

# BRENT MEMBERS' CODE OF CONDUCT

## *Maintaining High Standards of Conduct*

### Introduction

1. This Code applies to you as a member of Brent Council.
2. You must comply with this Code when you act, claim to act, or give the impression you are acting as a member of the Council.
3. It is your responsibility to ensure that you are familiar with, and comply with, this Code.

### High Standards of conduct

4. You must maintain a high standard of conduct.
5. In particular, you must comply with the seven principles of conduct in public life set out in **Appendix 1**.

### Your obligations

6. You must treat others with respect.
7. You must not do anything which may cause the Council to breach any of the duties under the Equality Act 2010.
8. You must not bully any person.
9. You must not intimidate or attempt to intimidate any person who is or is likely to be:
  - (a) a complainant;
  - (b) a witness; or
  - (c) involved in the administration of any investigation or proceedings, in relation to

an allegation that a member (including yourself) has failed to comply with this Code.

10. You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
11. You must not make frivolous, vexatious or repeated complaints against another member or an officer of the Council.
12. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
13. You must not disclose any information which is confidential in nature or which is provided in confidence without consent or authority.
14. You must not prevent another person from gaining access to information to which that person is entitled by law.
15. 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.
16. You must, when using or authorising the use by others of the resources of the Council:
  - (a) act in accordance with the Council's reasonable requirements;
  - (b) ensure that such resources are

not used improperly for private or political purposes (including party political purposes); and

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

17. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- (a) the Council's Chief Executive (the Head of Paid Service);
- (b) the Council's Chief Finance Officer; or
- (c) the Council's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

18. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

19. You must attend mandatory training sessions on this Code or Members' standards in general, and in accordance with the Planning Code of Practice and Licensing Code of Practice.

20. You must attend Safeguarding training provided by the Council and receive, attend and consider updates as appropriate.

### **Registration of Interests**

21. You must, within 28 days of your election or your appointment as a co-opted member, notify the Monitoring Officer in writing of any disclosable pecuniary interests (*see para. 27 and Appendix 2*) or

any registrable personal interests (*see para. 31*).

22. You must, within 28 days of:

- (a) your re-election; or
- (b) your re-appointment as a co-opted member; or
- (c) becoming aware of any change to an interest registered or any new interest which you are required to register

notify the Monitoring Officer in writing of any change to an interest registered or any new interest which you are required to register (*see para. 21*).

23. The Monitoring Officer will maintain the Council's register of interests and enter onto that register all interests notified to him/her.

### **Sensitive interests**

24. If the nature of your interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation your interest will be considered to be a sensitive interest.

25. Your sensitive interest will still be entered in the Council's register of interests, but the copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest. Instead it will state that you have an interest but the details have been withheld because it is a sensitive interest.

26. If at a meeting you have an interest which the Monitoring officer agrees is a sensitive interest, you must disclose to the meeting that you have an interest that is sensitive but need not disclose the nature of the interest or any sensitive information to the meeting.

### **Disclosable Pecuniary Interests**

27. You have a disclosable pecuniary interest if it is an interest specified in regulations made by the Secretary of State from time to time. The current disclosable pecuniary interests are set out in **Appendix 2**.
28. You have a disclosable pecuniary interest if it is an interest that you have or your spouse or civil partner (or person with whom you are living as a spouse or civil partner) has and which you are aware of.

### **Personal interests**

29. You have a personal interest in any business of the Council where either:
- (a) the business of the Council relates to or is likely to affect a registrable personal interest (**see para. 31**); 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 connected person (**see para. 30**);
- and

- (c) that interest is not a disclosable pecuniary interest.

30. A connected person is:

- (a) a member of your family;
- (b) your friend;
- (c) any person with whom you have a close association; or
- (d) any person or body who is the subject of a registrable personal interest (**see para. 31**).

### **Registrable personal interests**

31. You have to register the following personal interests:

- (a) 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;

- (b) any body:

- (i) exercising functions of a public nature;
- (ii) directed to charitable purposes; or
- (iii) whose principal purposes include 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; and

- (c) a gift or hospitality you have received worth an estimated value of at least £50 in your capacity as a member. This

includes a series of gifts and hospitality from the same person that add up to an estimated value of at least £50 in a municipal year. You must notify the Monitoring Officer in writing of the following details:

- (i) the name of the person from whom you have received the gift or hospitality;
- (ii) when it was received; and
- (iii) what you reasonably believe to be the value or approximate value of the gift or hospitality. In deciding the value of the gift or hospitality it is what, for example, a member of the public would have had to pay to attend an event that matters (i.e. the open market value or official price) and not the fact that a courtesy/corporate ticket has a nil face value.

### **Disclosure of personal interests and participation in meetings**

- 32. Subject to para. 24, where you have a personal interest in any matter being considered by the Council and you are present at a meeting of the Council at which the matter is considered, you must disclose the existence and nature of the interest before the matter is discussed or as soon as it becomes apparent to you.
- 33. Para. 32 only applies where you are aware or ought reasonably to be aware of the existence of the interest.
- 34. If the personal interest is such that:

(a) a member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest; **and**

(i) it affects your financial position or the financial position of a connected person (see para. 30); **or**

(ii) it relates to a regulatory matter affecting or likely to affect you or a connected person (see para. 30),

(b) then, as well as complying with para. 32, you must not participate, or participate further, in any discussion of, or in any vote or further vote taken on, the matter at the meeting, save that you may remain in the meeting only for the purpose of making representations, answering questions or giving evidence relating to the matter, and provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise; and

(c) subject to (c), you must withdraw from the room where a meeting considering the matter is being held.

