

Councillor Code of Conduct

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) “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 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. Standards Committee has responsibility for promoting and maintaining high standards of conduct through the provision of training and

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

guidance to councillors. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

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

C. General principles of councillor conduct

- (i) Everyone in public office at all levels; all who serve the public or deliver public services, including councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles (see Appendix A).
- (ii) Building on these principles, the following general principles have been developed specifically for the role of councillor:

In accordance with the public trust placed in me, on all occasions:

- 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.

In undertaking my role:

- 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.

D. Application of the Code of Conduct

- (i) This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or have been appointed as a co-opted member and continues to apply to you until you cease to be a councillor.
- (ii) This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:
 - 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:
 - on another Relevant Authority, and you must, when acting for that Relevant Authority, comply with their members' code of conduct; or
 - 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

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

- 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.

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

(v) The Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

E. Related Documents

(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.

(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 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 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. 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; and/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.

5. Confidentiality and access to information

As a councillor:

5.1 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.**

5.2 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.

5.3 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.

6. Disrepute

As a councillor:

6.1 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 you 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.

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.

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

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.

8. Use of local authority resources and facilities

As a councillor:

8.1 I do not misuse council resources.

8.2 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;**
- 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**
- c. take into account any relevant Local Authority Code of Publicity made in accordance with the Local Government Act 1986.**

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.

9. Complying with the Code of Conduct

As a Councillor:

- 9.1 I undertake Code of Conduct training provided by my local authority.**
- 9.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 9.3 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.**

9.5 I will not bring, sponsor, assist, support or encourage trivial and/or malicious complaints against other councillors using the Code of Conduct.

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.

A. Protecting your reputation and the reputation of the local authority

10. Interests

As a councillor:

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 Statutory Disclosable Pecuniary Interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

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

11. Gifts and hospitality

As a councillor:

11.1 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.

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

11.3 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 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 and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Appendix B - Registering 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 **Table 1 (Statutory 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 **Table 2 (Compulsory Registerable Non-Pecuniary Interests)**.
- C. "**Statutory 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.
- 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.
- F. A 'sensitive interest' is 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 but will say that you have an interest, the details of which are withheld pursuant to Section 32(2) of the Localism Act 2011.
- 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.
- I. A **Voluntary Registerable Non-Pecuniary Interest** arises where the interest is that of yourself or your partner which is not a Statutory Disclosable Pecuniary Interest or a Compulsory Registerable Non-Pecuniary Interest or which is an interest of a relative or close associate. You are encouraged to register these

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

interests where you are aware of them, in the spirit of openness, should you think they are nonetheless significant in anyway.

2. The Register of Interests

- A. Subject to paragraphs 1F to 1H (sensitive interests), where you give notification to the Council of Statutory Disclosable Pecuniary Interests, Compulsory Registerable Non-Pecuniary Interests, or Voluntary Registerable Non-Pecuniary Interests, the Borough Solicitor is to cause the interests notified to be entered in the Register⁵.
- B. The form of Register will be decided by and maintained by the Borough Solicitor⁶.
- C. Entries in the Register will be removed where⁷:
 - (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).
- D. A copy of the Register will be available for inspection at the Town Hall during working hours⁸.
- E. The Register shall also be published on the Council's website⁹.

3. Non participation in case of Statutory Disclosable Pecuniary Interest

- A. Paragraphs 3B – 3F shall apply when you are present at a Meeting or Informal Meeting(as defined), and have a Statutory Disclosable Pecuniary Interest¹⁰ in any matter, which you are aware will be considered at that Meeting or Informal Meeting.

⁵ Section 30(4) Localism Act 2011

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

B. When present at a Meeting or Informal Meeting, you must disclose the existence and details of the Statutory Disclosable Pecuniary Interest to the Meeting

or Informal Meeting, subject to paragraphs 1F to 1H (Sensitive Information).

C. If the Statutory 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 Statutory Disclosable Pecuniary Interest before the end of 28 days beginning with the date of disclosure at the Meeting

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 Statutory Disclosable Pecuniary Interest)¹¹.

E. 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

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 matter¹².

Information Note

Members when considering whether or not they have a Statutory 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 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 an Compulsory Registerable Non-Pecuniary Interest or Voluntary Registerable Non-Pecuniary Interest, which is part of the formal Code, as there is likely to be an overlap;

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.

- 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 Statutory 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 Statutory 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 Statutory 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 Statutory 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.

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 yourself¹⁸.

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

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

5. Statutory Disclosable Pecuniary Interests and Rights to make Representations

- 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.

6. Disclosure of Compulsory Registerable Non-Pecuniary Interests¹⁹

- A. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing one of your Compulsory Registerable Non-Pecuniary Interests (as set out in 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 Voluntary Registerable Non-Pecuniary Interests

- A. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Statutory Disclosable Pecuniary Interest set out in 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.

- B. Where a matter arises at a meeting which **affects** –
- your own financial interest or well-being;
 - a financial interest or well-being of a relative or close associate; or
 - a financial interest or wellbeing of a body included under Compulsory Registerable Non-Pecuniary Interests as set out in **Table 2**

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 (referred to in paragraph 7B above) **affects** your financial interest or well-being:

¹⁹ Section 28(2)(b) Localism Act 2011

- 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

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 Compulsory Registerable Non-Pecuniary Interest or Voluntary Registerable Non-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

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 Voluntary Registerable Non-Pecuniary 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 Statutory Disclosable Pecuniary Interests or Compulsory Registerable Non-Pecuniary 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:

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

- (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.

²³ Section 33(3) Localism Act 2011

Table 1: Statutory Disclosable Pecuniary Interests

This table sets out the explanation of Statutory 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.
Sponsorship	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>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 —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'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.</p>

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: Compulsory Registerable Non-Pecuniary Interests

You must register as a Compulsory Registerable Non-Pecuniary Interest :

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body

(i) exercising functions of a public nature

(ii) 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)

of which you are a member or in a position of general control or management

Table 3: Voluntary Registerable Non-Pecuniary Interests

You are encouraged to register any interests of yourself or your partner which is not a Statutory Disclosable Pecuniary Interest or a Compulsory Registerable Non-Pecuniary Interest or which is an interest of a relative or close associate.

You are encouraged to register these interests where you are aware of them, in the spirit of openness, if you think they may nonetheless be significant.

It is left to the Councillor's judgement as to whether a Voluntary Registerable Non-Pecuniary Interest should be registered.

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

²⁴ Section 34 Localism Act 2011 (Offences)

- ***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.***

DEALING WITH MISCONDUCT COMPLAINTS AGAINST COUNCILLORS¹

This procedure should be read in conjunction with the Camden Councillor Code of Conduct.²

1. Receipt of Complaints

- (a) All complaints against a Councillor³ are to be directed to the Borough Solicitor.⁴
- (b) The complaint must:
 - (i) be in writing;
 - (ii) concern a current Councillor who was a member of the authority at the time of the alleged breach of the Code of Conduct;
 - (iii) relate to matters where the councillor was acting as a councillor or representative of the authority and was not a private matter;
 - (iv) if proven, be a breach of the code under which the Councillor was operating at the time of the alleged misconduct; and
 - (v) state which part of the Code of Conduct it is alleged has been breached.⁵
- (c) The Borough Solicitor will (within seven working days) acknowledge all complaints in writing (either email or post to reflect the means of appropriate delivery).
- (d) In the majority of circumstances anonymous complaints will not be accepted. Complainants wishing to remain anonymous will be asked to justify their request and the Borough Solicitor in consultation with one of the Independent Persons will decide whether the complaint should, in exceptional circumstances, be accepted. Anonymous complainants may not be contactable and again in consultation with one of the Independent Persons it may be exceptionally that such complaints still warrant further enquiry.
- (e) Complainants who wish to have their identity withheld from the relevant Councillor will be asked to justify this to the Borough Solicitor who will again on an exceptional basis and in consultation with an Independent Person decide whether the complaint can on that basis go forward.
- (f) Complainants may withdraw a complaint at any point prior to final determination.

¹ Section 28(6)(a) Localism Act 2011 – the Council must have in place arrangements under which the allegations can be investigated and arrangements under which decisions on allegations can be made.

