

<p><u>MEETING</u></p> <p>GROUP LEADERS PANEL</p>
<p><u>DATE AND TIME</u></p> <p>WEDNESDAY 3RD SEPTEMBER, 2014</p> <p>AT 5.00 PM</p>
<p><u>VENUE</u></p> <p>HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX</p>

Please find enclosed the papers submitted to the Panel, which the Panel agreed should be considered in public

Item No	Title of Report	Pages
7.1	CASE 002/14 - CONSIDERED IN PUBLIC SESSION	1 - 168

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Report of Investigating Officer- Complaint against Cllr Hugh Rayner AGENDA ITEM 7a

1. I have been asked by the Maryellen Salter, the Monitoring Officer of the London Borough of Barnet, to investigate three complaints made by Andrew Dismore against Cllr Hugh Rayner under the Members' Code of Conduct. (the Code).
2. In accordance with the Code, I have been asked to produce a report of factual findings without drawing any conclusion as to whether or not there has been a breach of the Code.
3. The complaints were lodged in two different documents. They contain a number of allegations, all but one relate to meetings of Council and of the Business Management Overview and Scrutiny Committee. I have therefore listed each allegation separately and dealt with it in turn, rather than reproduce the complaints as separate documents..
4. When dealing with each meeting to which Mr Dismore refers, I have provided a link to both the minutes and the relevant document. Wherever possible I have quoted both Mr Dismore and Cllr Rayner and others verbatim and I have put their words in italics. As well as answering specific questions, Cllr Rayner provided me with a final summary of his position. This is included at the end of this report.
5. Where I have sought to clarify a matter I have written under the heading "General note."

The Codes

6. Although the complaints refer to specific sections of the current Members' Code of Conduct, the allegations relate to Council meetings dating back to 2010. Over that period there have been three Members' Codes of Conduct; November 2009, 10 July 2012, 16 April 2013. These are attached at Appendix A.
7. Members will need to determine whether Cllr Rayner has broken the Members' Code of Conduct enforceable at the relevant time. Any possible sanction however, is dictated by the current Members' Code of Conduct dated July 2014 and also in Appendix A.

Disclosable interests

8. In addition, the statutory requirements for declarations relating to personal and prejudicial interests changed under the Localism Act 2011. This introduced disclosable pecuniary interests as from 1 July 2012. Again Members will need to consider Cllr Rayner's actions in light of the statutory requirements at the relevant time.
9. Mr Dismore refers to potential breaches of the current Code only, Members are not limited to those sections cited by him in relation to those complaints that fall to be dealt with under the relevant code.

The current statutory requirements

10. Under the Localism Act 2011 a relevant authority must adopt a code of conduct for its members that is consistent with the seven principles of public life and to have a register of members' interests. Subject to the statutory provisions, it is for the relevant authority to determine what is to be entered into the authority's register.
11. Relevant authority is defined in the Act as to include a London Borough Council.
12. Section 30 requires that within 28 days of becoming a Member, s/he has to notify the Monitoring Officer of any disclosable pecuniary interest as defined in regulations made by the Secretary of State.
13. Section 31 requires that a Member present at any meeting of the authority, and who has a disclosable personal pecuniary interest in any matter to be considered at the meeting, may not:
 - (a) participate, or participate further, in any discussion of the matter at the meeting, or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting.

This is subject to dispensations relieving the Member from either or both of the above restrictions
14. Section 31(2) only requires the Member to disclose the pecuniary interest at the meeting if it is not already on the register of members' interests. Nor is there a requirement for the Member to leave the room
15. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464 came into force on 1 July 2012. These specify what is a pecuniary interest. This is set out in the current code in Appendix A.
16. Non statutory guidance for councillors was issued by DCLG in September 2013 entitled "Openness and transparency on personal interest: A guide for councillors." Its stated purpose is to give basic practical information about how councillors can be open and transparent about their personal interests in light of the Localism Act 2011.
17. The guidance states that all councillors should register their declarable interests ie:
 - (a) declarable pecuniary interests;
 - (b) other interests that must be declared and registered as required by the authority's code; and
 - (c) in conformity with the duty to act in accordance with the seven principles of public life.
18. The guidance also deals with the question of dispensations and the setting of council tax to which I shall refer later.

Additional requirement of Barnet's current code of conduct

19. Barnet's code of conduct repeats the national rules and definition of disclosable pecuniary interests with two additions:

- (a) a Member who has a disclosable personal interest (irrespective of whether it has been entered on the Council's register of interests) must leave the room in which the meeting is being held; and
 - (b) para 10.1 of the Code refers to "other interests ie "non disclosable pecuniary interest or non pecuniary interest. In such cases the Member must make a verbal declaration of the existence and nature of the interest at or before the consideration of the item of business."
20. Para 10.2 of the Code states that "a Member has a non disclosable pecuniary interest or non pecuniary interest in an item of business of your authority where:
- (a) a decision in relation to that business might reasonably be regarded as affecting the wellbeing or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area: or
 - (b) it relates to or is likely to affect any of the interests listed in the Table in Appendix 1 of this Code, but in respect of a member of your family (other than a relevant person) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest."