### **Disclosable pecuniary interests and effect on participation and voting**

35. Sub-paragraphs (1), (2), (3) and (4) apply to you if you:

(i) are present at a meeting of the

Council,

- (ii) have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
- (iii) are aware that the condition in sub-paragraph (ii) is met.
- (1) You must disclose the existence and nature of the interest to the meeting, but this is subject to paragraph 24.
- (2) You must not participate, or participate further, in any discussion of, or in any vote or further vote taken on, the matter at the meeting.
- (3) You must withdraw from the room where a meeting considering the matter is being held.
- (4) If the interest is not yet entered in the Council's register, and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the meeting.

36. Sub-paragraphs (1) and (2) apply to you if:

- (i) a function of the Council may be discharged by a member acting alone;
- (ii) you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by you in the course of discharging that function, and
- (iii) you are aware that the condition in sub-paragraph (ii) is met.

- (1) If the interest is not yet entered in the Council's register, and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that the condition in sub-paragraph (b) is met in relation to the matter.
- (2) You must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you).
- (3) For the purposes of this and the previous paragraph, an interest is the "subject of a pending notification" if:
  - (a) the interest has been notified to the Monitoring Officer, but
  - (b) that interest has not yet been entered in the Council's register in consequence of that notification.

### **Dispensations**

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

### **Definitions**

38. A **member** includes a co-opted/independent member.
39. A **co-opted/independent member** is a person who is not a member of the Council but is a member (with or without voting rights) of any committee or sub-committee of the Council or represents the Council on any joint committee or joint sub-committee of the Council.
40. A **meeting** means any meeting of Full Council; the Cabinet; any of the Council's or Cabinet's committees, sub-committees, joint committees or joint sub-committees.

#### **Related documents**

41. The Council has adopted other codes, protocols, policies and procedures which do not form part of this Code but which impact upon and regulate your conduct as a councillor. You are required to comply with these rules and any breach may be regarded as a breach of this Code. Examples include:
- (1) Members' Gifts and Hospitality Protocol
  - (2) Planning Code of Practice
  - (3) Licensing Code of Practice
  - (4) Local Authority Code of Publicity
  - (5) Protocol for Member/Officer relations
  - (6) IT policies and Procedures

## Appendix 1 – Seven Principles of Conduct in Public Life

<b>1. Selflessness</b>	You should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
<b>2. Integrity</b>	You should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
<b>3. Objectivity</b>	You should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
<b>4. Accountability</b>	You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.
<b>5. Openness</b>	You should be as open as possible about your actions and those of the Council, and should be prepared to give reasons for those actions.
<b>6. Honesty</b>	You should be truthful in your Council work and avoid creating situations where your honesty may be called into question.
<b>7. Leadership</b>	You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## Appendix 2 - Disclosable Pecuniary Interests

### (The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012)

<b>Subject</b>	<b>Description of interest</b>
<b>Employment, office, trade, profession or vocation</b>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain which you or the relevant person* undertakes.</i>
<b>Sponsorship</b>	<i>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you notify the Monitoring Officer about this particular disclosable pecuniary interest.</i>
<b>Contracts</b>	<p><i>Any contract which is made between you or the relevant person* (or 'a body in which you or the relevant person has a beneficial interest'**) and the Council –</i></p> <p style="margin-left: 40px;"><i>(a) under which goods or services are to be provided or works are to be executed; and</i></p> <p style="margin-left: 40px;"><i>(b) which has not been fully discharged.</i></p>
<b>Land</b>	<i>Any beneficial interest in land which you or the relevant person* has and which is within the area of the Council.</i>
<b>Licences</b>	<i>Any licence (alone or jointly with others) which you or the relevant person* holds to occupy land in the area of the Council for a month or longer.</i>
<b>Corporate tenancies</b>	<p><i>Any tenancy where (to your knowledge) -</i></p> <p style="margin-left: 20px;"><i>(a) the landlord is the Council; and</i></p> <p style="margin-left: 20px;"><i>(a) the tenant is 'a body in which you or the relevant person has a beneficial interest'**.</i></p>



<p><b>Securities</b></p>	<p><i>Any beneficial interest which you or the relevant person* has in securities of a body where –</i></p> <p><i>(a) that body (to your knowledge) has a place of business or land in the area of the Council: and</i></p> <p><i>(b) either –</i></p> <p><i>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i></p> <p><i>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or the relevant person* has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i></p>
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\* 'relevant person' = your **spouse or civil partner or person with whom you are living as a spouse or civil partner.**

\*\* 'a body in which you or the relevant person has a beneficial interest' = a firm in which you or the relevant person is a partner or a body corporate of which you and the relevant person is a director, or in the securities of which you and the relevant person has a beneficial interest.