² Section 28(4) Localism Act 2011 – a decision is not invalidated just because something has occurred in the process of making the decisions that involved a failure to comply with the Code.

³ The term “Councillor” is defined within the Code

⁴ The Monitoring Officer at Camden is the Borough Solicitor post holder and is the senior officer who has statutory responsibility for maintaining the Register and who is responsible for administering the system in respect of Members' complaints. For the purposes of this procedure the term Borough Solicitor is used throughout albeit the functions within this procedure actually follow the officer who holds the statutory position of Monitoring Officer.

⁵ Section 28(9)(a) Localism Act 2011

2. Decision whether to investigate a complaint

- (a) The Borough Solicitor has delegated authority, in consultation with one of the Independent Persons, to decide whether a complaint requires investigation. The Independent Person will be given the option to review and provide comment to the Standards Committee on a confidential basis on allegations which the Borough Solicitor is minded to dismiss as being without merit, vexatious, or trivial.
- (b) The Borough Solicitor is authorised at his/her discretion to seek to resolve a complaint informally, before taking a decision on whether the complaint merits formal investigation or referring it to the Standards Committee.
- (c) Should the Borough Solicitor consider (for whatever reason at his/her discretion) that s/he should not make the decision whether or not to investigate a complaint, then s/he may refer a complaint to the Standards Committee for the Committee to decide whether the matter should be investigated.⁶ Whilst not limiting the reasons why the Borough Solicitor may make this decision, it could for example be where s/he has previously advised the Councillor on the matter or the complaint is particularly sensitive.
- (d) The Borough Solicitor may contact the complainant to seek further information from them or clarification of any points made in the complaint at any point in the process. The Borough Solicitor may also decline to progress the matter should s/he consider that it should be referred to the Police or other investigatory body.
- (e) The Borough Solicitor will inform the Councillor that a complaint has been made and the decision as to whether it merits investigation unless, at the Borough Solicitor's discretion, s/he considers that to do so would inhibit any investigation which s/he considers will be required. The Borough Solicitor will not, unless s/he considers it necessary inform, a Councillor that a complaint has been made against them until the decision whether or not to investigate has been made.
- (f) Once the Borough Solicitor has informed the Councillor, s/he will tell them that unless they object, s/he will inform the Leader of any group to which the Councillor belongs together with the Group's Whip.⁷
- (g) While the Borough Solicitor/Standards Committee may take whatever other matters into account they consider pertinent, the following factors will be taken into account when considering whether a matter requires investigation:
 - (i) age of the complaint,
 - (ii) its seriousness and impact upon the reputation of Camden,
 - (iii) whether it appears politically motivated,
 - (iv) whether it forms part of a tit for tat or an ongoing series of complaints,

⁶ It is considered that as long as the Committee are limiting themselves to merely deciding whether the matter should be investigated that they will not be later barred as a result of bias from dealing with any subsequent hearing of the matter.

⁷ Therefore it remains ultimately a matter for individual Members whether they wish to share this information with Leader/Whip

- (v) whether the complainant was unreasonable in not agreeing to an informal resolution of an otherwise reasonably trivial complaint.
 - (vi) whether there is potential for evidence which supports the complaint to be obtained;
 - (vii) whether the conduct is something which it is practically possible to investigate; and
 - (viii) whether an investigation would be proportionate and in the public interest.
- (h) The Standards Committee may agree and from time to time publish a list of the type of matters which will be taken into account when deciding whether to investigate a complaint.

3. **Decision not to investigate**

- (a) Should the Borough Solicitor consider that a matter **does not require investigation** then s/he will inform the Councillor(s) involved together with the complainant.
- (b) Complaints which are referred to the Borough Solicitor but are not investigated will, subject to Paragraph 2(e) above and rights pursuant to the Data Protection and Freedom of Information be treated as confidential by him.

4. **Conducting an Investigation**

- (a) Should the Borough Solicitor consider that a complaint **requires investigation** then s/he will appoint an investigator to prepare a report. The Borough Solicitor may himself/herself investigate a matter should s/he consider it appropriate. The investigator may be another senior officer of the Council, an officer of another authority or an external investigator.
- (b) The Investigator will decide how they will investigate the matter but this is likely to include interviewing the Councillor, the complainant and relevant third parties and seeking to examine relevant documentation.
- (c) At the end of the investigation the Investigator may send a draft report to the parties for comment before submitting the final version to the Borough Solicitor.

5. **'No Breach of Code' finding on investigation**

- (a) Where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the Borough Solicitor, but with the power to refer a matter to Standards Committee if he feels it appropriate in all the circumstances, will inform both the Councillor and the complainant of the decision as well as supplying a copy of the report (such in the Councillor's case and subject to their right of veto, to be copied to the Leader and Whip/s).
- (b) Copies of all investigation reports will be provided to the Independent Person(s) to enable them to have an overview of current issues and pressures, and the Borough Solicitor will as part of his reports provide a summary report (if

appropriate in an anonymous form) of each such investigation to the Standards Committee for information.

- (c) If the Borough Solicitor is not satisfied that the investigation has been conducted properly he may ask the Investigating Officer to reconsider his/her report.
- (d) Complaints which have been found to have not breached the Code will (subject to rights pursuant to Freedom of Information and Data Protection) be treated as confidential by the Borough Solicitor.

6. 'Breach of Code' finding on investigation

- (a) Where the formal investigation finds evidence of a failure to comply with the Code of Conduct, and unless the Borough Solicitor considers that the report is defective or requires further consideration it will be necessary for the Standards Committee to hold a hearing (in accordance with Paragraph 8) at which the Councillor against whom the complaint has been made can respond to the investigation report, and the Committee can determine whether the Councillor did fail to comply with the Code of Conduct and if so what action, if any, is appropriate as a result.

7. Monitoring and Standards Committee

- (a) The Borough Solicitor will:
 - (i) make regular reports to the Standards Committee, which will report the number and nature of complaints received;
 - (ii) draw to the Committee's attention areas where training or other action might avoid further complaints; and
 - (iii) subject to issues of confidentiality keep the Committee advised of progress on investigations and costs.

8. Standards Committee Hearings

- (a) The Standards Committee will meet to consider reports which have a "Breach of Code" finding.

The hearing will not be held (unless the subject Councillor(s) agree) until at least fourteen days after the report of the Investigating Officer has been received by them, and if reasonably possible at a date and time convenient to the Councillor.

- (b) Fourteen days before the hearing the Chair of the Committee, on advice from the Borough Solicitor will take such steps as he considers appropriate to deal with the matter which is likely to include:
 - (i) inviting the Councillor to indicate in consultation with the Borough Solicitor which if any parts of the report are factually disputed;
 - (ii) inviting the Councillor to submit any documents they wish the Committee to have before them;

- (iii) inviting the Councillor to indicate whether they would wish any witnesses to attend and to give their identity and the areas upon which they will be invited to give evidence;
 - (iv) subject to the Chair agreeing, the Borough Solicitor will invite witnesses;
 - (v) the Borough Solicitor will prepare an additional document for the Committee indicating which issues are in dispute;
 - (vi) ultimately it will be a matter for the Committee as to how many witnesses they hear and whether they consider their evidence to be relevant;
 - (vii) the Councillor will be asked to confirm whether they wish to appear and either give evidence or address the Committee and whether they wish to be represented and if so by whom;
 - (viii) the Councillor will be asked whether they wish the hearing to be held in private and if so why. The meeting will meet in public in accordance with the usual statutory rules and subject to the usual publicity rules, unless an exception is applied and the balance of public interest favours meeting in private.
- (c) If the Councillor fails to attend the Standards Committee Hearing, the Committee may consider the matter in their absence or adjourn the hearing to another date. At any point the Committee may adjourn and require the Borough Solicitor to seek further information or undertake further investigation on any points specified by it.
- (d) Any complainant will be informed of the date of the meeting and may depending on the facts of the case be asked to give evidence but will otherwise be entitled to attend.
- (e) The Councillor may be represented by Solicitor, Counsel or with the Borough Solicitors permission (in consultation with the Chair) another person. The Committee can at any time withdraw permission to allow representation should that person be in the Committees opinion disruptive.
- (f) The process of the meeting will be a matter for the Committee to decide depending on the facts but it likely to include:
- (i) the Chair setting the scene;
 - (ii) the Borough Solicitor explaining at the invitation of the Chair the process;
 - (iii) making findings of fact should there be any dispute which will include representations from the report author, Councillor and hearing from any witnesses that have been considered necessary; and
 - (iv) on the direction of the Chair questions may be asked of the witnesses.
- (g) The Committee will then retire to consult the Independent Person and or to seek advice from the Borough Solicitor.⁸ This may involve the panel adjourning the hearing, depending on the circumstances. When they have returned, the Committee shall make a finding as to whether or not they consider that the Code of Conduct has been breached.