The pre Localism Act statutory requirements

21. Prior to the Localism Act 2011 the term disclosable pecuniary interest was not used. Members had to declare personal interests. Prior to 1 July 2012 and during the relevant period concerning these complaints, interests were divided into personal and prejudicial.
22. There were 2 types of personal interests. The first was an interest that had to be registered. The registerable interests are broadly the same as those listed in the Localism Act and are set out in the Code for November 2009 in Appendix A.
23. The second type of personal interest was one that is not on the register but where the well being or financial position of the Councillor, members of his/her family or people or bodies with whom s/he has a close association, is likely to be affected by the business of the authority more than it would affect the majority of inhabitants of the ward affected by the decision or inhabitants of the authority's area (in all other cases)
24. Members had to declare a personal interest and the nature of the interest as soon as it become apparent in all formal meetings before the matter was discussed. This differs from the Localism Act where a declaration at the meeting is not necessary if the interest is on the register.
25. Under the old system a personal interest will also be a prejudicial interest if it met all of the following conditions:
- (a) the matter does not fall within one of the exempt categories of decisions, for example setting the council tax;
 - (b) the matter affects the Member's financial interests or is about a licensing, planning or other regulatory matter that might affect the Member's interest;

- (c) a member of the public, who knows the relevant facts would reasonably think that the Member's personal interest so significant that it is likely to prejudice the Member's judgement of the public interest.

26. A Member with a prejudicial interest had to declare the interest and the nature of the interest as soon as it becomes apparent. They had to leave the room unless members of the public were allowed to make representations, give evidence or answer questions about the matter. If this is the case, the member could also attend the meeting for that purpose. The Member then had to leave the room once s/he had finished speaking.

Disclosable interests and council tax

27. Under both the old and the new law, there are what were called exempt categories of decisions. Under para 10(2)(c) of the pre Localism Act statutory code of conduct, a Member will not have a prejudicial interest if the matter related to certain functions of the authority. This included the setting of council tax or a precept.

28. The non statutory guidance for councillors issued by DCLG in September 2013 entitled "Openness and transparency on personal interest: A guide for councillors." specifically deals with the question of whether a councillor needs a dispensation to take part in the business of setting council tax or a precept. It states as follows:

"Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

"If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

"Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual."

29. Despite this guidance, many councils, including Barnet still grant dispensations for setting the council tax.

30. In Cllr Rayner's case, I have seen copies of assured shorthold tenancy agreements involving him and his wife directly or S and H Housing Ltd of which Cllr Rayner is a Director. These provide that the Landlord is excluded from responsibility for the payment of the council tax.

31. However in Barnet as from 1 April 2013 unless a specific exemption applies, council tax is payable in full on empty properties whether furnished or unfurnished.

Members' Register of Interest and Cllr Rayner

32. Cllr Rayner first became a Councillor in Barnet in 2006. All his entries on the Members' Register of Interest are contained in Appendix B.
33. On the Members' Register of Interest for 8 May 2006 he declared that he was a Director of S H Housing Ltd and he listed 23 properties in which he had a beneficial interest.
34. On the Members' Register of Interest for 5 June 2010, Cllr Rayner declared the names of 2 companies S.H Housing Ltd and Homehurst Residents Ltd . He described himself as a Director and employee of S.H. Housing Ltd and he listed 25 properties in the authority in which he had a beneficial interest.
35. On the Members' Register of Interest for 18 June 2014, Cllr Rayner declared that he is a Director of S.H Housing Ltd . He describes himself as "a private landlord of property within the borough. He added "overseeing and managing the letting of property; acquisition of land; development of land. He listed 24 properties in the authority in which he has a beneficial interest. He has also put a note that states:

"some of the tenants of SH Housing owned properties and privately owned properties have their rent funded by LBB housing benefit and in some cases this is paid direct (whilst I do not consider this to be a pecuniary interest I do include it). Likewise I am also recipient of incentive payments as a landlord from Barnet Homes (again I do not consider this to be a pecuniary interest). (See Appendix B)

36. Cllr Rayner made an additional declaration on 5 August 2014 stating:

"I wish to declare further information in relation to my interest in that from time to time I receive incentives as a private landlord from Barnet Homes for taking on tenants as recommended by them."

37. Cllr Rayner made a further declaration on 14 August 2014 stating:

"I wish to declare that I have entered into a contract with the Council for a Cross Over deed"

The Complaints

38. Mr Dismore's first complaint is dated 16 June 2014 and his second is dated 3 July 2014. The complaints relate to five budget setting meetings held between 2010-4 and meetings of the Business and Management Overview and Scrutiny Committees between July 2010 and January 2014 at which Cllr Rayner was present and a voting member.
39. He has alleged breaches of the current Code of Conduct for Members. However, I have stated which Code applies in relation to each item.
40. I have checked the minutes of the meetings and with the exception of the Business Management Overview and Scrutiny Committee 6 January 2014, Cllr Rayner made no declaration of interest.

Budget setting meetings

I asked Mr Dismore to identify the specific items at each budget setting meeting where he alleges that Cllr Rayner has breached the Code. Mr Dismore replied giving a general response that related to all 5 meetings and then made particular points in relation to each meeting. The following is the general response and I have reproduced in full the specific comments when dealing with each meeting.

Mr Dismore's general comments

"Barnet's code states, at Paragraph 9:

"When you are present at a meeting of the Council and you are aware that you have a disclosable pecuniary interest in any matter to be considered or being considered then (c)(1) subject to any current dispensations,

you may not participate or participate further in any discussion of the matter at the meeting or

participate in any vote or votes further taken on the matter at the meeting and

must leave the room in which the meeting is being held".

