

Proposed new Camden Code of Conduct

Model Councillor Code of Conduct 2020

1. Introduction

A. Definitions

(i) For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a 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 on any question that falls to be decided at any meeting of that committee or sub-committee”¹.

(ii) ~~For the purposes of this Code of Conduct, “Local authority” and ‘relevant authority’~~ includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities².

(iii) The “Council” means the London Borough of Camden.

(iv) “Meeting” means any meeting of the Council or the Cabinet, committees, sub-committee, joint committees, joint sub-committees, or area committees.

(v) “Informal meeting” means any meeting of the Council at which councillors are present to discuss business to be transacted by the Council.

(vi) “Pending Notification” means the interest has been notified to the Council’s Borough Solicitor, but has not yet been entered in the Register of Interests.

B. Purpose of the Code of Conduct

(i) The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to

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¹ The Council has extended this definition to include those who do not have a vote.

² The full list is provided in Section 27(6) Localism Act 2011

action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. ~~The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government. The general principles are for guidance only, whereas the specific obligations set out instances where action will be taken.~~

- (ii) ~~Those parts of the Code in RED and in boxes are also matters which could attract a criminal sanction.~~

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C. General principles of councillor conduct

- (i) ~~Everyone in public office at all levels; all who serve the public or deliver public services, including ~~ministers, civil servants,~~ councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles ~~(see Appendix A).~~~~

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- (ii) ~~Building on these principles, the following general principles have been developed specifically for the role of councillor.~~

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- (iii) ~~In accordance with the public trust placed in me, on all occasions:~~

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- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

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- (iv) ~~In undertaking my role:~~

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- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

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D. Application of the Code of Conduct

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- (i) ~~This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting have~~

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been appointed as a co-opted member and continues to apply to you until you cease to be a councillor.

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(ii) This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

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- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;
- You are acting as a representative of the Council;
 - o on another Relevant Authority, and you must, when acting for that Relevant Authority, comply with their members' code of conduct; or
 - o on any other body, and you must, when acting for that other body, comply with this Code, unless it conflicts with any other lawful obligations to which that other body may be subject.
- Your conduct constitutes a criminal offence for which you have been convicted or for which you have received a caution and that the behavior which led to either the conviction or the caution was while you were acting in the capacity as a Member

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(iii) The Code applies to all forms of communication and interaction, including:

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- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

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(iv) You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

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(v) ~~You~~ The Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from ~~your~~ the Monitoring Officer on any matters that may relate to the Code of Conduct. ~~Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.~~

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E. Related Documents

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(i) The Council has adopted codes and protocols which do not form part of this Code but which deal with specific activities that you may be required to carry out in the course of your duties. You are required to comply with the latest version of these and any breach may be regarded as a breach of this Code.

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(ii) The following such codes and protocols are currently in effect:

- Member/Officer Protocol
- Planning and Licensing Protocol
- Use of IT
- Gifts and Hospitality Protocol
- Ministerial and Political Visits

2. Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

A. General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

1.3 In committee or Council meetings, I behave in an appropriate way and under the direction of the Chair/Mayor. This includes using appropriate language, fit for the occasion and subject.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow

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councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's ~~councillor~~-Member-Officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Examples of bullying and harassment could include: spreading malicious rumours, or insulting someone by word or behaviour; copying memos that are critical about someone to others who do not need to know; ridiculing or demeaning someone – picking on them or setting them up to fail; unfair treatment; overbearing supervision or other misuse of power or position; unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected; making threats or comments about job security without foundation; deliberately undermining a competent worker by overloading and constant criticism; and preventing individuals progressing by intentionally blocking promotion or training opportunities.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral ~~(unless they are political assistants)~~. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Making decisions

As a councillor:

4.1 When reaching decisions on any matter, I will have regard to any advice provided to me by:

- a) Camden's Executive Director Corporate Services; or
- b) Camden's Borough Solicitor

where those officers are acting in accordance with their statutory duties.

4.2 I will give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

An effective governance framework will build in checks and balances to safeguard against poor ethical standards and protect against financial impropriety. A requirement to consider legal advice by the Borough Solicitor and resource implications outlined by the Section 151 Officer (Executive Director Corporate Services) for all decisions is a useful precautionary measure for Council business.

Local authorities have to comply with statutory requirements to provide reasons for decisions. As a councillor, you are accountable to the public and the reasons provided for decisions will be subject to scrutiny.