⁸ Section 28(7) Localism Act 2011

- (h) Should the Committee consider that the Code has been breached they will then invite the Councillor to make representations to them with regard to possible actions that the Committee may wish to take. Once they have heard the representations the Councillor wishes to make, the Committee will retire to consider and liaise with the Independent Person before returning to announce their decision.
- (i) The decision of the Committee will be captured in the minutes of the meeting together with a record of the Independent Persons views.

9. Action in response to a Hearing finding of failure to comply with Code

- (a) Where a failure to comply with the Code of Conduct is found, the range of actions which the Standards Committee can take in respect of the Councillor includes one or more of the following:
 - (i) issuing a formal letter to the Councillor informing them of the findings detailing why they considered that the Councillor had breached the Code of Conduct;
 - (ii) formally censuring the Councillor;
 - (iii) reporting its findings of Censure to full Council for information by way of an information report;
 - (iv) recommending to the Councillor's Group Leader (or in the case of ungrouped Councillors, recommend to Council or to Committees) that s/he be removed from any or all Committees or Sub-Committees of the Council;
 - (v) recommending to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - (vi) instructing the Borough Solicitor to arrange training for the Councillor⁹;
 - (vii) issuing a press release in the name of the Chair of the Committee detailing the case and the findings;
 - (viii) make general recommendations as to conduct amongst Councillors generally; and
 - (ix) recommending to Council/Leader (as appropriate) that the Councillor is removed from all outside appointments to which he/she has been appointed or nominated by the authority.
- (b) In considering what if any sanctions to impose the Committee will consider amongst other things:
 - (i) what was the Councillor's intention? Did s/he know they were failing to follow the Code of Conduct?
 - (ii) did the Councillor get advice from officers before the incident? Was that advice acted on or ignored?;
 - (iii) has there been a breach of trust?;
 - (iv) was the Councillor acting or appearing to act in good faith
 - (v) has there been financial impropriety?;
 - (vi) what was the result of failing to follow the Code of Conduct?;
 - (vii) how serious was the incident?;

⁹ There is no legal obligation upon a Member to undertake or co-operate in any training

- (viii) does the Councillor accept they were at fault?;
- (ix) did the Councillor apologise to the relevant people?;
- (x) has the Councillor failed to follow the code of conduct before?;
- (xi) is the Councillor likely to do the same thing again?;
- (xii) how will the sanction be carried out? For example, who will provide the training or mediation? Is the Councillor likely to voluntarily agree?

10. Appeals

There is no appeals mechanism against decisions taken as above other than via the Courts, and the Local Government Ombudsman, subject to the accepting jurisdiction

11. Independent Person(s)

(a) Functions of the Independent Person¹⁰

The functions of the Independent Person(s) in Camden are:

- (i) They will be consulted by the Borough Solicitor in making a decision on whether a complaint requires investigation.
- (ii) They will have the option to review and provide comment to the Standards Committee on a confidential basis on allegations which the Borough Solicitor is minded to dismiss as being without merit, vexatious, or trivial.
- (iii) They must be consulted by the authority before it makes a finding as to whether a Councillor has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Councillor and those views must be taken into account;
- (iv) They may be consulted by the authority in respect of a standards complaint at any other stage; and
- (v) They may be consulted by a Councillor or co-opted member of the Council against whom a complaint has been made.

(b) Camden will seek to appoint two Independent Persons.

An “Independent Person”¹¹ cannot be appointed:

- If a Councillor, co-opted member or officer of the Council (or their relative or close friend). A person is a relative of another person if they are a spouse or partner, living with the other person as husband or wife or civil partners, a grandparent, a lineal descendant of a grandparent, a parent, sibling or child of any of the people etc¹²
- If at any time during the past 5 years was a Councillor, co-opted member or officer – subject to transitory provisions concerning former Independent Members of the Standards Committee

¹⁰ The legislation requires “.. at least one independent person (a) whose views are to be sought and taken into account by the authority before it makes its decision on an allegation that it has decided to investigate and (b) whose views may be sought by the authority in relation to an allegation in circumstances not within (a) , by a member if that persons behaviour is the subject of an allegation ..”

¹¹ Section 28(8) Localism Act 2011

¹² Section 28(10) Localism Act 2011

- Unless a vacancy for an independent person has been advertised in such a manner as the authority considers is likely to bring it to the attention of the public, the person must have completed the application, and the appointment has been approved by the majority of the members of the Council.

An Independent Person may be paid any amount by way of allowance or expenses in connection with performing the duties of the appointment.

(c) Remuneration

- (i) As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person can be determined without reference to the Independent Remuneration Panel. The remuneration of the Independent Persons has been set out in the Members' Allowance Scheme.

The role of the Independent Person is different to the role of any co-opted non-voting member of the Standards Committee who may be appointed.

COUNCILLOR GIFTS AND HOSPITALITY PROTOCOL

1. Obligations

- (a) In accordance with the Councillor Code of Conduct, Members are obliged to:
- i) 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 their 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.
 - ii) Register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.
 - iii) Register with the Monitoring Officer any significant gift or hospitality that the Member has been offered but has refused to accept.
- (b) The Councillor Code of Conduct incorporates this document and you are required to comply with its terms.

2. Meaning of gifts and hospitality

- (a) The expressions 'gifts' and 'hospitality' have wide and evolving meanings and no conclusive definition is either possible or desirable.
- (b) Camden Council shall interpret gifts and hospitality to include:
- Gifts of any goods or services;
 - The opportunity to acquire any goods or services freely or at a discount or other terms not available to the general public;
 - The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

3. General Caution

- (a) The fundamental principle must always be that any offer of a gift or hospitality which is (or which you reasonably believe to be) offered to you because you are a councillor should be treated with great care and carefully considered. 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 which case you could accept it but must ensure it is publicly registered.
- (b) Your prime duty as a Member is to ensure that there is no conflict of interest in the performance of your duties.
- (c) Treat with caution any gift or hospitality that is made to you personally. Your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

- (d) You should consider carefully all the circumstances surrounding the offer of a gift or hospitality, including:
- the scale
 - amount of the offer
 - potential frequency
 - the source
- (e) Also be sensitive to the timing of the offer in relation for example to decisions which the Council may be taking, affecting those making the offer.
- (f) You should usually avoid hospitality in situations where you would be the sole guest or at the least treat such situations with particular care.

4. Member's decision

- (a) The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived by an ordinary member of the public.
- (b) The rules within this protocol do not cover every circumstance as to what is appropriate or inappropriate.
- (c) To refuse may cause misunderstanding or offence. However to accept may give rise to questions of impropriety or conflict of interest, which are likely to be of more significance to you when making your decision
- (d) When you need to decide whether to accept hospitality, you must ask yourself some basic questions, for example:
- is a benefit to the Council in accepting the invitation?;
 - is the entertainment is lavish?;
 - are you accepting too much hospitality from the same source?;
 - whether just your attendance at an event might be open to interpretation as a signal of support?
- (e) If you are at an event but do not have the hospitality or only have a small amount, the best way to preserve transparency is for you to assess the hospitality on offer, whether it is accepted or not. This is because it would clearly not be in your interests to be drawn into arguments about how much you yourself ate or drank at a particular occasion. For example, you may find yourself at a function where relatively lavish hospitality is on offer, but you choose not to accept it. You may go to a champagne reception but drink a single glass of orange juice for example. As a guide you should consider how much a person could reasonably expect to pay for an equivalent function or event run on a commercial basis. What you have been offered is the value of the event regardless of what you actually consumed. Clearly where you are in any doubt the prudent course is to register the hospitality.

(f) In any case of doubt, advice should be sought from the Monitoring Officer.