"Cllr Rayner should have made a correct declaration of his disclosable pecuniary interests in respect of his property holdings and income from HB at the following meetings, not participated in the discussion or votes at those meetings, and withdrawn from those meetings accordingly . Non declaration of interests contrary to paragraphs 1(6), 7, 8.2 and part 2, para 9.1 of the Code

"In respect of each of the years, the subject of the complaint, Cllr Rayner should not have been voting on housing finance matters as they directly relate to his own personal circumstances. He was benefiting from the various schemes to promote private sector landlords: sometimes these are set out specifically, on other occasions they are rolled up into a generalised budget line.

"He should not have voted on the Housing Revenue Account as he stood to gain from decisions made on it concerning housing supply, rents and housing benefit matters."

Cllr Rayner's general comments

"How far does one go when voting on the Annual Council Budget or the Housing Revenue Account? I drive a car and therefore, if the complainant's logic is to be accepted, should not be able to have an opinion on parking. I live in Barnet and should not have an opinion on council tax. I do not consider it 'reasonable' to declare on housing or other matters when agreeing a budget - when members are deciding on these matters in such general terms. Indeed, I have already notified my property portfolio in my Notification of Interests. And I am advised by the Monitoring Officer that receipt of rent funded in part or in full by housing benefit is not a disclosable pecuniary interest. Nor are contracts I enter into with subsidiaries of the council such as Barnet Homes. All landlord members could potentially be affected by the matters raised by the complainant but I have not noticed any declarations from them – they have interpreted 'reasonableness' in the same way as me.

“It is a global budget which we vote through and we look at it in the round rather than considering individual lines.”

Budget setting meeting of 2 March 2010

<http://barnet.moderngov.co.uk/Data/Council/201003021900/Agenda/Document%201.pdf>
Minutes

<http://committeepapers.barnet.gov.uk/Data/Cabinet/201002221900/Agenda/Document%203.pdf> Cabinet report referred to by Mr Dismore

The Code of Conduct in force was dated November 2009.

Cllr Rayner did not make a declaration at the meeting.

Mr Dismore's specific points are as follows:

"Page 40, lines 10281 and 10883 : these set out the budget for the rent deposit scheme and for private sector leasing, from which Cllr Rayner stood to benefit as a private sector landlord.

"Page 64: HRA : cash incentives and partnering packages capital funding: also of relevance to private sector landlords"

Cllr Rayner's response is as follows:

"I did use from the deposit scheme for one tenant in 2013 but cannot be expected to be clairvoyant about what might happen in 2013 when making decisions in 2010. And for avoidance of doubt when Barnet Homes provided a deposit I included a clause in the tenant's lease that it would be refunded to the provider at the end of the lease. I see this scheme to be benefiting the tenant and not the landlord as it would be the tenant who would otherwise need to provide the deposit – as indeed this tenant did when he last rented a property from us in the 1990s."

Budget setting meeting of 1 March 2011

<http://barnet.moderngov.co.uk/Data/Council/201103011900/Agenda/Document%201.pdf>
Minutes

<http://committeepapers.barnet.gov.uk/Data/Cabinet/201102141900/Agenda/Document%208.pdf> Cabinet report referred to by Mr Dismore

The Code of Conduct in force was dated November 2009.

Cllr Rayner did not make a declaration at the meeting.

Mr Dismore's specific points are as follows:

*"P235: policy issue: Planning, Housing and Regeneration point 3:
"private sector leasing-rental income" indicated as a source of savings, i.e. switching from council provision to the private sector.*

P305: app 2 statutory cost drivers: Housing benefit changes.

P419 app. 11 corporate risk register: item 6: supply of private rented properties (cf housing benefit changes)

P426 5b new corporate risk: risk of reduction in supply of private rented sector.

P427 response to this risk: targeting of Discretionary Housing Benefit payments (i.e. to make up the shortfall)

Cllr Rayner stood to gain from an increase in demand for private sector housing as a consequence of these points. He also benefitted from Discretionary Housing Benefit both paid via his tenants and directly to himself as shown by several of the cases referred to in the complaint"

Cllr Rayner's response is as follows:

"Let me deal with the summary. I consider the lines in the council budget to be so far removed from my role as a landlord that I do not consider it reasonable to be required to make a declaration. One of my tenants has received DHP as part of the funding for her rent, But the tenant pays me rent – not housing benefit or DHP. The rent is owed regardless of housing benefit or DHP levels. I never receive DHP either directly or indirectly.

'He also benefitted from Discretionary Housing Benefit both paid via his tenants and directly to himself as shown by several of the cases referred to in the complaint.' – not true, nor is it even supported by any of his own evidence. A trait which I am NOT afraid to say is evident throughout his complaint."

Budget setting meeting of 6 March 2012

<http://barnet.moderngov.co.uk/Data/Council/201203061900/Agenda/Document%201.pdf>
minutes

<http://committeepapers.barnet.gov.uk/Data/Council/201203061900/Agenda/Document%204.pdf>

Report dealing with budget setting

The Code of Conduct in force was dated November 2009..

Cllr Rayner did not make a declaration at the meeting.

Mr Dismore's specific points are as follows:

No additional points to the general argument about housing finance above

Cllr Rayner's response is as follows:

Cllr Rayner did not comment on this. The inference being that he too is relying on his general comments

Budget setting meeting of 5 March 2013

<http://barnet.moderngov.co.uk/documents/g6629/Printed%20minutes%2005th-Mar-2013%2019.00%20Council.pdf?T=1>

Minutes

<http://committeepapers.barnet.gov.uk/documents/b22257/Report%20of%20Cabinet%20-%2025%20February%202013%20Business%20Planning%20201314%20-%20201516%2005th-Mar-2013%2019.00%20Coun.pdf?T=9>

Cabinet Report referred to by Mr Dismore

The Code of Conduct in force was dated 10 July 2012.