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4-5. Confidentiality and access to information

As a councillor:

4-45.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 3. I have consulted the Monitoring Officer prior to its release.

4-25.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4-35.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5-6. Disrepute

As a councillor:

5-46.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower

the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6.7. Use of position

As a councillor:

7.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

6.17.2 I will not engage in 'treating' as defined by Section 114 of the Representation of the People Act 1983.

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Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly. As a specific example of this, without prejudice to any criminal offence which may or may not have been committed, it shall be considered a breach of this code to have been engaged in 'treating': a practice whereby a person before, during or after an election directly or indirectly provides or pays for food, drink or entertainment to corruptly influence a person from voting or not voting.

7.8. Use of local authority resources and facilities

As a councillor:

7.18.1 I do not misuse council resources.

7.28.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; **and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed; **and**

b.c. take into account any relevant Local Authority Code of Publicity made in accordance with the Local Government Act 1986.

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You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8-9. _____ Complying with the Code of Conduct

As a Councillor:

~~8-49.1~~ I undertake Code of Conduct training provided by my local authority.

~~8-29.2~~ I cooperate with any Code of Conduct investigation and/or determination.

~~8-39.3~~ I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

9.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

~~8-49.5~~ I will not bring, sponsor or support trivial or malicious complaints against other councillors using the Code of Conduct.

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It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance or to misuse the standards process. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9-10. _____ Interests

As a councillor:

9-10.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

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Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10-11. Gifts and hospitality

As a councillor:

10-111.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10-211.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least ~~£50~~£25 within 28 days of its receipt.

10-311.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in

Appendix 3

which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office 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 disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

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

Openness

Holders of public office 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 so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office 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 – Disclosable Pecuniary Interests and Other Registerable Interests

1. Registering interests

A. Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Appendix C, Table 1 (Disclosable Pecuniary Interests) which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”³.

B. You should also register details of your other personal interests which fall within the categories set out in Appendix C Table 2 (Other Registerable Interests).

C. “Disclosable pecuniary interest” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

D. “Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

A-E. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

B-F. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

G. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register⁴.

C-H. If you have a ‘sensitive interest’, you must still disclose that you have an interest at meetings and informal meetings although you need not disclose the nature of the interest.

2. The Register of Interests

A. Subject to paragraphs 2 to 4 (sensitive interests), where you give notification to the Council of disclosable pecuniary interests or other registerable interests, the Borough Solicitor is to cause the interests notified to be entered in the Register⁵.

³ Section 30(1) Localism Act 2011; Section 34(1(a) & s34(2)– an offence is committed if a Councillor fails to comply with this obligation without reasonable excuse or provides information he/she knows to be false or misleading or is reckless as to whether the information is true and misleading

⁴ Section 32 Localism Act 2011

⁵ Section 30(4) Localism Act 2011

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B. The form of Register will be decided by and maintained by the Borough Solicitor⁶.

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C. Entries in the Register will be removed where⁷:

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- (i) you no longer have the interest and you inform the Borough Solicitor of this fact and request removal; or
- (ii) you cease to be a Member (for whatever reason).

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D. A copy of the Register will be available for inspection at the Town Hall during working hours⁸.

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E. The Register shall also be published on the Council's website⁹.

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3. Non participation in case of disclosable pecuniary interest

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D. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

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E. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

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A. Paragraphs 3B – 3F shall apply when you are present at a Meeting or Informal Meeting(as defined), and have a Disclosable Pecuniary Interest¹⁰ or

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⁶ Section 29(1) Localism Act 2011 - the monitoring officer of a relevant authority must establish and maintain a register of interests of members and co-opted members of the authority. Section 29(2) – subject to requirements, the Council must determine what is to be entered in the authority's register.

⁷ Section 29(3) Localism Act 2011

⁸ Section 29(5) Localism Act 2011

⁹ A digital copy of each councillor or co-optee's register of interest is maintained through their individual webpage on democracy.camden.gov.uk.

Borough Solicitor's Informative Note: Online versions of register of interests are deleted once they cease to be an active record, either due to a newer version having been published or as a councillor or co-optee has ceased to serve. Hard copies of register of interests will be kept by the Council for 6 years after the date for which they were last an active record; this rule applies regardless of whether the individual is still a serving councillor or co-optee. After this period they will be disposed of confidentially.