5. Requirements to Register Gifts or Hospitality

- (a) Where the gift or hospitality has an estimated value in excess of £25 (in accordance with Paragraph 5 of this Protocol), it must be registered.
- (b) When considering whether to declare, you should:
 - i. define gifts and hospitality widely; and
 - ii. ask yourself “would I have been given this if I was not a member of the Council”? and “what was in the mind of the giver”?; and
 - iii. always register a gift or hospitality (subject to financial limits) if it could be seen as something given because of your position.
- (c) If you are in doubt as to the motive behind a gift or hospitality, it is recommended that you register it or speak to the Monitoring Officer.
- (d) When you register gifts or hospitality you should include the name of the person or organisation who gave you the gift or hospitality; the date on which you received it; and its value or estimated value.
- (e) You do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. However, you should apply common sense when you consider how receipt of a gift might be interpreted. For example, if you are the Chair of the Planning Committee and a birthday present arrives from a family friend who is also an applicant just before a planning application is due to be considered, then you need to think about how this would be interpreted by a reasonable member of the public.
- (f) It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. Hospitality does not need to be registered where it is provided or reimbursed by the authority or where it is clearly ancillary to the business being conducted, such as an overnight stay for an away-day. Therefore, hospitality at a civic reception or mayor’s ball would not need to be registered.
- (g) You must ensure that your register of interests sets out all relevant declarations covering both the current and immediate previous terms of the Council. Entries older than this may be removed at the Members’ discretion, but should be retained if considered relevant.
- (h) If you are dealing with Council business at a meeting (or otherwise) where the donor of the gift or hospitality is affected, you need to consider whether to make a declaration of the gift or hospitality to the meeting for the purpose of complete transparency. Declaration will not mean that you cannot participate in the Council business; however you may consider it appropriate not to participate depending on the circumstances.

- (i) Where any gift (no matter the value) is accepted, it may be advisable (depending on the circumstances) to inform the donor is advised that acceptance will not confer any advantage for that donor in his/her dealings with the Council.

6. Series of gifts or hospitality adding up to £25 or more in value

- (a) If you receive:
 - a gift or hospitality; or
 - a series of gifts or hospitality from the same source

that add up to £25 or more, then this must be registered on the Register of Interests as an accumulation in a municipal year.¹

- (b) You may have to estimate the value of the gifts or hospitality.

7. Cumulative impact of Gifts and Hospitality from numerous third parties

Members can accept gifts and hospitality when it is appropriate and in furtherance of their role in the Council. While it is accepted therefore that the numbers of gifts and numbers of occasions when hospitality could be accepted will vary according to role, there will be a point where Members will, in accepting either gifts or hospitality even from different third parties, be in breach of the Code of Conduct. The excessive receipt of gifts and hospitality would undermine the selflessness of the role of councillor and would be considered to have brought the Council into disrepute.

8. Gifts and hospitality below the £25 threshold

- (a) You can still register any gift or hospitality you receive which you estimate to be below the £25 threshold should you consider that in all the circumstances this would be appropriate and in your best interests.
- (b) You should always notify the Monitoring Officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position, especially where the gift or hospitality is from somebody who has put in an application to the local authority (or is about to) even where that hospitality falls below £25. While that would not be a matter for the public register it again allows the authority to be aware of any patterns.

9. What to avoid

- (a) In deciding whether it is appropriate to accept any gift or hospitality, you may want to apply the following principles:
 - i) do not accept a gift or hospitality as an inducement or reward for anything you do as a Member. If you have any suspicion that the motive behind the

¹ You may have to estimate the value of the gifts or hospitality.

- gift or hospitality is an inducement or reward, you must decline it. 'Reward' includes remuneration, reimbursement and fee;
- ii) do not accept a gift or hospitality of significant value or whose value is excessive in all the circumstances;
 - iii) do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence;
 - iv) do not solicit any gift or hospitality and avoid giving any perception of doing so;
 - v) be very cautious in accepting a gift or hospitality, if acceptance might be open to misinterpretation e.g. from persons in litigation with the Council, bidding for work from the Council or applying for any sort of license or consent.
- (b) It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. It is therefore particularly important that great caution is exercised in receiving any hospitality or gifts from contractors of the Council.
- (c) Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.
- (d) It is a well-established and recognised rule that no Councillor or other public servant should accept gifts, hospitality, or services from anyone, which would or might appear to place him/her under an obligation.

10. Mayor

- (a) There are no special rules for those who serve as Mayor.
- (b) However, gifts that are clearly made to the authority, for example a commemorative goblet which is kept on display in the authority's offices, do not need to be registered in the member's register of gifts and hospitality. However, such gifts ought to be recorded by the authority for audit purposes. Although the Mayor may attend many social functions the office holder is not exempt from the requirement to register hospitality.
- (c) Where the Mayor is invited to social functions or gifted with presents in the capacity of the "Mayor" he/she will not be required to register the gifts or hospitality received/accepted in this role. Where the Member acting as Mayor, receives any gifts or hospitality in his/her capacity of a Member, there is a requirement to register such gifts and hospitality. The question a Member needs to ask themselves is "Would I have received this hospitality even if I were not the mayor/chair?" If the answer is yes then it must be registered.

11. Gifts and hospitality declined

There is no requirement to register gifts and hospitality offered but declined. However, as a matter of good practice, it would be advisable to inform the Monitoring Officer particularly if they are of value as this helps the authority to identify if there

are any patterns and to be aware of who might be seeking to influence the authority. When gifts or hospitality are declined, the offer or should be courteously but firmly informed of the procedures and standards operating within the Council, which prevent the gift or hospitality from being accepted.

12. Reporting of inappropriate gifts and hospitality offered

- (a) It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council.
- (b) You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.

MEMBER/OFFICER PROTOCOL¹

1. Introduction

- 1.1. This part of the Guidance supports the respective Members' Code of Conduct and the Officers' Code of Conduct by providing more detail on member/officer protocols and it applies equally to Members and to officers.

2. Roles and responsibilities

- 2.1. Members and officers have different roles and accountabilities. Councillors are responsible to the electorate and serve until their term of office expires. Officers are employed by, and are responsible to, the Council and not to one political party or individual Member. They are subject to the Council's employment procedures. Their job is to advise Members and the Council, and to carry out the Council's work under the direction of Council decision-making bodies and the management of the Chief Executive.
- 2.2. This joint protocol sets out the respective roles and responsibilities of both Members and officers. Officers are responsible for the day-to-day management of the organisation. In reaching decisions, Members should be informed by advice from officers.
- 2.3. Officers have a duty to present impartial information and to keep Members of all political groups fully informed about developments of significance in relation to Council activities. Care must be taken by both officers and Members to ensure that officers' political impartiality is not compromised. Members of the Cabinet must take special care to avoid and to be seen to avoid placing pressure on officers to act other than in an impartial way. This is particularly important given their additional responsibilities and decision-making powers.
- 2.4. In particular, Members (irrespective of their particular roles and positions) need to recognise the position that they hold in terms of officers and be careful to avoid engaging in behavior that might amount to bullying. This does not prevent robust challenge but that must be in the right forum and with an appropriately briefed and senior officer. In particular, should Members have concerns over the performance of an officer they should take this up with the relevant senior officer as set out under 8.4.

3. Reports to the Cabinet, committees and other Council bodies

- 3.1. Cabinet reports are usually reports of the relevant Cabinet Member, though will be drafted by officers, contain their advice and be will signed by a relevant Chief Officer.
- 3.2. Reports to other Council bodies, bar some scrutiny committee reports, are officers' reports and contain advice to Members. If Members decide not to follow

¹ As agreed by Standards Committee and full Council, November 2016

that advice, the correct course is for Members to reject it in a formal meeting and for the meeting to decide upon an alternative course of action. Officers must give full and impartial advice and should not exclude options if these are valid alternatives on the assumption that they may be unpalatable to one political group. Likewise, while Cabinet reports are usually from the Cabinet Member they will contain impartial officer advice.

