

Part Two – Councillors

Section One – The Councillor Code of Conduct

1. The Code and its Purpose

- 1.01 As a member or co-opted member (together referred to as ‘member’ in this Code) of The Royal Borough of Kensington and Chelsea (the Council) I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
- 1.02 In accordance with the provisions of the Localism Act 2011, when acting in this capacity I am committed to behaving in a manner that is consistent with the ‘Seven Principles of Conduct in Public Life’, which can be found in full at Appendix C.
- 1.03 I understand that this Code applies to me whenever I am acting in my capacity as a member of the Council, including:
- (i) at formal meetings of the Council, its Committees and Sub-Committees, its Executive meetings
 - (ii) when acting as a representative of the Council
 - (iii) in taking any decision as an Executive member
 - (iv) in discharging my functions as a ward councillor
 - (v) at meetings with officers
 - (vi) at site visits
 - (vii) when corresponding or speaking with Council members, officers or others, including face-to face interactions and via social media other than in my personal capacity
 - (viii) any occasion when I might be seen by a reasonable person to be speaking as a member of the Council
- 1.04 As a member of the Council I will promote and support high standards of conduct and my conduct will in particular address the statutory principles of the code of conduct by:
- (i) Having a continual dialogue with residents to understand their needs and views. Championing the needs of residents – the whole community, including those who did not vote for me - and putting their interests first.
 - (ii) Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

Constitution Part Two, Section One – The Councillor Code of Conduct

- (iii) Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Council's area or the good governance of the Council in a proper manner but using my position as member in the public interest and not for personal advantage.
- (iv) Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority but taking decisions for good and substantial reasons and attaching appropriate weight to all relevant considerations.
- (v) Listening to the interests of all parties, paying due regard to relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- (vi) Being accountable for my decisions, stating the reasons for my decisions where those reasons are not otherwise apparent, co-operating when scrutinised internally and externally, including by local residents and not obstructing others' legal rights of access to information.
- (vii) Contributing to making the Council's decision-making processes as open and transparent as possible to enable residents and others to understand the reasoning behind those decisions and to be informed when holding me and other members to account but respecting the confidentiality of information which I receive as a member by not disclosing confidential information to third parties unless required by law or where there is a clear and overriding public interest in doing so.
- (viii) Behaving in accordance with all our legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including on the use of the Council's IT systems and other resources.
- (ix) Respecting and valuing all members and officers and engaging with them, both in public and private, in a way which demonstrates the mutual respect between us that is essential to good governance while recognising that officers (other than political assistants) are employed by and serve the whole Council and are impartial.
- (x) Treating people with respect, including the organisations and public I engage with and those I work alongside, and paying particular attention to the commitments made in the Hillsborough Charter.
- (xi) Not conducting myself in a manner which is likely to bring the Council into disrepute.
- (xii) Promoting equality and not discriminating unlawfully against any person.

Constitution Part Two, Section One – The Councillor Code of Conduct

- (xiii) Promoting and supporting high standards of conduct through leadership and example.
- (xiv) Upholding the Council's commitment to this Code of Conduct by offering my full co-operation in responding to allegations of breaches of the standards set out here.

1.05 I understand that the Localism Act further provides for registration and disclosure of interests and I will comply with the following requirements addressed to me in my capacity as a member:

2. The Registration and Disclosure of Interests

- 2.01 You must, within 28 days of becoming a member, notify the Monitoring Officer of any 'disclosable pecuniary interests' which you have at that time.
- 2.02 A 'disclosable pecuniary interest' is as prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and set out in Appendix A to the Code.
- 2.03 A pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described above, and either:
- (a) it is an interest of yourself, or
 - (b) it is an interest of your spouse or civil partner; a person with whom you are living as husband and wife; or a person with whom you are living as if they were civil partners,

and you are aware that that other person has the interest.

Other Interests

In addition, you must, within 28 days of becoming a member and thereafter on an ongoing basis notify the Monitoring Officer of any non-pecuniary interests which should be included in your Register of Interests. The non-pecuniary interests which should be registered are set out in Appendix B to the Code.

Keeping the Register Up to Date

Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.

- 2.04 You must keep your Register of Interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests and other interests within 28 days of the change occurring, or of you becoming aware of the change.