Cllr Rayner did not make a declaration at the meeting.

Mr Dismore's specific points are as follows:

*"These papers are not numbered consecutively so identify them is more problematic.
App2 Finance and business plan consultation: p10 summary: policy issue: concern over high private sector rents expressed in this paragraph, and elsewhere in this document e.g. p44*

App4 revenue budget; housing needs and resources line: includes finances for private sector"

Cllr Rayner's response is as follows:

"I consider the lines in the council budget to be so far removed from my role as a landlord that I do not consider it reasonable to be required to make a declaration."

Budget setting meeting of 4 March 2014

<http://barnet.moderngov.co.uk/documents/g7516/Printed%20minutes%2004th-Mar-2014%2019.00%20Council.pdf?T=1>

Minutes

<http://committeepapers.barnet.gov.uk/documents/b23615/Report%20from%20Cabinet%20-%2025%20February%20201%20Business%20Planning%20201415%20-%20201516%2004th-Mar-2014%2019.00%20Cou.pdf?T=9>

Cabinet report referred to by Mr Dismore

The Code of Conduct in force was dated 16 April 2013.

Cllr Rayner did not make a declaration at the meeting.

Mr Dismore's specific points are as follows:

"Again not consecutively numbered.

Corporate plan 2013 to 2016, 2014 addendum: item 9b: Increase the number of Private Rented Sector lettings to 315 (new measure)

Revenue budget: housing needs and resources line: includes finances for private sector

app J: corporate risk register q 3: homelessness: preventative: increase opportunities of affordable housing supply

Cllr Rayner stood to gain from an increase in demand for private sector housing as a consequence of these points."

Cllr Rayner's response is as follows

"I consider the lines in the council budget to be so far removed from my role as a landlord that I do not consider it reasonable to be required to make a declaration. Moreover, I would dispute the direct cause and effect which is suggested by the complainant."

Business Management Overview and Scrutiny Committee (BMOSC)

Mr Dismore submitted 2 complaints. The first contained allegations in relation to 4 meetings of the BMOSC. The second complaint referred to a further two meetings on 9 January 2012 and 2 May 2013. I have included them all in this section of the report in this order that they were set out in the complaints.

In relation to the first 4 meetings, Mr Dismore made some general points which are reproduced below. His specific points are dealt with under the heading of each meeting.

A Dismore's general comments

"Cllr Rayner should have declared at all these meetings a direct pecuniary interest.

"When BMOSC was discussing a policy which positively advocated "an increases in the private rented sector" and to "discharging the council's social housing responsibilities in the private rented sector" a non-pecuniary interest on the sole occasion such a declaration was made is insufficient, as Cllr Rayner stood to gain personally from the decisions taken as a self-confessed landlord who takes social housing tenants.

"Such decisions will for example have an impact on demand for such properties as Cllr Rayner owns thus affecting rent levels. He should have made a disclosable pecuniary interest declaration in relation to his ownership of property as a landlord as the business conducted was of benefit to him both directly and indirectly.

"As the Council administers both HB and Discretionary Housing Payments, due to his receipt directly and indirectly of HB Cllr Rayner should also have declared this as a disclosable pecuniary interest at all these meetings.

"The Code also expects councillors to take advice from the Monitoring Officer as to participation in matters where the Member may have an interest. It is hard to believe that Cllr Rayner did, so , as if he had the Monitoring Officer would surely have advised him of the risks of him not making a full disclosure and declaration of his disclosable pecuniary interests and continuing to preside at and participate in the meetings referred to above.

"Cllr Rayner has acted, or failed to act, contrary to part 2 para 9.1 of the Code.

"Cllr Rayner has acted contrary to paragraph 7 of the Code, in that he has taken decisions that are for his personal benefit.

"Cllr Rayner has acted contrary to paragraph 8.2 of the Code, in that he failed to take advice from the Monitoring Officer.

"Cllr Rayner has not acted with selflessness, integrity, accountability, openness, honesty or shown leadership as required by the principles set out at paragraph 1(6) of the Member's Code of Conduct in failing properly to declare his direct pecuniary interests.

"It is also a criminal offence to fail to declare a disclosable pecuniary interest in any matter discussed at a council meeting."

Additional comments from A Dismore in relation to the BMOSC meeting of 9 January 2012 and 2 May 2013

"In addition to the meetings set out in the original complaint, Cllr Rayner should have made a correct declaration of his disclosable pecuniary interests in respect of his property

holdings, income from HB and from landlord's incentive payments at the following meetings, not participated in the discussion or votes at those meetings, and withdrawn from those meetings accordingly"

Cllr Rayner's general comments

"In 2006 when I was advised that listing my properties as shown on the register of interests was sufficient and that housing benefit was a not a Disclosable Pecuniary interest.

"Summary: I wish to emphasize that all these discussions into housing benefit, benefit capping and DHP do not have a financial effect on me insomuch as my tenants are contracted to pay rent. How they source the rent is very much their own problem. Whether I declare an interest at any meeting, be it at the start or as the discussion develops, is really a judgement call and I believe my judgement to be correct. Others might disagree. Just because there is a housing matter being considered and I let houses does not in my book necessarily mean I need to make a declaration any more than when parking is discussed I need to declare I drive a car. It is assumed I drive a car – it is known that I own property."