- 3.3. Group leaders, Cabinet Members and chairs of committees (including scrutiny bodies) may receive draft versions of reports to give preliminary consideration to the issues. There is nothing improper in reports being subsequently amended by an officer if preliminary consideration discloses that key issues have not been adequately explained or that relevant options have not been properly addressed. There should not however be an expectation that a report will be re-written because, for example, its conclusions are politically unpalatable.
- 3.4. Members cannot instruct an officer not to present a report if the officer considers it proper to do so. If the report is not regarded as appropriate by the relevant Member body, the remedy is for that body to reject its recommendations.
- 3.5. Reports of scrutiny panels may be drafted by officers depending on the arrangements in place but are the reports of the relevant panel. In this instance it is acceptable for members of the panel to ask for draft reports to be amended.

4. Briefings

- 4.1. Where key decisions are being considered and are to be made collectively in the Cabinet then those meetings (subject to the rules allowing resolution to exclude the public for any particular item on the grounds set out in the Local Government Act 1972) should be in public. Whilst Members can meet privately at any time, if they wish to meet with officers regarding that decision they should endeavour to do so 28 days before the decision is due to be taken. The underlying approach is that a meeting of the Cabinet should be public if at that meeting key decisions are taken collectively or where there is substantive discussion of such a decision expected to be taken collectively at a subsequent meeting. Meetings purely to allow a briefing can be in private at any time.
- 4.2. The rules recognise that the Cabinet will (in the words of the statutory guidance) “need time and space to think the unthinkable” out of the public glare and with officers. The rules do not therefore prevent early collective discussions where options are narrowed. In addition it does not prevent, when officers are not present, political debate as long key decisions are not decided at the meeting and nor does it at any time prevent briefings by officers to Members.

5. Decisions

- 5.1. Council decisions can only be made by full Council, other formal bodies within the Constitution, including Single Cabinet Members or Chief Officers acting under delegated authority (who may in turn authorise other officers as appropriate). Decisions by party political groups are not Council decisions and should not be presented as such to the public and press. Representations to a

political group by interested parties on any matter for Council decision are not representations made to the Council.

6. Advice to Political Groups

- 6.1. Officers cannot be required to advise any political group of the Council, either as to the work of the Group or as to the work of the Council, nor can they be required to attend meetings of the political groups. There may however be occasions when it is appropriate for officers to attend political meetings. This will only be to convey information and officers cannot engage in any political discussion.
- 6.2. Only the relevant Chief Officer should be asked to attend meetings or write reports for a party political group or any single party meeting (other than the Cabinet). At the appropriate Chief Officer's discretion, other officers may be invited to attend or write reports.
- 6.3. Any report to a party political group from an officer should be written as if the report was being prepared for the relevant formal body. It should include appropriate legal and financial advice and must be capable of being circulated to Members of other parties.

7. Pre-election period

- 7.1. Members and officers should be guided on protocol during the pre-election period before an election by specific advice issued by the Monitoring Officer, on the announcement of any election, by-election or other relevant vote such as a referendum.

8. Contact between officers and Members

- 8.1. There must be mutual respect between Members and officers. Officers cannot respond to public comment from Members. This means that Members must take care about public comment about individual officers and not seek to undermine their position by personal criticism, rudeness, abuse or ridicule. In addition, they should ensure they avoid any behaviour that might objectively be said to amount to bullying. This does not prevent Members from criticising the reports, actions and work of a department or section of the Council, where they believe such criticism is merited or from expressing concern about the manner in which a Council department has acted, or dealt with a constituent, or a service has performed generally. But the manner of such criticism should have regard to this guidance. When officers are called to give evidence to or appear before scrutiny committees, Members must treat those officers courteously.
- 8.2. Regular contact between Members and officers is necessary to ensure the efficient working of the Council. Members and officers should have regard to and respect for their different roles in such contacts. The level at which contact occurs will vary depending upon the nature of the service and the reason for the contact. In general, contact will be at senior officer level but Members may, for example, need direct contact with relatively junior staff when dealing with constituency casework. Members should always bring concerns about issues affecting a

department directly to the attention of the relevant Chief Officer and not to more junior staff. If a Member is any doubt as to who to contact always refer to the Chief Officer.

- 8.3. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine, but Members should keep the relevant Chief Officers informed by copying them into correspondence, e-mails, etc., and routing general enquiries through them. Members should not seek views on policy issues or non-routine business from more junior members of staff. Members must not give instructions to junior staff as this may undermine the formal accountability of staff to their line manager and compromise the political impartiality of the officer concerned. Junior staff are advised to respond promptly and courteously to Members' requests for information or routine enquiries, but to refer any concerns or wider policy matters to a Chief Officer.
- 8.4. If an individual Member has a complaint about a junior officer, it should be raised with the appropriate Chief Officer. If the complaint concerns a Chief Officer it should be raised with the relevant Executive Director or Chief Executive as Head of the Paid Service. A complaint about the Chief Executive should be raised with the Leader, who will consider how it should be dealt with.
- 8.5. Members will also have contact with junior officers when visiting Council offices. Relevant Chief Officers should be advised in advance of Member visits to front-line services, unless the visits are of a statutory inspection nature in which case other procedures may apply. Special circumstances may also warrant unannounced visits.
- 8.6. Members need to take particular care if their paid employment brings them into contact with officers of the Council. Members must not abuse their position as an elected representative to obtain information they require in their professional capacity which would not otherwise be available to them. The Members' Code of Conduct states that Members must not use their position as a member improperly to confer on or secure for themselves or any other person an advantage or disadvantage. It may be difficult for officers to distinguish between the professional role of the Member concerned and his or her role as an elected representative. Such situations should be avoided wherever possible.
- 8.7. Officers must not seek to circumvent staff consultative, dispute processes or other procedures by lobbying Members on matters which directly concern them as employees. If Members believe they have been approached by a member of staff in this way they should let the Monitoring Officer know immediately.
- 8.8. If an Officer believes that a Member may be in breach of the Members' Code of Conduct, they should inform their manager as soon as possible. That manager will then decide whether to seek advice from the Monitoring Officer.

9. Socialising

- 9.1. Social contact between officers and Members can be beneficial in a work related context. For example, a departmental management team may wish to invite

Members to an office Christmas party. A professional relationship must be maintained at all times and officers must be careful not to socialise with Members of one political group to the exclusion of others. Officers and Members must take care in such situations to avoid casting doubt on officers' political impartiality. Officers must avoid breaches of confidence or of management instructions, or the reasonable suspicion of them.

- 9.2. Close personal relationships between Members and officers with whom they have, or are likely to have, contact in the course of their duties are to be avoided. Both Members and officers should avoid establishing business or contractual relationships with each other, or entering into loans or other financial obligations. Should a Member or officer find that they have an arrangement of this nature they should advise the Monitoring Officer. Close personal friendships between Members and officers should be avoided as should sexual relationships. If such a relationship arises, the Member should disclose this to the Chief Executive who will take advice from HR as to the appropriate course of action. Members need to be cognisant at all times of their relative position of power with regard to officers.

10. Correspondence

- 10.1. Where not obviously confidential, correspondence between officers and Members may be copied by either the sender or the recipient to others, subject to 10.2 below. Wide circulation of correspondence should not be used as a means of rebuking an officer. Members and officers should take care not to inappropriately document criticisms of Members or officers in e-mails that may be widely circulated and breach confidentiality. Further should a Member wish to raise issues with an Officer over his or her performance then such concerns should be raised with the officer's line manager.
- 10.2. Officers should not copy correspondence with a Member of one party to a Member of another party without consent. This does not prevent officers or Members copying letters to each other about casework across ward or interest group boundaries, although Members need to take care that this is not in breach of the Data Protection Act. Nor when necessary does it preclude a Chief Officer from advising a relevant Cabinet Member in general terms of an issue raised with the Chief Officer in correspondence, or otherwise, by a Member.