Gifts and hospitality

- 2.05 You are also required to notify the Monitoring Officer of any gifts or hospitality accepted with an estimated value of at least £20 which you receive in your role as a Member or co-opted member of the Council.¹ You must inform the Monitoring Officer of any such gifts or hospitality within 28 days of receiving them so that the details can be entered into the Register of Interests.

Sensitive interests

- 2.06 If the nature of an interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection. Instead the Register of Interests may state that the Member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011. If the Member is required to disclose such an interest in a meeting, the Member need not disclose the interest, but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.

Disclosure of disclosable pecuniary interests at meetings etc

- 2.07 The following provisions apply if you are present at a meeting of the authority the Leadership Team or of any committee, sub-committee, joint committee or joint sub-committee of the authority or you are a Executive Member exercising an executive function and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting or which is the subject of the executive decision.
- 2.08 If the interest is not entered in the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).
- 2.09 If the interest is not entered in the authority's Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- 2.10 Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).
- 2.11 You may not:

¹ This does not include civic gifts or hospitality received by the Mayor whilst acting in this capacity. Civic gifts are to be recorded in a separate register maintained by the Mayor's office.

Constitution Part Two, Section One – The Councillor Code of Conduct

- (a) participate, or participate further, in any discussion of the matter at the meeting or in the case of an executive decision 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 by someone else)
 - (b) participate in any vote, or further vote, taken on the matter at the meeting (unless you have requested and been granted a relevant dispensation by Audit and Transparency Committee), or
 - (c) remain in the room during the discussion or vote on the matter.
- 2.12 Where you have a disclosable pecuniary interest in a matter to be considered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.

Disclosure of other interests at meetings

- 2.13 Where you are present at a meeting of the authority, Leadership Team or any committee, sub-committee, joint committee or joint sub-committee of the authority, or you are an Executive Member exercising an executive function, and identify any other significant interests whether registered or not which are relevant to the matter being considered and which you feel should be declared in the public interest, such interests should be declared to the meeting or, in the case of an Executive Member exercising an executive function, prior to taking a decision.
- 2.14 Where you have declared an interest you must consider whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision making. If so you should comply with the requirements of paragraphs 2.11 and 2.12 above.

3. Register of Disclosable Pecuniary and Other Interests

- 2.15 Each Councillor's Declaration of Disclosable Pecuniary and Other Interests can be found under their record [here on the Council website](#) and so is available for public inspection at all times. Declarations of Gifts and Hospitality are also shown under an individual Councillor's profile.
- 2.16 All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by full Council.

APPENDIX A

Disclosable Pecuniary Interests

A 'disclosable pecuniary interest' is an interest of yourself or an interest (which you are aware of) of your partner (which means spouse or civil partner, 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) within the following descriptions of interests.

'M' refers to you and 'the relevant person' to you and those people described above.

| Interest | 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 Royal Borough of Kensington and Chelsea) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Royal Borough of Kensington and Chelsea</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 | Any beneficial interest in land which is within the Royal Borough of Kensington and Chelsea |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the Royal Borough of Kensington and Chelsea for a month or longer. |
| Corporate tenancies | <p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the Royal Borough of Kensington and Chelsea; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> |

Constitution Part Two, Section One – The Councillor Code of Conduct

- Securities Any beneficial interest in securities of a body where—
- (a) that body (to M's knowledge) has a place of business or land in the area of the Royal Borough of Kensington and Chelsea; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Notes: These descriptions of interests are subject to the following definitions;

- (i) *“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;*
- (ii) *“director” includes a member of the committee of management of an industrial and provident society;*
- (iii) *“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;*
- (iv) *“relevant period” means the period of 12 months ending with the day on which you notify the Monitoring Officer of the interest;*

APPENDIX B

Other Interests

1. Trusteeships or membership of the management board of a charity or body directed to a charitable purpose; and
2. Membership of any organisation, one of whose principal purposes includes the influence of public opinion or policy, and which is likely to seek to affect the policy of the Council or which may have an impact on its services or those it serves.

APPENDIX C

The Seven Principles of Public Life

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 their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

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 for their decisions and actions and must submit themselves to whatever 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 doing so.

Honesty

Holders of public office should be truthful.

Leadership

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