

CODE OF CONDUCT FOR MEMBERS AND CO-OPTees LONDON BOROUGH OF HACKNEY

GENERAL INTRODUCTION

- 1.1 Hackney Council has adopted this Code of Conduct for Members in accordance with the Localism Act 2011. The Code will assist the Council in complying with its duty to promote and maintain high standards of conduct by its Members and co-optees and provide excellent local government for the people of the borough.
- 1.2. The Council's Code of Conduct is based upon the seven principles of public life ("the statutory principles") which are set out in Appendix A. It applies to the Mayor, all councillors and co-opted members of all Council Committees.
- 1.3 The Code should be read together with the statutory principles prescribed by law and the Secretary of State in accordance with Regulations.
- 1.4 The Council will investigate any alleged breach of the provisions of the Code of Conduct by a Member or co-opted member of the Council.
- 1.5 A Member (including a co-opted member) may not act as a Member unless s/he has given the Council a written and signed undertaking that in performing his/her functions s/he will observe this Code of Conduct and any locally agreed codes and protocols.
- 1.6 This Code of Conduct should be read in conjunction with the other codes and protocols that have been adopted by the Council as supplementary guidance for Members and officers. Although these codes and protocols do not form part of the Code of Conduct, Members and officers are required to comply with their provisions.
- 1.7 Any failure by a Member to comply with these additional codes and protocols may be investigated and appropriate action may be applied by the Council where necessary.
- 1.8 The Council has approved the following Protocols:
 - Guidance for Member/Officer relations
 - ICT Policy
 - Planning Code of Practice for Members
 - Licensing Code of Practice for Members

- 1.9 There are some decisions that the authority will need to make that could affect every Member. A list of these is set out at Appendix B. A Member **may** take part in these decisions *unless* they fall into one of the exceptions set out in the list.
- 1.10 Any Member requiring further guidance on the application or interpretation of the provisions of the Code or and additional codes or protocols should contact the Monitoring Officer.

Code of Conduct for Members and Co-optees

PART ONE

GENERAL PROVISIONS

Introduction and interpretation

- 1.1 This Code applies to you as a Member of the authority, or a co-optee.
- 1.2 You should read this Code together with the seven statutory principles prescribed by law and the Secretary of State. These principles are annexed to this Code.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 In this Code—

“*meeting*” means any meeting of—

(a) the authority;

(b) the executive of the authority;

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

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“*member*” includes a co-opted member and an elected member.

“*co-opted member*” means a person who is not an elected member of the authority but who (a) is a member of any committee or sub-committee of the authority, or (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote at meetings.

Scope

- 2.1 Subject to paragraphs 2.2 to 2.5, you must comply with this Code whenever you act as a Member or a co-optee and references to your official capacity are construed accordingly.
- 2.2 Subject to sub-paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

- 2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 2.5 Where you act as a representative of your authority—
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

- 3.1 You must treat others with respect.
- 3.2 You must not—
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in the Equality Act 2010);
 - (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 the authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
4. You must not—
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or

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

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

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

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

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

(c) must have regard to the Code of Recommended Practice on Local Authority Publicity.

7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) the authority's chief finance officer; or

(b) the authority's monitoring officer,

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

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

PART TWO

INTERESTS

Pecuniary Interests

- 8.1 You have a disclosable pecuniary interest if it is of a description specified 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.

Registration of pecuniary interests

- 9.1 Subject to paragraph 12.1 below (sensitive interests), you have a duty, to notify the Council's Monitoring Officer in writing of any disclosable pecuniary interests you have within 28 days of:

(a) this Code being adopted or applied by Full Council; or

(b) your election or appointment (where that is later).

- 9.2 Subject to paragraph 12.1 below, you have a duty, within 28 days of becoming aware of any new pecuniary interest or any change to any pecuniary interest notified to the Monitoring Officer under paragraph 9.1, to notify the Council's Monitoring Officer in writing of that new pecuniary interest or change.

Pecuniary interests in matters considered at meetings

- 10.1 If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, you must - subject to paragraph 12.1 below - disclose that interest to the meeting, and – unless you have obtained a dispensation– you cannot participate in any further discussion on the matter and must leave the meeting room whilst the matter is under discussion and takes place.

Other interests

- 11.1 Where a Member is a member of an external body this must be disclosed on the interests form and declared at meetings.
- 11.2 When contractual, financial, consent, permission or licence matters are under consideration relating to an external body on which you sit as a Member, such an interest must be declared and you cannot participate in the meeting as a Member of the Committee and must leave the meeting whilst the matter is under discussion and takes place.
- 11.3 When contractual, financial, consent, permission or licence matters are under consideration and you have actively engaged in supporting an individual or organisation on the matter, you cannot participate in the meeting as a member of the Committee and must leave the meeting whilst the matter is under discussion and takes place.
- 11.4 Where a Member has received a gift or hospitality with an estimated value of at least £25, this must be disclosed on the register of interests form and declared at meetings.

Sensitive interests

- 12.1 Where you consider (and the Council's Monitoring Officer agrees) that the nature of a disclosable pecuniary interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it will be deemed to be a "sensitive interest" for the purposes of the Code. Details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 10.1 above.

Interests arising in relation to overview and scrutiny committees

- 13.1 In relation to any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where—
 - (i) that business relates to a decision made (whether implemented or not) or action taken by the authority's executive or another of the authority's committees, subcommittees, joint committees or joint sub-committees; and
 - (ii) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (i) and you were present when that decision was made or action was taken; or

(iii) that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's Constitution or under delegated authority from the Mayor),

you may attend a meeting of the overview and scrutiny committee of the 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.

Dispensation

14.1 A Member or co-optee may submit a written request for dispensation relieving them from the restrictions on a participation in and on a disclosable pecuniary interest.

14.2 Dispensation may be granted if:

(a) the number of persons prohibited from participating in the meeting would be so great a proportion as to impede the transaction of the business

(b) without the dispensation the balance of political groups on the committee would be affected and affect the outcome of any

(c) granting dispensation is in the interests of residents

(d) each member of the executive would be prohibited from participating in any particular business to be transacted by the executive

(e) it is otherwise appropriate to grant a dispensation.

Applications under sections 14.2(a)(b) and (d) above shall be made to the Monitoring Officer. All other applications shall go to Standards Committee.

Pre-determination or bias

15.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member. However, you should avoid placing yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

- 15.2 When making a decision in such situations, you should consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Breach of this Code of Conduct

- 16.1 Failure to comply with the provisions on disclosure of pecuniary interests in paragraphs 9.1 and 9.2 is a criminal offence and may result in a prosecution. If convicted a fine of up to £5,000 (level 5) could be imposed. A member could be disqualified for a period of up to 5 years.
- 16.2 Failure to comply with the general obligations in paragraphs 3.1, 3.2, 4, 5, 6, 7 or 10.1, 11, 15.1 and 15.2 may result in the consideration of a complaint against the Member concerned by the Standards Committee.

Appendix A

GENERAL PRINCIPLES

In accordance with the Localism Act 2011 the following statutory principles are to govern the conduct of the Members and co-optees of Hackney Council:

1. Selflessness

Members should act solely in terms of the public interest.

2. Integrity

Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

6. Honesty

Members should be truthful.

7. Leadership

Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Where the decision referred to in paragraph 1.9 of the General Introduction above relates to one of the functions of the authority set out below and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

(i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education or are a parent governor of a school *unless* it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.