ENDS

USE OF INFORMATION TECHNOLOGY - GUIDANCE ON THE COUNCILLOR CODE OF CONDUCT

1. INTRODUCTION AND DEFINITIONS

- 1.1. Camden Council's local Code of Conduct provides that a Member when using or accessing the Council's resources, must act in accordance with the Council's requirements and ensure such resources are not used for any unauthorised or political purpose (unless that use reasonably facilitates discharging the Council's functions). This includes Information Technology (IT) resources.
- 1.2. It is important that you read and understand this guidance. If you are not sure about any part of it, please seek further advice from Member Support or any one of the contacts listed in Section 8 – they are there to help. Failure to comply with the guidance, which applies when you are using Council equipment at home or any other location, may mean that you are in breach of the Councillor Code of Conduct
- 1.3. The continuing development and use of new technologies opens up a number of 'grey areas' in relation to both the law and practice surrounding the use of IT resources by both Council members and staff. Examples of these can be found in seemingly contradictory elements of much of the relevant legislation such as on data protection and the Freedom of Information, Computer Misuse, and Regulation of Investigatory Powers Acts, and also where apparently generally acceptable uses of technology cannot be supported on the Council's current IT infrastructure.
- 1.4. In order to clarify some of these grey areas, this document sets out standards that must be adhered to when using or accessing the Council's IT resources, the Internet, social media (see the Social Media Guidelines for Councillors for more guidance) and email. It is issued as formal guidance on the Code of Conduct for Members and is part of the Council's overall Information Security Strategy.
- 1.5. The underlying principle of this guidance is that the security of the Council's network, and of the systems and information held on it, is paramount. It must be stressed that the Council's main objective in providing the facilities is to facilitate Members' work and at the same time protect Council-held or related information and systems from being accessed by non-Council third parties. Any information security breach could have an adverse impact on the Council, Members, staff or residents. This guidance is issued as a framework for Members to operate within, in order to minimise such risks.
- 1.6. The term 'IT', means computers and any systems used to create, store or exchange information electronically. Similarly 'computer' means an electronic device used for storing and processing information, such as desktop and notebook computers (laptops) and hand held devices such as smartphones and tablets. A computer network consists of a number of computers and

other devices such as printers linked together to share information and resources. The Internet is a worldwide network of computer systems.

2. MONITORING

- 2.1. The Council uses automated tools to monitor email and the Internet. These tools are used for ensuring compliance with legal requirements, policies and guidelines to protect the integrity of the Council and its IT systems against the risk of civil and criminal actions (including attacks from computer hackers).
- 2.2. Human or additional forms of email and Internet monitoring may be used to protect the legitimate interests of the Council, for example, where abuse of its policies or breaches of the law are suspected.
- 2.3. The Council has the right to enter all its property where Council equipment is in use and look at all personal information including emails and other computerised information. Therefore a Member may be required to return the Council computer for checking or Internal Audit may review its use and content at any time. Any unlicensed or unauthorised software or anything else that is deemed inappropriate will be removed from the computer. The cost of removal of such items may be recovered from the individual who has responsibility for that equipment.
- 2.4. Email sent from the Council's email addresses is treated as an official communication on its behalf. Our monitoring software can be used to check the content of emails and this will be used to investigate any suspected abuse.

3. USE OF IT FOR COUNCIL BUSINESS

- 3.1. IT facilities are one of a number of resources provided for Members, along with officer support, accommodation in the Town Hall and stationery items.
- 3.2. The Members' Code of Conduct and Guidance on that Code provide further information on the usage of these resources.

4. PROVISION OF EQUIPMENT

- 4.1. Computers and peripherals are provided to assist you in your role as a Member for Camden. They also enable you to connect to the Council's network and via this network to the Internet.
- 4.2. In order to maintain security of the Council's network and systems, when working at home or remotely you must:
 - Not allow anyone else including family members, access to the Camden network and through this to the Internet.
 - Not allow anyone including family members to use the computer or use your user name and password.

- 4.3. You must not use any computer equipment and systems to conduct any business activity other than for your role as a Member for Camden.
- 4.4. You must provide authorised representatives of the Council, (for example computer technicians) with access to Council equipment when you have been given reasonable notice. Such access may be required for the resolution of faults, the replacement or upgrade equipment, or the removal of equipment (if, for example you cease to be a member of the Council)
- 4.5. . The Council allows access to Camden data on personal devices.. Member Support can provide further advice on how to set this up.

5. USING AND CARING FOR EQUIPMENT

- 5.1. You should take all reasonable steps to make sure that any IT equipment the Council provides is kept in a safe working condition.
- 5.2. You must report any problem with your computer equipment to the Corporate ICT Service Desk (020 7974 4321) immediately.
- 5.3. You must not attach any other hardware or communication equipment to the computer without prior authorisation from the Council.

6. ACCESS SECURITY

- 6.1. There are real risks of unauthorised individuals or groups gaining access to your personal user login and password details and then using this information to attack the Council's network, add or remove files or send messages purporting to be from you from your email address. To protect the Council from any such attacks we have upgraded our password requirements.
- 6.2. Users must immediately notify a member of the Corporate ICT Service Desk (020 7974 4321) if they have identified a possible security problem. They should not seek out security problems; this might be construed as an attempt to gain illegal access (hacking).
- 6.3. When you create a password to use with a particular computer system or to gain access to part of the network, you must make sure that the password is 12 random characters long, and is comprised of a combination of 3 different types of keyboard character from upper case, lower case, numbers or other keyboard characters that you can remember. You should also avoid a combination that forms a person or object's name, or a word that can be found in any dictionary as passwords like this are very easily broken by the software that computer hackers use. Further advice on this policy can be found on the Council's intranet – just search for "password".
- 6.4. Do not:
 - Tell anyone your password or write it down,

- Try to gain access to areas of any computer systems or the network that you are not authorised to enter,
 - Give any information or help to any unauthorised person or group, that may help them to gain access which they are not entitled to,
 - Leave your machine logged into your network account unattended.
- 6.5. Once your password is set you will not be required to change it except if you forget your password, a breach is suspected or you request to change it yourself.
- 6.6. Your right to access to the network ceases the moment you cease to be Member.

7. GENERAL USE OF EMAIL AND THE INTERNET

- 7.1. It is important that information technology such as email and the Internet are used responsibly. The Council's Internet/Intranet service, including both email and browsing, is an organisational resource provided for business purposes. Any personal use of this resource must not interfere with business activities, must not be associated with any for-profit outside business activity and must not embarrass the Council or its staff. In addition, there are a number of risks associated with its use. For example, you could copy information and contravene copyright law or (without realising) allow someone to use the Internet to attack your computer systems and the Council network. Other risks include:
- The transmission or introduction of computer viruses.
 - Making defamatory or inappropriate remarks or negligent statements.
 - Unwittingly making a contract.
 - Sexual or racial discrimination.
 - Criminal offences.
- 7.2. The following paragraphs 7.3 and 7.4 are therefore intended to minimise such risks to you and the Council.
- 7.3. Email and Internet access facilities are provided to Members to support work on Council related activities. Provided that the terms of the Code of Conduct, and other Member guidance are not broken you may also:
- Use your Council PC for personal purposes, for example, surfing the Internet, and purchasing holidays, goods and services. In such cases all associated risks and liability including any costs, remain with you.
 - Use email for private activities as long as you do not break the terms of this guidance. However the onus is on you to advise your correspondents that the email may be monitored.
- 7.4. Generally any use of IT resources, including email and the Internet, that contravenes any legislation (such as data protection legislation; the Computer Misuse Act 1990; the Copyrights, Designs and Patents Act 1988 (amended

2002) and the Obscene Publications Act 1959 and 1964); or breaches the general obligations at point 2 of the Member Code of Conduct; or breaches Council policies on information security is considered to be unacceptable. In addition:

- The Council provides access to network facilities (email, documents, and files as part of the Office365 software suite) available from equipment provided by the Council as well as Members own or any other computer. This means you can access your emails and documents directly so there should never be the need for you to redirect your Council-related mail to your personal or other business email accounts. Further, you should not use non-Council email addresses to conduct Council work save in the very exceptional circumstance where the webmail system is unavailable and the matter is urgent.
- In such circumstances you should first endeavour to contact the Corporate ICT Service Desk.
- It should also be borne in mind that if you are employed by non-Council employers, your use of your employer's facilities for Council-related work may leave you in breach of your employer's code of conduct as well as the Council's. Further, your employer could become a data processor of any Council information or data that is held on the employer's system/records. This would be unacceptable by both the Council and the employer.
- You must not download software (including screensavers) from the Internet or install software not authorised by the Corporate ICT Service Desk. This is in order to protect the Council against the possible introduction of computer viruses, and to avoid possible licensing issues.