General note

At the relevant time, the Council did administer Housing Benefit. However, the position with Discretionary Housing Payments is more complicated.

Discretionary Housing Payments (DHPs) were introduced in 2001. They were administered by the Council until 2008 when the administration was transferred to Barnet Homes. In April 2013 the administration reverted back to the Council and it was outsourced to Capita on 1 September 2013.

DHPs are available to anyone currently claiming Housing Benefit who requires more help with housing costs. They are not for help with council tax. They are used where there is a reduction in Housing Benefit eg due to the benefit cap, an increase in essential work related costs where the individual has moved further away from the workplace, and as rent deposits or rent in advance if the individual needs to move home.

The government has issued a guidance manual and good practice guide for local authorities who administer DHPs. However it is the authority who decide whether award a DHP, how much will be paid and for how long.

Business Management Overview and Scrutiny Committee 12 July 2010

<http://barnet.moderngov.co.uk/Data/Business%20Management%20Overview%20and%20Scrutiny%20Sub-Committee/201007121900/Agenda/Document%202.pdf>

Minutes

<http://barnet.moderngov.co.uk/Data/Cabinet/201006211900/Agenda/Document%204.pdf>

Review of Barnet's Housing Allocations Policy

The Code of Conduct in force was dated November 2009.

Cllr Rayner did not make a declaration at the meeting.

Mr Dismore's specific points are as follows:

"Rayner was the Chair:

12 July 2010 - Business Management Scrutiny - Call-in of Cabinet decision of 21 June 2010 to change housing allocations policy. Business Management OSC (BMOSC) set-up ad hoc panel to review the decision - no recorded declaration:

<http://barnet.moderngov.co.uk/Data/Business%20Management%20Overview%20and%20Scrutiny%20Sub-Committee/201007121900/Agenda/Document%202.pdf>

The Cabinet decision of 21 June 2010 that was called in and discussed was the Review of Housing Allocations with proposals for changing housing allocations - the emphasis is on housing more people in the PRS - see para 3.4 in particular and bolded section (reproduced below):

<http://barnet.moderngov.co.uk/Data/Cabinet/201006211900/Agenda/Document%204.pdf>

3.4 The Council's Housing Strategy 2010-2025 recognises the increasingly important role that the private rented sector plays in meeting housing need in Barnet. We now house more housing applicants in the private rented sector than in social housing, and the draft allocations policy will set out an approach that complements this shift by recognising that an offer of private rented sector housing provides a positive solution to housing need.

Mr Dismore's drew attention to the following specific paragraphs in the Barnet Housing strategy 2010-2025 document

http://www.barnet.gov.uk/download/downloads/id/571/barnet_housing_strategy

Section 2, Paragraph 6:

"The Housing Service has always and continues to be at the forefront of such approaches. In 2002/3 the council accepted over 1000 households as homeless, and experienced widespread dissatisfaction in the way it let council property to housing applicants. The advent of the Housing Options approach has radically changed this landscape: in 2008/9

only 325 households became homeless but more importantly we re-housed more people in housing need in the private rented sector than in council or Housing Association homes. We believe this may be a first for an urban housing authority, representing an important shift away from the traditional view that social housing is the only suitable option for people in housing need, when the private rented sector can provide flexibility and choice, as well as meeting housing aspirations in many cases. Research into the housing needs of black and ethnic minorities in North London has revealed that whilst social housing may meet a need by providing a stepping stone on the housing journey, it is not what the majority of people aspire to, and that given the choice, most would rather own their home. These shifting public expectations require us to consider hard both the housing choices we facilitate for local people, and the value of our Housing Register that is open to all, regardless of housing need, as a means of managing housing demand.”

Section 2, Paragraph 10:

The tenure of choice in Barnet is owner occupation, with two thirds of households owning their home and about half of owners owning outright. The remaining third of households are divided equally between social renting and the private rented sector, with the latter playing an increasingly important role in meeting housing need in the borough. In 2008 the council secured more property for housing applicants in the private rented sector than in the combined housing association and council sectors. We believe this may be a first for an urban local authority; it has huge significance for the council and its ALMO, Barnet Homes, in terms of providing a desirable housing choice in the next decade. The council's housing strategy update 2007 recognised that the affordable housing sector would never be able to meet the housing needs identified in Barnet's 2006 Housing Needs Survey, and that anyway most people aspired to own their own home. We believe that more use needs to be made of the private rented sector to reduce the numbers of people living in temporary accommodation combined with providing wider access to social housing through a local lettings policy to promote more mixed communities - key objectives for our strategy are therefore:

“Promoting mixed communities and Maximising opportunities available for those wishing to own their home”

Section 2, Paragraph 12:

We also want to ensure that we work closely with partners such as private landlords and housing associations to ensure that the best possible services are delivered in the borough. A key objective for our strategy is therefore:

“Providing excellent value services that exceed residents expectations”

Section 5 “Targets”:

Targets

2010- 2012

- Landlord Forum led by landlord representatives
- 850 homes made available in the private rented sector for housing applicants in 2010/11
- Provide landlord accreditation training for up to 60 landlords a year
- New allocations policy in place by September 2010
- Institutional investment partner in place to deliver new private rented accommodation
- Set up an inspection program of all licensed houses in multiple occupation to ensure compliance with the Housing Act 2004.
- Using data available to the Council undertake a survey of houses in multiple occupation to try and locate non compliant landlords

