different composition and chaired by an elected Member. Any Special Responsibility Allowance attached to this role would be an additional cost to the authority.

12 Head of Legal Services and Legal Implications

12.1 This is a report from the Head of Legal Services and legal implications are detailed in the body of the report.

12.2 The Council is under statutory obligations to introduce its own standards regime to take effect upon the abolition of the arrangements established by the Local Government Act 2000, which is likely to be effected by Regulations on 1 July 2012. The Council must approve the new arrangements prior to the implementation date or there will be no ethical framework in place to supersede the current arrangements, and the Council will be in breach of statutory duty.

13. Equalities and Community Cohesion Comments



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13.1 The Equalities team have been consulted on the contents and you have no specific comments to make.

14 Head of Procurement Comments

14.1 N/A

15. Policy Implications

15.1 The Policy team have been consulted on the contents and you have no specific comments to make.

16 Use of Appendices

16.1 Appendix 1: Draft Members' Code of Conduct

16.2 Appendix 2: Draft Members' Code of Conduct Complaints procedure

16.3 Appendix 3: Standards Committee Draft Terms of Reference

16.4 Appendix 4: Questions for Members to consider

17 Local Government (Access to Information) Act 1985

17.1 None

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) insofar as it promotes and seeks to 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 set out at paragraphs 2.1 - 2.7 below. The Council has also included additional principles at paragraphs 2.8 - 2.11 which are regarded as furthering the achievement of high standards of conduct in Local Government.
- 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 which are contained in the Code. 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.

2.8 Personal Judgement

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

2.9 Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

2.10 Duty to Uphold the Law

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

2.11 Stewardship

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

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 set out at paragraphs 2.1 – 2.7 above and by the Council at paragraphs 2.8 – 2.11 above and which together form the basis of this Code.
- 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" includes a co-opted member and an appointed 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 the equality enactments;

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with the Council's Code of Conduct; or

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

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 the Council 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 Council's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes);
 - (c) must 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 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 the Council if it is of a description set out in paragraph 5.2 below and is either
- (a) an interest of yours
 - (b) an interest of your spouse or civil partner
 - (c) an interest of a person with whom you are living as husband and wife or
 - (d) an interest of a person with whom you are living as if you were civil partners

and in the case of paragraphs 5.1 (b) – 5.1 (d) you are aware that that other person has the interest

5.2 “Disclosable pecuniary interests” are defined by *(regulations still awaited)* and are

(a) *(to be completed when regulations are issued)*

6. Other Pecuniary Interests

6.1 You have a pecuniary interest in any business of the Council where either

(a) it relates to or is likely to affect

(i) any employment or business carried on by you;

(ii) any person or body who employs or has appointed you;

(iii) 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;

(iv) 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);

(v) any contract for goods, services or works made between the Council 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 (iv);

(vi) any land in your authority’s area in which you have a beneficial interest;

(vii) any land where the landlord is the Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (iv) is, the tenant;

(viii) 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 financial position or the 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 all other cases) other council tax payers, ratepayers or inhabitants of the Council's area.

7. Non-Pecuniary Interests

7.1 You have a non-pecuniary interest in the business of the Council 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 Council;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(b)) a decision in relation to that business might reasonably be regarded as affecting your well-being or the well-being 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 all other cases) other council tax payers, ratepayers or inhabitants of the Council's area.

8. "Relevant Persons"

8.1 For the purposes of paragraphs 6.1(b) and 7.1(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 which such persons are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

(e) any body of a type described in paragraph 7(a)(i) and (ii) of which such persons are members or in a position of general control or management.

9. Prejudicial Pecuniary and Non-Pecuniary Interests

9.1 Where you have a pecuniary or non-pecuniary interest in any business of the Council 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 pecuniary or non-pecuniary interest.

9.2 You do not have a prejudicial pecuniary or non-pecuniary interest in any business of the Council where that business

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 7.1 (a) (i) and (ii);
- (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 7.1 (a) (i) and (ii); or
- (c) relates to the functions of the Council 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

10. Disclosure of Interests

10.1 Subject to paragraphs 10.2 to 10.5 below, where you have a disclosable pecuniary interest, a pecuniary interest or a non-pecuniary interest in any business of the Council and you are present at a meeting of the Council 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 Paragraph 10.1 above only applies where you are aware or ought reasonably to be aware of the existence of the interest.

