

Councillor Code of Conduct (Part 1) General Provisions

1 Introduction and Interpretation

- 1.1. As a Councillor you are a representative of this Council and the public will view you as such. ~~Therefore, your~~Your actions impact on how the Council as a whole is viewed and. ~~Your actions~~ can have both positive and negative impacts on the Council.
- 1.2. This Code ~~as a whole~~ is consistent with “Nolan Principles” which are set out in Annex 1 and the provisions of Section 29(1) Localism Act 2011.
- 1.3. “meeting” means any meeting of:
 - a) the Council
 - b) the Cabinet of the Council
 - c) any of the Council’s or its Cabinet’s Committees, Sub Committees, Joint Committees, Joint Sub Committees, Working Groups or any other Group meetings
 - d) whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Councillors
 - e) any briefings by Officers and site visits organised by the Council.
- 1.4. Relevant person means you r spouse, partner or any person living with you as a spouse and/or partner. ~~-or anyone referred to in paragraph 9 below.~~
- 1.5. Relevant period is 12 months ending with the day on which you give a notification of the interest to the Monitoring Officer of any disclosable pecuniary interests you had at the time of the notification.
- 1.6. Profit or gain includes any payments or benefits in kind which are subject to Income Tax. Beneficial interest means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale.

1.7. Relevant authority means Harlow District Council.

1.8. Councillor includes a co-opted member.

2 Who Does the Code Apply To?

2.1. This Code applies to all Councillors of Harlow Council. This includes co-opted persons.

2.2. It is the individual's responsibility to comply with the provisions of this Code.

3 What Does the Code Apply to?

3.1. ~~You must comply with this Code whenever you~~The Code applies to you whenever you are acting in your capacity as a member of the Council, including:

a) ~~conduct the business of the Council~~at formal meetings of the Council and all of its committees and sub committees

b) ~~are acting as a representative of the Council~~when acting as a representative of the Council-

c) in carrying out your functions as a ward councillor

d) at meetings with officers

e) at site visits

b)f) when corresponding with the Council other than in a private capacity

~~3.2. This Code has effect in relation to your conduct in your official capacity.~~

~~3.3.3.2. Where you act as a representative of the Council:~~The Code does not seek to regulate what you do in your private and personal lives.

a) ~~when acting for another Council, you must comply with that other Council's code of conduct~~

b) ~~when acting for another body, you must comply with the Council's code of conduct unless, 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 uphold the law.

4.3. You must not:

- a) do anything which may cause the Council to breach any of the equality enactments
- b) bully any person
- c) in relation to an allegation that a Councillor (including yourself) has failed to comply with the Council's Code of Conduct intimidate or attempt to intimidate any person who is or is likely to be:
 - i) a complainant
 - ii) a witness
 - iii) involved in the administration of any investigation or proceedings
- d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

5 Confidential Information

5.1. You must not disclose information given to you in confidence by anyone. ~~You must also not disclose, or~~ information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. ~~The exceptions are, except~~ where:

- a) you have the consent of a person authorised to give it
- b) you are required by law to do so
- c) 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
- d) the disclosure is:
 - i) reasonable and in the public interest
 - ii) made in good faith and in compliance with the reasonable requirements of the Council.

5.2. You must not prevent another person from gaining access to information to which that person is entitled by law.

6 Conferring an Advantage or Disadvantage

- 6.1. You must not use or attempt to use your position as a Councillor improperly to confer on or secure for yourself, or any other person, an advantage or disadvantage.
- 6.2. You must, when using or authorising the use by others of the resources of the Council:
 - a) act in accordance with your Council's reasonable requirements
 - b) ensure that such resources are not used improperly for political purposes (including party political purposes).
- 6.3. You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Councillor Code of Conduct (Part 2) Councillors and Co-opted Persons Interests

7 Disclosable Pecuniary Interests

7.1. You have a disclosable pecuniary interest in any business of the Council if it is of a description set out in 7.2 below and is either:

- a) an interest of yours
- b) an interest of your spouse ~~;~~ ~~an interest of your~~ your civil partner ~~;~~ ~~an interest of~~ a person you are living with as a spouse or civil partner ~~.~~ (known as Relevant Persons).
- c) And in the case of paragraphs 7.1 (b) you are aware that the other person has the interest.

7.2. “Disclosable pecuniary interest” are defined by The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 and are:

- a) any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain.
- b) any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member or towards the election expenses of you. This includes ~~any payment or~~ financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- c) any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Council or a body in which you or they have a beneficial interest.
- d) any beneficial interest in land which is within the area of the Council.

- e) a licence of any land in the Council's area (alone or jointly with others) of that you or a Relevant Person occupy for a month or longer.
- f) any tenancy where (to your knowledge):
 - i) the landlord is the Council
 - ii) the tenant is a body in which the you or a Relevant Person has a beneficial interest.
- g) Any beneficial interest in securities of a body where:
 - i) that body (to your knowledge) has a place of business or land in the area of the Council
 - ii) Either:
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of the body
 - if the share capital of that body is of more than one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

8 Other Pecuniary Interests

8.1. You have a pecuniary interest in any business of the Council where it relates to or is likely to affect:

- a) Any person or body who employs or has appointed you
- b) Any contract for goods, services or works made between the Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description in paragraph 67.2 (g) which has been fully discharged within the last ~~twelve (12)~~ months.