2013-2018

- First new homes provided for private renting supported by institutional investors
- Estate regeneration schemes all underway and new homes being delivered (see above)

By 2026

- Large mono tenure council estates replaced with mixed tenure communities.
- Social rented and private rented sectors meeting housing need for a mixed range of low and medium income groups

Appendix 5 Action Plan

Promoting mixed communities

2010- 2012

- Landlord Forum led by landlord representatives
- 850 homes made available in the private rented sector for housing applicants in 2010/11
- Provide landlord accreditation training for up to 60 landlords a year
- New allocations policy in place by September 2010
- Institutional investment partner in place to deliver new private rented accommodation
- Set up an inspection program of all licensed houses in multiple occupation to ensure compliance with the Housing Act 2004.
- Using data available to the Council undertake a survey of houses in multiple occupation to try and locate non compliant landlords

2013-2018

- First new homes provided for private renting supported by institutional investors
- Estate regeneration schemes all underway and new homes being delivered (see above)

By 2026

- Large mono tenure council estates replaced with mixed tenure communities.
- Social rented and private rented sectors meeting housing need for a mixed range of low and medium income groups

Cllr Rayner’s response is as follows:

“When dealing with call-ins (agenda item 6) the discussions are limited to the reason and objective of the call in. I decided at the outset that I did not have ‘personal or prejudicial interest’ in the matter outlined by Cllr Moore in her reason and objective for call in and so did

not make any declaration. Were the discussion to have moved into an area where I thought I might have an interest then I would have made a declaration at that time. It did not."

General note

Cllr Alison Moore called in the Report of the Cabinet Member for Housing, Planning and Regeneration to Cabinet on 21 June 2010. The reason for the call in was set out as follows:

Reason and Objective

To scrutinise the impact of suspending the housing waiting list, the points based system and choice based lettings on those in need of housing, to raise equalities issues and to delete all recommendations and replace with "That officers investigate what reforms of Barnet's housing allocations system would be most effective in helping the widest number of people in housing need, and report back to Cabinet with a detailed series of options before consultation"

Business Management Overview and Scrutiny Committee 16 December 2010

<http://barnet.moderngov.co.uk/Data/Business%20Management%20Overview%20and%20Scrutiny%20Sub-Committee/201012161900/Agenda/Document%2010.pdf>

Minutes

<http://committeepapers.barnet.gov.uk/Data/Business%20Management%20Overview%20and%20Scrutiny%20Sub-Committee/201012161900/Agenda/Document%204.pdf>

(Majority report of the panel)

<http://committeepapers.barnet.gov.uk/Data/Business%20Management%20Overview%20and%20Scrutiny%20Sub-Committee/201012161900/Agenda/Document%209.pdf>

(Minority report of the panel)

The Code of Conduct in force was dated November 2009.

Cllr Rayner did not make a declaration at the meeting.

Mr Dismore's specific points are as follows:

"discussed and recommended to Cabinet the final scrutiny panel report into housing allocations changes - no recorded declaration:

Cllr Rayner's response is as follows:

"At agenda item 9 & 10 we reviewed of the report from an Overview and Scrutiny Panel considering Barnet's revised Housing Allocation Policy – that is how it allocates its social housing stock. The committee agreed the recommendations made by the panel and forwarded them to Cabinet for consideration. No decision was made by BMOSC – BMOSC is not a decision making body. I looked at the subject matter and the content of the O&S Panel's report and decided at the outset that I did not have 'personal or prejudicial interest' in this matter. I did not see that I had a personal or prejudicial interest in how the council allocated its own stock. Were the discussion to have moved into an area where I thought I might have an interest then I would have made a declaration at that time. It did not – see the record of decisions of the meeting. I could be forgiven for thinking that as we were discussing social housing policy and as Cllr McGuirk is a social housing tenant (declared at BMOSC 6th Jan 14) that she might have made a declaration – she did not. I can only assume that she thought as I did that the scope of the discussion was very limited.

"Just because the title of the topic under discussion includes the word 'housing' does not necessarily mean that all private landlords are necessarily effected - personally or prejudicially. Just because I am a private landlord and the matter being discussed has the word 'housing' in the title does not mean I should automatically have to declare a personal or prejudicial interest every time. A judgement needs to be made!

Business Management Overview and Scrutiny Committee 6 January 2014

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=119&MId=7689&Ver=4>
Minutes

The Code of Conduct in force was dated 16 April 2013.

Cllr Rayner did make a declaration at the meeting.

Mr Dismore's specific points are as follows:

Cllr Rayner made an inadequate declaration at the January 2014 BMOSC meeting where the updated housing strategy was discussed –

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=119&MId=7689&Ver=4>
reproduced here:

Minutes:

Member	Subject	Interest declared
<i>Councillor Hugh Rayner</i>	<i>Agenda Item 9 (Updating of Barnet Housing Strategy)</i>	<i>Non-pecuniary interest by nature of him being a director of a company which lets properties to social housing tenants and, in some, cases recipients of Discretionary Housing Payments</i>

Cllr Rayner's response is as follows:

"A report from the Cabinet Member for Housing entitled Updating of Barnet Housing Strategy was considered by BMOSC (agenda item 9). The committee was simply asked to note and make comments on the report. No decision was asked of BMOSC – indeed BMOSC is not a decision making body. I decided at the outset that there were topics in the report upon which I might want to bring into the discussion and upon which I might wish to comment in particular in regard the benefit cap. I therefore decided to declare a non-pecuniary interest. I did not consider that any discussion would have a direct pecuniary effect on me – levels of DHP and benefit capping are all of general interest but should not effect the rent I receive – though they may have an effect on how tenants source their rent."