10.3 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 15 (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 not the interest but merely the fact that you have a disclosable interest in the matter concerned.

10.4 Where you have an interest in any business of the Council which would be disclosable by virtue of paragraph 10.1 above 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.

10.5 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 Interests on participation

11.1 If

- (a) you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, and
- (b) you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting, and
- (c) you are aware that the condition in paragraph (b) above is met;
- (d) **You may not** participate, or participate further, in any discussion of the matter at the meeting, or
- (e) participate in any vote, or further vote, taken on the matter at the meeting, and
- (f) **You must** withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Council's Proper Officer.
- (g) **You may not** exercise executive functions in relation to that business, or
- (h) 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 in any matter to be dealt with or being dealt with in the course of discharging that function:

- (a) you must ensure you notify the Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business.
- (b) you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).

12 Effect of Prejudicial Pecuniary or Non-Pecuniary Interest on participation

12.1 The provisions of Paragraph 11.1 – 11.2, above, apply in relation to a prejudicial pecuniary or non-pecuniary interest.

13 Effect of Pecuniary or Non-Pecuniary Interest on Participation

13.1 Subject to the provisions of Paragraph 10.1 above, if

(a) you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, and

(b) you have a pecuniary or non-pecuniary interest in any matter to be considered, or being considered, at the meeting,

(c) **You may** participate, or participate further, in any discussion of the matter at the meeting, and

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

PART 3: REGISTRATION OF MEMBERS' INTERESTS

14. Registration of Members' Interests

14.1 You must, within 28 days of becoming a member notify the Monitoring Officer of any disclosable Pecuniary Interest which you have and the Monitoring Officer shall, subject to paragraph 13 below, enter the interest(s) notified in the Council's Register of Members' Interests maintained under Section 29 of the Localism Act 2012

14.2 You must, within 28 days of becoming a member notify the Monitoring Officer of any Other Pecuniary Interests or Non-Pecuniary Interests which you have, and the Monitoring Officer shall, subject to paragraph 13, enter the interest(s) notified in the Council's Register of Members' Interests

14.3 You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraphs (1) or (2) above, register details of that new interest or change by providing written notification to the Monitoring Officer who shall, subject to paragraph 13, amend the Register of Members' Interests appropriately.

15. Sensitive Interests

15.1 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

15.2 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 the Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

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. Although absolute confidentiality might not always be capable of being ensured due to the circumstances of the case, nevertheless where confidentiality is requested the Monitoring Officer will not disclose the person's name and address to the member against whom the allegation is made, without the person's prior consent.

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 If the Monitoring Officer is unable to conduct the investigation either because the allegation is from him/her or because he/she is in some other respect conflicted, the Assessment Sub-Committee may authorise the appointment of an appropriate third party to investigate.
- 5.9 The decision as to whether or not an allegation be investigated will normally be taken within twenty 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/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.

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.

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Article 9 – The Standards Committee

9.01 Standards Committee

The Council 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.

The quorum of the Standards Committee is three.

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 and co-opted members;
- (b) Assisting the Leader, Councillors and 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 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) 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.

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.

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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The Ethical Framework