9 Non Pecuniary Interest

9.1. You have a non-pecuniary interest in any business of the Council where it relates to or is likely to affect:

- 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
- iii) one of whose principle 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
- iv) the interest of any person from whom you have received a gift or hospitality with an estimated value of at least £50 or totalling £100 over a year from a single source²⁵
- v) a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of a Relevant Person to a greater extent that the majority of:
 - (a) (in the case of authorities with electoral divisions or wards) other Council Tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision
 - (b) (in all other cases) other Council Tax payers, ratepayers or inhabitants of the Council area.

10 Disclosure of Interests (Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests)

- 10.1. Subject to sub-paragraphs ~~9.2 to 9.3~~107.42 to 910.43, where you have a Disclosable Pecuniary Interest, any other Pecuniary Interest or Non-Pecuniary Interest in any business of the Council and you are present at a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest. You must do this whether or not ~~the~~such interest is registered on your register of Interests or for which you have made a pending notification.
- 10.2. Sub-paragraph 910.1 only applies where you are aware or ought reasonably to be aware of the existence of the Relevant Person's interest.
- 10.3. Where you have an interest in any business of the Council which would be disclosable ~~by virtue of~~under paragraphs ~~7-9.4~~ but by virtue of paragraph ~~132~~ (sensitive interests) details of the interest are not registered in the Council's published register of Councillors' interest, and that the interest is a Disclosable Pecuniary Interest (if that is the case), you must indicate you have an interest but you need not disclose the nature of the interest to the meeting.
- 10.4. Where you have a Pecuniary Interest in any business of the Council and a function of the Council may be discharged by you acting alone in relation

to that business, you must ensure you notify the Council's Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter. ~~even if more than 28 days before you will actually deal with the business.~~

- 10.5. Where you have an interest in any business of the Council which would be disclosable by virtue of paragraph 109.1, 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. 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 (access to information relating to meetings of the Council).

11 Effects of Interest on Participation

11.1. Disclosable Pecuniary Interests

- a) if you are present at a meeting of the Council or of any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Council and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, at the meeting and you are of that interest:
- i) you must not participate, or participate further, in any vote, or further vote, taken on the matter at the meeting
 - ii) you must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a prior dispensation from the Council's Monitoring Officer. ~~proper officer.~~
- b) if you have a Disclosable Pecuniary Interest in any business of the Council you must not:
- i) exercise executive functions in relation to that business
 - ii) seek improperly to influence a decision about that business.
- c) if a function of the Council may be discharged-carried out by a Councillor acting alone and you have a Disclosable Pecuniary Interest in any matter ~~to be dealt with or~~ being dealt with in the course of discharging-carrying out that function you may 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 by~~ yourself by another person.

11.2. Other Pecuniary Interests

a) If you have an Other Pecuniary Interest in any business of the Council which ~~a member of the public with knowledge of the relevant facts would could be~~ reasonably regarded as ~~so~~-significant and that ~~is~~-likely to prejudice your judgement in the public interest and you are present at the meeting of the Council at which such business ~~is to be considered or~~ is being considered you must:

- i) disclose the existence and nature of the interest in accordance with paragraph 10.1 (subject to paragraph 10.3);
- ii) withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from the Council's proper officer.

Councillor Code of Conduct (Part 3) Register of Councillor Interests

12 Registration of Councillors' Interests

12.1. Subject to paragraph 13, you must, within 28 days of:

- a) this Code being adopted by or applied to your Council
- b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Council register in the Council's register of Councillors' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:
 - i) Disclosable Pecuniary Interests as referred to in paragraph [67](#) that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
 - ii) Pecuniary Interests referred to in paragraph [89](#) that you have.
- c) Subject to paragraph [123](#), you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest as referred to in paragraph [78](#) that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any Disclosable Pecuniary Interest registered under paragraphs [12b](#). (i) or (ii) above.
- d) by providing written notification to the Council's Monitoring Officer.

13 Sensitive Information

13.1. Where you have a Disclosable Pecuniary Interest referred to in paragraph 7 or Pecuniary Interest referred to in paragraph 8 and the nature of the interest is such that you and the Council's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Council's register then copies of the register available for inspection and any published version of the register should not include details of the interest. ~~The register-but~~ may state that you have an interest

details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

- 13.2. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 13.1 is no longer sensitive information, notify the Council's Monitoring Officer.
- 13.3. In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

14 Register of Gifts and Hospitality

- 14.1. You must within 28 days of receipt, notify the Council's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 or totalling £100 over a year from a single source²⁵ which you have accepted as a Councillor from any person or body other than the Council.
- 14.2. The monitoring officer will place your notification on the public register of gifts and hospitality.
- 14.3. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

Councillor Code of Conduct (Appendix 1) The Nolan Principles and Section 28(1) of the Localism Act 2011

1 Selflessness

- 1.1. ~~To serve the public interest and never improperly confer an advantage or disadvantage on any person.~~ Holders of public office should act solely in terms of the public interest.

2 Integrity

- 2.1. ~~Not to 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.~~ 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 takes 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

- 3.1. ~~Make decisions on merit, including making appointments, awarding contracts or recommending individuals for rewards or benefits.~~ Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4 Accountability

- 4.1. ~~To 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 Office.~~ 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.

5 Openness

- 5.1. ~~To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions. 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.~~

6 Honesty

- 6.1. ~~Not to 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. Holders of public office should be truthful.~~

7 Leadership

- 7.1. ~~Should promote and support these principles of leadership and by example and should always act in a way that secures and preserves public confidence. 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.~~