

**Appendix A to Minutes:
Standards Committee
29 February 2012**

LONDON BOROUGH OF SUTTON

CODE OF CONDUCT

**FOR MEMBERS OF THE COUNCIL AND CO-OPTED
MEMBERS OF COUNCIL COMMITTEES**

This Code of Conduct has been approved by the Council's Standards Committee pursuant to the Council's duty to promote and maintain high standards of conduct by councillors and co-opted members, and adopted by the Council under sections 27 and 28 of the Localism Act 2011. All members are expected to be familiar with the requirements of the Code and to observe those requirements.

(The term "co-opted member" is as defined in section 27(4) of the Localism Act 2011 and means a member of any committee or sub-committee of the Authority, or 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. The term "authority" or "relevant authority" is as defined in section 27(6) of the Localism Act 2011 and includes, but not exclusively, this and other local authorities, the Greater London Authority and the London Fire and Emergency Planning Authority.)

**PART 1
GENERAL PROVISIONS**

Introduction and interpretation

1. (1) This Code applies to **you** as a member of the Authority.
- (2) In exercising the office of councillor you must comply with the following general principles prescribed by the Secretary of State for Communities and Local Government:-
 - (a) **Selflessness** – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - (b) **Integrity** – Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
 - (c) **Objectivity** – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
 - (d) **Accountability** – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
 - (e) **Openness** – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
 - (f) **Honesty** – Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. They should not place themselves in situations where their honesty may be questioned and should on all occasions avoid the appearance of dishonesty.

(g) **Leadership** – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code:

"meeting" means any meeting of:

(a) the Authority;

(b) any of the Authority's committees, sub-committees, joint committees, joint sub-committees, or area committees; or any joint committee, joint sub-committee or board on which you represent the Authority.

"member" includes a co-opted member and an appointed member.

Scope

2. (1) Subject to sub-paragraphs (2) to (4), you must comply with this Code whenever you:

(a) conduct the business of the Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of the Authority;

and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative of the 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 the Authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

(4) This Code does not cover matters which fall within the ambit of 'disclosable pecuniary interests' prescribed by the Secretary of State under section 30(3) of the Localism Act 2011. Compliance with the declaration and registration of such interests and participation in relation to them is a matter for the police and the Crown Prosecution Service, with the exception in paragraph 20 below.

General obligations

3. **Do** treat others with respect.

4. **Do not** do anything which may cause the Authority to breach any of the provisions in the Equality Act 2010.

5. **Do not** do anything which may cause you or the Authority to breach any of the provisions in the Bribery Act 2010.

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6. **Do not** bully any person.
7. **Do 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 of Conduct.
8. **Do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

For the purposes of this paragraph those who work for, or on behalf of, the Greater London Authority or its functionary bodies are deemed to include a police or fire officer.
9. **Do not** 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, unless:
 - (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; or
 - (d) the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority.
10. **Do not** prevent another person from gaining access to information to which that person is entitled by law.
11. **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.
12. **Do 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.
13. **Do** ensure, when using or authorising the use by others of the resources of the Authority:
 - (a) that you act in accordance with the Authority's reasonable requirements;
 - (b) that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) that you have regard to the Local Authority Code of Publicity (2011) made under the Local Government Act 1986.
14. **Do** ensure, when taking decisions as part of or on behalf of the Authority that you 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 advice is offered pursuant to his or her statutory duties.

15. **Do** give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

PART 2
INTERESTS

Disclosable Pecuniary Interests

16. The Secretary of State for Communities and Local Government, by virtue of section 30(3) of the Localism Act 2011, has prescribed certain disclosable pecuniary interests which the Act requires you to declare in the Authority's Register of Interests.
17. Disclosable pecuniary interests are set out in the Appendix to this Code of Conduct. They do not form part of this Code. Failure to register or declare such interests is, however, a **criminal offence under section 34 of the Localism Act**. Other obligations are set out in paragraph 20.

Other Pecuniary and Non-pecuniary Interests

18. You must declare at a meeting any other pecuniary or non-pecuniary interest in any business of the Authority if the interest is one which other members considering the item of business should be aware of when making their decision.
19. You do not have an interest in any business of the Authority where that business relates to the functions of the Authority in respect of:
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) 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;
 - (c) 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;
 - (d) an allowance, payment or indemnity given to members;
 - (e) any ceremonial honour given to members; and
 - (f) setting Council Tax or a precept under the Local Government Finance Act 1992.

Participation in Authority Business

20. Where you have a disclosable pecuniary interest in any business of the Authority and you attend a meeting of the Authority at which the business is considered, in addition to the provisions in the Localism Act, you must comply with the Council's Standing Orders and withdraw from the room or chamber where a meeting considering the business is being held whilst that business is considered.
21. Where you have any other pecuniary or non-pecuniary interest in any business that is to be decided at a meeting at which you are present you must declare that interest, but may continue to speak and vote on the matter. If the other pecuniary or non-pecuniary interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest then you should declare the interest and withdraw from the room or chamber where a meeting considering the business is being held whilst that business is considered.

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Appendix

Disclosable Pecuniary Interests

(interests to be inserted)

The Localism Act 2011 requires:-

1. Subject to paragraph 3 below, you must, within 28 days of your election or appointment to office (where that is later), register in the Authority's Register of Members' Interests (maintained under section 29 of the Localism Act 2011) details of your disclosable pecuniary interests where they fall within a category mentioned above, by providing written notification to the Authority's Monitoring Officer.

2. Subject to paragraph 3 below, you must, within 28 days of any meeting at which you disclose a disclosable pecuniary interest that is not in the Register of Members' Interests give details of that new disclosable pecuniary interest or change by providing written notification to the Authority's Monitoring Officer.

3. Where you consider that the information relating to any of your disclosable pecuniary interests is sensitive information, and the Authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest.

4. 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 subjected to violence or intimidation.

5. (i) Where you have a disclosable pecuniary interest in any business of the Authority and you attend a meeting of the Authority at which the business is considered, you must, if the interest has not been disclosed in the Authority's Register of Interests or notified to the Authority's Monitoring Officer beforehand, disclose to that meeting the existence and nature of that interest at the commencement of the discussion on that business.

(ii) Where you have a disclosable pecuniary interest but sensitive information relating to it is not registered in the Authority's Register of Members' Interests, you must indicate to the meeting that you have a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.

(iii) You must not, unless you have obtained a dispensation from the Authority's Monitoring Officer or Standards Committee:-

- (a) participate in any discussion or vote in relation to that business; or
- (b) seek improperly to influence a decision about that business.

6. Failure to comply with any of these provisions is a criminal offence.

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