¹⁰ Section 31(1) Localism Act 2011

Other Registerable Interest in any matter, which you are aware will be considered at that Meeting or Informal Meeting.

B. When present at a Meeting or Informal Meeting, if your Disclosable Pecuniary Interest is not entered in the Register, you must disclose the existence and details of the Disclosable Pecuniary Interest to the Meeting.

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or Informal Meeting, subject to paragraphs F to H (Sensitive Information).

C. If the Disclosable Pecuniary Interest is not entered in the Register and is not the subject of a Pending Notification, you must notify the Borough Solicitor of the Disclosable Pecuniary Interest before the end of 28 days beginning with the date of disclosure at the Meeting.

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or Informal Meeting.

D. Upon receipt of a notification, the Monitoring Officer shall enter the disclosed interest in the Register (whether or not it is a Disclosable Pecuniary Interest)¹¹.

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E. Subject to paragraph 8 (dispensations), you may not:

(i) participate, or participate further, in any discussion of the matter at the Meeting or

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Informal Meeting; or

(ii) participate in any vote or further vote taken on the matter at the Meeting or

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Informal Meeting

and then you must in accordance with Standing Orders and to comply with this Code leave the room for the duration of the matter's consideration.

F. You must not take any steps, or any further steps, in relation to the matter.¹²

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Information Note

Members when considering whether or not they have a Disclosable Pecuniary Interest must also consider and, if necessary, take advice on:

i) Whether they may, because of personal interests, be seen as being biased – in effect they have, for whatever reason, a further interest, which may not amount to a pecuniary interest, in the outcome, which would

¹¹ Section 31(9) Localism Act 2011

¹² Section 28 (4) Localism Act 2011 - a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with the Code.

cause them to be incapable of being impartial and could render the decision-making unlawful. The issue of bias should be also considered alongside whether or not they have a non-pecuniary interest, which is part of the formal Code, as there is likely to be an overlap;

ii) For quasi-judicial matters, whether they have pre-determined the issue – in other words done or said anything which makes it clear that their mind is closed. This does not prevent Members expressing opinions on applications as long as it is clear they have not entirely made up their minds¹³.

4. Single Member decision making¹⁴

A. Paragraphs 4B to 4E apply when you are a Single Member discharging a function who has a Disclosable Pecuniary Interest in any matter you are or will be dealing with, and you are aware that such matter will be dealt with by yourself¹⁵.

B. If the Disclosable Pecuniary Interest is not entered in the Register and is not subject to a Pending Notification you must notify the Borough Solicitor of the Disclosable Pecuniary Interest before the end of 28 days beginning with the date of when you became aware that the circumstances described in Paragraph 4A apply¹⁶.

C. Upon receipt of notification, the Borough Solicitor shall enter the interest in the Register (whether or not it is a disclosable pecuniary interest)¹⁷.

D. Subject to Paragraph 8 (dispensations), you may not:

(i) participate, or participate further, in any discussion of the matter at the Meeting or

Informal Meeting; or

(ii) participate in any vote or further vote taken on the matter at the Meeting or

Informal Meeting.

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¹³ Section 25(2) Localism Act - A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because— (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and (b) the matter was relevant to the decision.

¹⁴ Section 31 Localism Act 2011

¹⁵ Section 31(6) Localism Act 2011

¹⁶ Section 31(7) Localism Act 2011; Section 34(1)(a) & Section 34(2) - an offence is committed if a Member fails to comply with this obligation without reasonable excuse or provides information he/she knows to be false or misleading or is reckless as to whether the information is true and misleading

¹⁷ Section 31(9) Localism Act 2011

E. 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.¹⁸

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5. Disclosable Pecuniary Interests and Rights to make Representations

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A. Notwithstanding the fact that a councillor may have a pecuniary interest they may, having taken advice from the Borough Solicitor as to the particular circumstances, nonetheless still make representations or speak at a meeting in the capacity of a private individual should a member of the public have such a right, taking care to ensure that they do not enter into debate while making their representations. The councillor will however upon having made whatever representations which are accorded a member of the public immediately leave the room and take no part in any discussion or decision making and otherwise comply with any reasonable directions from the Borough Solicitor concerning their participation. The councillor may also or as an alternative (should the member of the public have the right) make representations in writing.