- 7.5. The Council's network has been set up to automatically prevent users from accessing certain types of website including pornographic, homophobic, racist, on-line gaming, terrorist and computer-hacking sites. However, you may occasionally find that you do encounter sites that contain this sort of material. If so, you must report this to the Corporate ICT Service Desk immediately.
- 7.6. Sometimes you will find a web page that you want to access is blocked, as it may have been incorrectly categorised. If you need to access the page to carry out your work as Member for the Council, it may be possible for Corporate ICT to unblock it for you. However you will be required to provide a Council business reason first. Web pages required for personal use will not be unblocked.
- 7.7. Any material containing child pornography found on any Council computer system must by law be reported to the police.
- 7.8. You are responsible for the content of any email sent from your username and in certain circumstances the Council may also be found liable for the content of such email. There is functionality in the Council's email system that blocks/reports certain sensitive content (such as National Insurance Numbers) being sent.

- 7.9. A disclaimer is automatically added to emails sent out from the Council in case it is wrongly addressed or reaches the wrong person. However, you must take steps to make sure that you address your email correctly. If you find out an email has been received by someone other than the person you meant to send it to, you must take steps to make sure that this does not happen again.
- 7.10. If you receive an email that breaches the general obligations of the Members' Code of Conduct or which breaks the law, you must inform Member Support.
- 7.11. Emails and other personal information should be retained only for the minimum period necessary, in accordance with the data protection legislation. Further details on data protection legislation in term of Members' business use can be obtained from Legal Services or Member Support. The Information Commissioner's Office also has a very user-friendly website at <https://ico.org.uk/> and a help-line number, 0303 123 1113, for advice and guidance.
- 7.12. It is important that you manage the information that you store to ensure its availability, confidentiality and integrity. Therefore regularly review all Council information (including files and email messages) you hold and delete all redundant or irrelevant data or when necessary contact the ICT Service Desk to arrange for their secure archiving off-line (away from the computer) according to relevant legislation, protocols or standards. Corporate ICT automatically retain backups of email storage systems for the period of one year
- 7.13. File storage facilities allow for documents to be shared with approved external organisations. It is important that you only share information with these organisations when there is a business need and it is information that you would have previously felt comfortable emailing to them.
- 7.14. The Council has a duty to protect data provided to us by residents. This is normal for any organisation and will become increasingly important as we comply with new data protection regulations. In order to protect personal and sensitive data that is held in emails on personal smartphones and tablets, we "manage" either the whole device/phone or we "manage" the mail application on the device/phone. By "manage" we mean that we have the capability to wipe Council data should the device/phone be lost or stolen and so protect data. As well as this being a responsible commitment to residents, we would also potentially face fines from the ICO if we cannot demonstrate taking suitable precautions to protect our residents' data should an unmanaged device/phone be lost or stolen.
- 7.15. The Council also has links to other organisations in order to carry out its business functions. Most notably these are:
- (i) CJSM (Criminal Justice Secure Email); and
 - (ii) PSN (Public Services Network).

Both these organisations demand we adhere to strict standards otherwise we cannot be part of their systems. They also both audit us to ensure compliance and maintenance of standards. We know we would not be allowed to use CJSM with unmanaged devices attached to our network and it is very likely that we would fail a PSN audit.

For these reasons, you cannot merge Council emails into a personal email account (such as Apple) as we cannot “manage” that data.

- 7.16. Access to council emails and files from personal devices will require additional security steps. This is known as Multi-Factor Authentication (MFA) and is similar to methods used for accessing bank details. For example, a security number will be sent to your mobile phone that you will need to input in order to access the Camden facilities.

8. YOU CAN GET MORE INFORMATION FROM:

- Corporate ICT Service Desk, on 020 7974 4321, who will refer your enquiry to the most appropriate person
- Member Support on 020 7974 6409
- Chief Digital and Information Officer on 020 7974 4583
- Borough Solicitor on 020 7974 5656
- The Council's Intranet

ENDS

SOCIAL MEDIA GUIDELINES FOR COUNCILLORS¹

1. INTRODUCTION

- 1.1. Every day people discuss and share information about Camden Council, our services and our sector in thousands of online conversations. Social media opens up many new opportunities and channels that we now use to communicate with residents.
- 1.2. The Councillor Code of Conduct applies to all forms of communication and interaction, including in electronic and social media communication, posts, statements and comments.
- 1.3. These guidelines have been developed to help you use social media when representing the Council, talking about our services or engaging with residents.

2. SOCIAL MEDIA

- 2.1. Social media is the term commonly given to websites and online tools which allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests. As the name implies, social media involves the building of communities or networks, encouraging participation and engagement.
- 2.2. Facebook and Twitter are perhaps the most well-known examples of social media but the term encompasses other platforms. Examples include podcasts, message boards, social bookmarking websites (such as del.icio.us, Reddit and Digg), and content sharing websites (such as Instagram, Snapchat, Pinterest, YouTube).

3. BENEFITS TO HAVING A PRESENCE ON SOCIAL MEDIA AS AN ELECTED MEMBER

- 3.1. While it's important for you to be mindful of how you conduct yourself on social media, it's equally important to be aware of the benefits that having a social media presence as a councillor can present.
 - With almost 90% of Camden residents being 'digitally active', social media offers a great opportunity to share your views amongst the community, in addition to other traditional channels you may be using.
 - It's a free and, in most cases, immediate form of communication.
 - It's a two way discussion – social media isn't just about you sharing your views. It's also a great way to ask residents what they think about issues impacting on them and their lives in the borough and enables to you demonstrate how you are, or are planning to help, or signposting them to further information to assist.
- 3.2. Depending on who you are trying to target, it's helpful to know, generally speaking, who uses which forms of social media:

¹ Appendix to the 'Use of Information Technology – Guidance on the Councillor Code of Conduct'

- Around 16 million people are using Twitter in the UK with those aged 18-35 being the largest user group.
- Facebook remains the most popular social networking site for almost all UK adults online, with over 35 million users.
- LinkedIn now has more than 21 million UK users.
- Snapchat has 10 million UK users and Instagram 15 million – both are good channels to engage in to reach younger audiences, though content needs to be impactful

3.3. These guidelines are here to assist you in how you present yourself and your views, but are not designed to deter you from exploring new ways to engage with residents. It can be helpful to look to other elected Members to see how they are using social media to give you ideas of what is (and isn't) a good approach.

4. ENGAGING ONLINE

4.1. It is important you are aware of the legal and reputation implications of engaging in online conversations that refer to Camden Council and/or your relationship with the council. We recommend you:

- Are open and honest about your position as an elected representative so that you cannot be accused of hiding your identity or seeking to influence a debate under false pretences.
- Never respond or publish in haste. Once information is published, it is part of a permanent record, even if you 'remove/delete' it later or attempt to make it anonymous.
- Social media is transparent. It is ultimately a wiser move to admit to mistakes rather than try to cover them up (which isn't possible).
- Be aware that other people can post comments or material to your blog, Instagram photo or Facebook profile unless you choose to disable comments. Occasionally you may not agree with these comments that are made, but deleting the comments of people who disagree with you can backfire. You may need to moderate comments and also be aware of your responsibilities around libel (see below).
- Be aware that your comments may attract media interest in you as an individual, so proceed with care whether you are participating in an official or a personal capacity.

4.2. There is clear distinction between information published by the Council, such as on your councillor page on the Council's website, and using social media, which is your sole responsibility. But it's worth pointing out that there can be 'blurred identities', where you comment as a councillor as well as a private individual.

4.3. Such blurred identities might have implications if your views are taken as those your employer, your political party or other organisation which you are affiliated with rather than your personal opinion. So make sure you are clear on your party's and employer's position on social media, as well as the council's. Then you can be clear and confident as to what you can and can't say when representing your organisation or party.

- 4.4. Some social media channels work better for professional use and some are better for personal use. The likes of Twitter works well for both through the same account as long as users remember that everything is public and you may be judged on your personal posts as much as you are on your professional ones.
- 4.5. It is now generally acceptable for a council to host publicity prepared by councillors but the council must have in place a system for removing (for example at the time of an election) and moderating unacceptable material.
- 4.6. The local authority code on publicity came into force on 31 March 2011 and it has been updated to take account of changes in the use of social media. We recommend you read the code. It is available here: <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>
- 4.7. You can get further guidance about what is acceptable under the code by contacting the Borough Solicitor or the Head of Communications.