Business Management Overview and Scrutiny Committee 9 January 2012

<http://barnet.moderngov.co.uk/Data/Business%20Management%20Overview%20and%20Scrutiny%20Committee/201201091900/Agenda/Document%203.pdf>

Minutes

The Code of Conduct in force was dated November 2009.

Cllr Rayner did not make a declaration at the meeting.

Mr Dismore's specific comments are as follows:

"The Business Management Oversight and Scrutiny Committee agenda of 9/1/12, which Cllr Rayner chaired included this Cabinet Resources Committee (CRC) item:

Cabinet Resources Committee – Paper on 'Future of Housing Services in Barnet' – 16 January 2012:

<http://barnet.moderngov.co.uk/Data/Cabinet%20Resources%20Committee/201201161900/Agenda/Document%204.pdf>

Throughout this paper, there are references to procuring homes in the private sector and the role of the private sector, for example at pages 9, 12, and annex 2 pages 9, 23, 35, 41.

This 'Future of Housing Services in Barnet' report, which came to CRC on 16.01.12, having already been approved by BMOSC on 09.01.12, was also exempted from the call-in process at the request of the Chair of BMOSC, Cllr Rayner:

"8.5 – The decisions to approve the business case for the Future of the Housing Service is considered to be urgent as the delay involved in awaiting any call-in to the Business Management Overview and Scrutiny Committee whose next meeting is not due to take place until 5 March 2012, would mean that the project would fail to achieve its agreed timescales. The decision is therefore regarded as urgent and an exemption from the call-in process has been sought from the Chairman of the Business Management Overview & Scrutiny Committee. In accordance with paragraph 16.8 of the Overview and Scrutiny Procedure Rules, this decision will be reported to the next available meeting of the Council (24th January 2012)."

Subsequently CRC approved the report, which was only noted at the Council meeting on 24.01.12. The report advocated the transfer of all Housing Services provided by the Council to Barnet Homes. At the time the Council provided the following Housing Services (see p. 6 of the report):

- **Advice and Assessment:** *staff in this area give advice to customers on housing issues and also assess customers who are homeless or about to become homeless on their eligibility for access to housing via the Council in the private or social housing sector.*
- **Accommodation and Resources:** *this area is responsible for maintaining the supply of properties from either the social rented sector or the private rented sector and the management of temporary accommodation.*

The report goes on to state (p. 8):

“It is important to understand that in the context of the Housing Service our customers will include some of our most vulnerable residents as well as private sector landlords, internal council services and other public sector partners, for example housing associations.”

(emphasis added)

Cllr Rayner therefore expedited a proposal that recognised him as a customer of Barnet Homes, and therefore a beneficiary of this proposal given the report’s central aim of procuring more private sector homes. Subsequently this very transfer of services was reviewed at the BMOSC meeting of 02.05.13. (See above). By this time, and indeed before, Cllr Rayner was transacting business with the Council and Barnet Homes and was a substantial beneficiary of the arrangement under discussion.

No interest was declared by Cllr Rayner, though he personally benefitted both before and after this meeting from the rent deposit and incentive scheme as he admits in his new register of interests entry and as the evidence referred to above confirms. The BMOSC committee endorsed the proposals in the officer paper.

“Minutes & Decision of Business Management Overview and Scrutiny Committee – 9 January 2012:

<http://barnet.moderngov.co.uk/Data/Business%20Management%20Overview%20and%20Scrutiny%20Committee/201201091900/Agenda/Document%203.pdf>

“Cllr Rayner should have declared at these meetings a direct pecuniary interest.

When BMOSC was discussing a policy which positively advocated procuring homes in the private sector and the role of the private sector, Cllr Rayner stood to gain personally from the decisions taken as a self-confessed landlord who takes social housing tenants, as in fact he actually did. Such decisions will also have an impact on demand for such properties as Cllr Rayner owns thus affecting rent levels.

Cllr Rayner should have made a disclosable pecuniary interest declaration at both these meetings in relation to his ownership of property as a landlord as the business conducted was of benefit to him both directly and indirectly.

As the Council and Barnet Homes administer both HB and Discretionary Housing Payments, due to his receipt directly and indirectly of HB Cllr Rayner should also have declared this as a disclosable pecuniary interest at both these meetings.

As the Council and Barnet Homes administer both rent deposit and landlord incentive scheme payments, due to his receipt directly and indirectly of such payments Cllr Rayner should also have declared this as a disclosable pecuniary interest at both these meetings.

Cllr Rayner has acted, or failed to act, contrary to part 2 of the Code.

Cllr Rayner has acted contrary to paragraph 7 of the Code, in that he has taken decisions that are for his personal benefit.

Cllr Rayner has not acted with selflessness, integrity, accountability, openness, honesty or shown leadership as required by the principles set out at paragraph 1(6) of the Member’s Code of Conduct in failing properly to declare his direct pecuniary interests.

It is also a criminal offence to fail to declare a disclosable pecuniary interest in any matter discussed at a council meeting.”