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6. Disclosure of Other Registerable Interests¹⁹

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F.A. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in [Appendix C](#) Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. Disclosure of Non-Registerable Interests

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G.A. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in [Appendix C](#) Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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H.B. Where a matter arises at a meeting which **affects**

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- a. your own financial interest or well-being;
- b. financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in [Appendix C Table 1](#)

¹⁸ Section 31(8) Localism Act 2011 - This would include an email to another Cabinet member or conversations with them asking them to take responsibility for the particular issue; Section 34(1)(b) & (c) – an offence is committed if a Member fails to comply with this obligation without reasonable excuse

¹⁹ Section 28(2)(b) Localism Act 2011

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

- C.** Where a matter **affects** your financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

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You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

- D.** Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

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E. You should in the spirit of openness disclose any other interest (not set out in Appendix C Tables 1 or 2) on a matter being, or to be considered, at a Meeting or Informal Meeting, which a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest, and such declarations should:

- (i) include the nature and extent of your interest:
- (ii) state whether or not you consider that they impact upon your ability to participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote on the matter at the meeting.

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Should you consider that the nature of the interest does adversely impact upon your ability to participate then you should remove yourself from the room for the duration of the matter's consideration, take no part in the discussion or decision-making, or otherwise in any way seek to influence the matter.

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- F.** Interests that fall under paragraph 7E are not required to be recorded in the Register, although may be added at your discretion, in accordance with paragraph 3D.

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Information Note

When considering whether they have interests in matters before them, councillors should note the concept of conflicts of interest, defined as a “conflict between the public duty and the private interests of a public official in which the official’s private-capacity interest could improperly influence the performance of their official duties and responsibilities.”²⁰ Conflicts of interest could include matters which are not Disclosable Pecuniary Interests or Other Registerable Interests, and so councillors should be mindful of any such conflicts, seeking advice as necessary, because of the potential impact they may have on decision-making. It is also important to note that the definition is “could” improperly influence not “will”. The test is whether a fair-minded and informed observer having considered the facts would conclude that there was a real possibility of a conflict.

8. Dispensations

A. The Borough Solicitor may, on written request made by you or another councillor, grant a dispensation relieving particular councillors from the restrictions on participation at a Meeting or Informal Meeting due to Disclosable Pecuniary Interests or Other Registerable Interests in cases described in the dispensation²¹.

B. The Borough Solicitor may (or may at his/her discretion refer the matter to the Standards Committee who may subsequently) grant particular councillors a dispensation under Section 8 only if, after having regard to all the circumstances, they consider that²²:

- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impeded the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to that business;
- (c) granting the dispensation is in the interests of persons living in the Council’s areas;
- (d) without the dispensation each Cabinet Member would be prohibited from participating in any particular business to be transacted by the Cabinet; or
- (e) consider that it is otherwise appropriate to grant a dispensation.

C. A dispensation under Section 8 must specify the period for which it has effect and the period may not exceed four years²³.

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²⁰ Organisation for Economic Co-operation and Development, *Managing Conflict of Interest in the Public Sector*, (OECD Publishing, 2005), page 13;

²¹ Section 33(1) Localism Act 2011

²² Section 33(2) Localism Act 2011

²³ Section 33(3) Localism Act 2011

Appendix C – Defining Disclosable Pecuniary Interests and Other Registerable Interests

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone

	or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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 the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

NOTES

The following notes do not form part of the code and are for information purposes only

- **Failure to comply with those parts of the code marked in red and in boxes, may amount to a criminal offence unless the member has a reasonable excuse. Please note that Camden has voluntarily decided to include informal meetings as defined within the code but the criminal provisions will only apply to meetings as defined in the legislation.**²⁴
- **In addition a councillor may have committed an offence if they, pursuant to those parts, provide information that is false or misleading and they know that it is false or misleading or are reckless as to whether the information is true and not misleading.**
- **A person found guilty may be fined up to level 5 of the standard scale.**
- **A court dealing with a person for an offence under the Code may by order disqualify the person for a period not exceeding five years from being or becoming a member of Camden or other local authorities.**
- **Proceedings for an offence may be brought within a period of 12 months beginning with the date on which the sufficient evidence came to the prosecutor's knowledge, but shall not be brought more than 3 years after the commission of the offence or after the last date on which the offence was committed.**

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²⁴ Section 34 Localism Act 2011 (Offences)