5. USING SOCIAL MEDIA DURING MEETINGS

- 5.1. Many councillors use social media, particularly Twitter, during formal council meetings, and commenting on reports and speeches at meetings can help engage a wider audience in the decisions being taken and the issues being discussed.
- 5.2. You should however be mindful that members of the public might have concerns about how involved you are in the meeting should you be, for example, tweeting about issues not related to the meeting or during a public deputation.
- 5.3. Some particular care is needed when posting during quasi-judicial meetings. Commenting on planning and licensing applications brings with it an inherent risk of being seen as biased or having pre-determined an application (see below). Even commenting on a completely separate matter carries risks as you might be seen as having missed a key piece of evidence or not being interested in listening to the evidence being presented.

6. KEEPING SAFE

- 6.1. Most people using social media do so in a polite, positive and friendly manner. However there are unfortunately some people who are rude and offensive on social media and some messages you might receive might be threatening or amount to harassment, causing you distress. In such situations:
 - Don't engage any further with the individual(s) making the post.
 - Take a screenshot of the post and save it in case the individual deletes their post later on or you choose to do so.
 - Delete, block or mute them, so they can't post anything further.
 - Report them to the social media platform moderator, the Borough Solicitor and if necessary the Police. It might be that no action will be taken, but the if the individual is a repeat offender it will certainly help build a case against them.

6.2. It's always worth checking your privacy settings where appropriate so you can control who can view and comment on your social media output.

7. AVOIDING THE LEGAL PITFALLS

7.1. Almost all legal pitfalls can be avoided if the content of your posts is objective, balanced, informative and accurate. The general law has caught up with social media so concepts such as harassment and defamation apply to social media.

7.2. Bear in mind that social media posts can be lawful but still cause offence, resulting in damage to your reputation.

Harassment

7.3. Anything that a reasonable person would conclude caused alarm or distress may amount to harassment.

Defamation

7.4. If you publish an untrue statement about a person, which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous in your posts if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you personally. Note the dangers of, for example, re-tweeting (see the McAlpine case) even if something has been already widely circulated. Note also the more followers you have the greater the damages awarded against you.

7.5. Messages with the intent to injure another's commercial interests or recklessness as to the truth will amount to malicious falsehood. Some care is needed, for example, when commenting on the performance of our contractors.

Deception

7.6. Avoid posting anything deceptive or designed to deceive whether wilfully or through recklessness.

Obscene Material

7.7. It goes without saying that you should avoid publishing anything in your blog that people would consider obscene. Publication of obscene material is a criminal offence.

Copyright

7.8. Placing images or text in your posts from a copyrighted source (e.g. extracts from publications, photos, etc.) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you. Bear in mind even a tweet can be copyrighted, although it is very rare.

7.9. Related is the potential for a branded tweet and hashtag to create a likelihood of association or confusion with the products or services of a trademark owner. Large corporations monitor the web for such breaches.

Data Protection

7.10. Social media posts that reveal personal details about another person without their consent may breach data protection laws. So avoid publishing the personal data of individuals unless you have their express written permission. You may want to publish a screenshot of an email for instance, but it's very easy to miss, for example, that there might be private email addresses shown on that image.

7.11. A breach of the Data Protection Act may be a criminal offence and or a cause of action in the civil courts for damages.

Freedom of Information

7.12. Be mindful that the Freedom of Information Act applies to private email and social media accounts where the content relates to official Council business. So, for example, if you send a direct private Twitter message about a Council report to someone that might be disclosable under the Act. Party political and personal messages aren't generally covered.

Agents

7.13. Be aware that you may remain legally responsible for any posts on your social media accounts, regardless of whether you can prove that you have delegated responsibility for social media activity to another person(s) and did not personally post or approve specific content.

8. COUNCILLOR CODE OF CONDUCT

8.1. The Councillor Code of Conduct applies to all forms of communication and interaction, social media communication, There have been plenty of cases from across the country of councillors posting comments which while not unlawful did breach their local codes of conduct.

8.2. The Code only applies when you are acting in your official capacity as a councillor. This is Includes when:

- 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:
 - on another Relevant Authority, and you must, when acting for that Relevant Authority, comply with their members' code of conduct; or
 - 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
- 8.3. The case of *MC v Standards Committee of LB Richmond* [2011] has clarified that merely giving the impression that you are “acting or claiming to act as a member” is not enough to engage the Code.
- 8.4. However whether you fall under this will depend on the particular facts of each case and the circumstances surrounding your posts. While we recommend that you identify yourself as a councillor for the reasons explained, this does not necessarily mean that everything and anything you say will be you acting in your official capacity.
- 8.5. Equally even if you make it clear that your social media is personal and not political, that does not mean you will never be caught by the Code if, for example, you are offensive about those linked with the Council or you are discussing council business. Each case will turn on its own facts.
- 8.6. There are ways to try and maintain a divide between your public and private personas:
- Avoid putting the Council's logo on any of your posts. Use of the logo suggests that you are acting in your official capacity and/or that your posts represent official Council policy.
 - Don't use your Council email address to set up any social media accounts.
 - Consider having dual social media accounts on each platform – one public and one private. You can create a public page for yourself in Facebook rather than just a standard private user account.
- 8.7. Even when taking steps as suggested, there will be uncertainties. You should therefore comply with the general principles of the Code in what you publish (and what you allow others to publish). Be particularly aware of the following provisions:
- Treat others with respect - avoid personal attacks and disrespectful, rude or offensive comments.
 - Comply with equality laws - avoid publishing anything that might be considered sexist, racist, ageist, homophobic or anti-faith.
 - Refrain from publishing anything you have received in confidence.
 - Ensure you don't bring the Council, or your role as councillor, into disrepute.
- 8.8. Members of the public (or other councillors or officers) may make a complaint about you that you have breached the Code by saying something on social media. That complaint, and the sanctions that may be imposed, will be considered by the Council's Standards Committee in accordance with its published procedures.

9. BIAS AND PRE-DETERMINATION

9.1. If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated. This doesn't prevent you from expressing views on current issues which demonstrate a predisposition to a particular position but you must not post anything that suggests that you have closed your mind – so significant caution is required.

10. PRE-ELECTION PERIOD GUIDANCE

10.1. Particular care must be taken during times of elections and referendums to make sure any legal restrictions are not breached and this may require the suspension of material during such periods. Camden will remove links to anything it (with authority being delegated to the Borough Solicitor) considers to be of a political nature during the pre-election period. In addition the Borough Solicitor will remove links to any site which in his opinion contain offensive material of any nature. The originator of that link may appeal any decision by the Borough Solicitor to the Chief Executive whose decision will be final.

10.2. It is acceptable for publicity containing material prepared by third parties and hosted by a council to include logos of political parties or other organisations which the third parties are associated.

10.3. During the pre-election period particular care is needed when using council resources for anything that might be said to be overtly political. Before this period the Borough Solicitor issues advice to all councillors as to the use of these resources.

11. MAYOR OF CAMDEN'S SOCIAL MEDIA

11.1. The Mayor of Camden has their own bespoke Twitter handle and Facebook page, which are passed on to the new Mayor at the start of each municipal year. The Mayor should discuss with the Mayor's officers at the start of their tenure how exactly the use of those accounts should be managed. The guidance above applies but additionally:

- Staff in the Mayor's office should be able to access the social media accounts even if you have agreed that you will do all of the posting yourself. That does not however mean you don't have full responsibility for something you post on the accounts.
- Posts on these accounts should be limited to Mayoral business only. You should particularly avoid party political posts as the role is non-political.
- While it's fine to advertise the Mayor's social media pages and to retweet/share posts from the Mayor's accounts on your own personal accounts, it's best to avoid posting on your personal social media accounts in your official capacity as the Mayor.

12. CONCLUSION

- 12.1. This guidance aims to give a general overview of the issues to be aware of when using social media. Further explanation can be obtained from the Borough Solicitor but remember that content you publish is your responsibility.
- 12.2. If the content is objective, balanced, informative and accurate, and you maintain and demonstrate an open mind on any matters on which you may be called upon as a member to make a decision, you substantially reduce the possibility of a successful legal challenge or upheld complaint that you've breached the Councillors' Code. You should also find that you're able to engage more widely and effectively with the residents of Camden.

ENDS