Questions for Members to consider

1. The draft code of conduct prepared for Standards Committee has retained as many elements of the current code as possible which have been adapted to fit the new statutory framework. Is this the style of code which Members want or would they prefer a much shorter version containing the bare statutory minimum?
2. It is understood that the Local Government Association is considering the adoption of a model code which may emerge in both minimalist and expanded forms. If such model is reasonable in style and format and meets Members requirements as stated in relation to Question 1 above, would Members prefer to use that model which may be adopted widely, rather than a bespoke Haringey version?
3. The Act prescribes how **disclosable** pecuniary interests must be registered and disclosed. However it is left to authorities to include in their codes whatever they consider appropriate in respect of the registration and disclosure of other pecuniary and non-pecuniary interests. In the draft code those matters which are personal interests under the current code have been broken down into 'other pecuniary interests' and 'non-pecuniary interests'. Are Members happy with this approach?
4. The Act requires registration of disclosable pecuniary interests, but once registered there is no requirement to make further disclosures at meetings even though the Member would not be able to remain or participate during the conduct of that business. Are Members satisfied with this or would they prefer disclosures at meetings on each occasion a disclosable pecuniary interest arises, whether or not it is registered?
5. Subject to views on Question 4 above, are Members happy with the same registration/disclosure arrangements for all forms of interest?
6. The Act provides that a pecuniary interest of a Member's spouse or civil partner or a person living with the Member as a spouse or civil partner is a disclosable pecuniary interest if the Member is aware of it. However there is no test of reasonableness attached and a Member would not have to declare an interest because he/she is unaware even though a reasonable person would have been aware. Are Members satisfied that this is sufficient or should this be extended to cover interests of which the Member is aware or 'ought reasonably to be aware'? If included in the code, whilst failure to disclose such interest of which a Member is aware would be both a criminal offence and a breach of the code, failure to disclose an interest of which the Member ought reasonably to be aware would be only a breach of the code.

7. The Act removes the requirement for Members to agree to comply with the code of conduct when signing the declaration of acceptance of office. However the Council could still require Members to give a written undertaking to do so which would not carry any legal obligation but would give Members cause to reflect upon the serious nature of their undertaking to act in accordance with the code at all times when acting as a Member. Do Members wish to give such an undertaking?
8. The Council is required to appoint at least one 'Independent Person' (IP). Should we appoint just one or would it be best to have one IP plus one or more deputies who could stand in if the IP is unavailable or conflicted?
9. The duties of the IP in the Localism Act are to give his/her views when they are sought before the authority makes a decision on an allegation it has decided to investigate; to the authority at other points in the process; to a Member the subject of an allegation. Should the IP have a role in the wider promotion of high standards of conduct by being co-opted onto the Standards Committee?
10. Should the IP and any deputies be paid an allowance? Should the IP attract an additional allowance if co-opted to the Standards Committee?
11. Draft arrangements for dealing with allegations of failure to comply with the code have been assembled from a combination of the current statutory arrangements with modest improvements borne from experience, the principles of natural justice and general best practice in complaints procedures. As with the Code of Conduct, the Local Government Association may produce model arrangements. If such model is reasonable in style and format would Members prefer to use that model which may be adopted widely, rather than a bespoke Haringey version?
12. Turning to the detail of the draft arrangements, are Members happy with the Monitoring Officer determining that an allegation does not merit any further action on the stated grounds which are largely factually based or would Members prefer all allegations to go before an Assessment Sub-Committee?
13. The current statutory system has been curtailed somewhat by the elimination of the Review Sub-Committee role. The procedure proposed is regarded as sufficiently robust without this element. Do Members agree?
14. It is proposed that the Standards Committee has two sub-committees, the Assessment Sub-Committee and the Hearing Sub-Committee and that Members be appointed on to these sub-committees based on political balance as far as possible, and there be a quorum of three, for

the committee and sub-committees. Do Members consider this to be satisfactory?

15. For the elimination of doubt, a Member who has sat on an Assessment Sub-Committee will not be precluded from sitting on a Hearing Sub-Committee considering the same allegation as attendance at the former will not prejudice attendance at the latter. Do Members support this approach?

16. Under the Localism Act there are five grounds upon which Members with disclosable pecuniary interests may be granted dispensations to participate and vote. It is proposed that the new Standards Committee only should determine applications upon three of the grounds, where without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote; where granting the dispensation is in the interests of persons living in the borough; and where it is otherwise appropriate to grant a dispensation. In addition to the Standards Committee it is suggested that the Monitoring Officer could also be authorised to determine applications on the other two grounds, where without the dispensation so many Members would be prohibited from participating that the transaction of the business would be impeded (ie the meeting would be inquorate), and similarly in relation to Cabinet where each Member would be prohibited from participating. Delegation to the Monitoring Officer would enable dispensations to be granted 'at the door of the meeting' which could not be achieved if the power rested with the Standards Committee. Are Members satisfied with these proposals?

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