

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).