Cllr Rayner’s response is as follows:

“A report for the forthcoming CRC on 16th January 2012 entitled Future of Housing Services in Barnet was considered by BMOSC (agenda item 9). No decision was made by BMOSC – BMOSC is not a decision making body. I decided at the outset that I did not have ‘personal or prejudicial interest’ in this matter. Were the discussion to have moved into an area where I thought I might have an interest then I would have made a declaration at that time. It did not – see the record of decisions of the meeting.”

Business Management Overview and Scrutiny Committee 2 May 2013

<http://committeepapers.barnet.gov.uk/documents/g6581/Printed%20minutes%2002nd-May2013%2019.00%20Business%20Management%20Overview%20and%20Scrutiny%20Committee.pdf?T=1>

Minutes

The Code of Conduct in force was dated 16 April 2013.

Cllr Rayner did not make a declaration at the meeting.

A Dismore's specific points are as follows:

"The Business Management Oversight and Scrutiny Committee (BMOSC) of 2/5/13, which Cllr Rayner chaired, included this agenda item:

Paper presented to Business Management Overview and Scrutiny Committee – Paper titled: 'Management Agreement with The Barnet Group for the Management of Council's Housing Stock and Provision of the Housing Service' – 2 May 2013:

<http://barnet.moderngov.co.uk/documents/s8565/BMOSC%20report%20Management%20Agreement%202013%20-%20FINAL.pdf>

Under this item, BMOSC was asked to consider the Council's management agreement with Barnet Homes. The paper before the Committee included at Appendix 3 reference to the rent deposits and landlord incentives scheme, approving a fee income budget line of £230,000.

No interest was declared by Cllr Rayner, though he personally benefitted both before and after this meeting from the rent deposit and incentive scheme as he admits in his new register of interests entry and as the evidence referred to above confirms.

Minutes of 2/5/13:

Minutes and Decision of Business Management Overview and Scrutiny Committee – 2 May 2013: <http://barnet.moderngov.co.uk/documents/g6581/Printed%20minutes%2002nd-May-2013%2019.00%20Business%20Management%20Overview%20and%20Scrutiny%20Committee.pdf?T=1> “

Cllr Rayner's response is as follows:

“A report from the Cabinet Member for Housing entitled Management Agreement with The Barnet Group for the Management of Council's Housing Stock and Provision of the Housing Service was considered by BMOSC (agenda item 9). No decision was made by BMOSC – BMOSC is not a decision making body. I decided at the outset that I did not have 'personal or prejudicial interest' in this matter. Were the discussion to have moved into an area where I thought I might have an interest then I would have made a declaration at that time. It did not – see the record of decisions of the meeting.”

Improper use of his position as a councillor in dealings with council officers: misuse of public office and acting in breach of paragraphs 1(6), 4 and 5 of the Code.

A Dismore's complaint is as follows:

"The tenant of Property X states that it was Cllr Rayner who first alerted her to the existence of DHP. However it went further than that. Cllr Rayner himself set up appointments for her with officers at Barnet House to discuss DHP related matters.

When Cllr Rayner increased the rent to its above LHA level, the tenant arranged an appointment at Barnet House herself to discuss possibly moving. When she arrived she showed her paperwork to the housing officer, Mr W, who promptly left to make a phone call. Following this phone call she was ushered out of Barnet House immediately and was told that "an appointment should never have been made".

The inference is that the call was to Cllr Rayner as later Cllr Rayner told her that she should stop what she was doing, i.e. trying to find another property via Barnet Homes, as she would soon "beg to come back" to his property. He also told her that she would need to leave London if she hoped to find another property at the same level of rent as he was offering her.

This information can only have come as the result of improper contact between Cllr Rayner and council officers, apparently in breach of the tenant's expectation of confidentiality from the council when discussing her private housing arrangements. This is a misuse of public office.

Cllr Rayner disclosed confidential information concerning his tenant contrary to paragraph 4 and used his position as a councillor to secure an advantage for himself contrary to paragraph 5 of the Code.

Cllr Rayner has failed to act with selflessness, integrity, objectivity, accountability, openness, honesty and to exercise leadership by behaving in ways that do not exemplify the high standards of conduct required by paragraph 1(6) of the Member's Code of Conduct in the conduct of his dealings with council officers. "

Investigation

I contacted the (former) tenant referred to in the complaint Mrs S who provided information via her sister who accompanied her on her visit to Barnet House. I have also contacted Cllr Rayner, Mr W and other officers both at Barnet Homes and the Council to understand the background to this complaint.

Background

As previously stated Discretionary Housing Payments were introduced in 2001. They were administered by LBB until 2008 when the administration was transferred to Barnet Homes. In April 2013 the administration reverted back to the Council and it was outsourced to Capita on 1 September 2013.

Between the period 1 April and beginning of July 2013, when Mrs S first made her claim, Barnet Council dealt with claims for DHP by form only. There was no interview process. From 1 July 2013 in order to assist tenants to deal with the benefit cap the DHP team was colocated in Barnet House alongside some (not all) Barnet House Housing Needs staff and staff from Job Centre Plus.

Tenants who made an appointment with a Housing Needs Officer might also have had an opportunity when visiting Barnet House to speak to a Council staff member dealing with DHP if one was available.

Mrs S approached the Council with regards to DHP and Barnet Homes in relation to her housing situation. Staff of Barnet Homes are not council staff.

I asked the Benefit Team Manager who administers DHP whether there was any record of Councillor involvement in arranging meetings regarding DHP. She confirmed that all Mrs S's applications for DHP were determined on the basis of her application forms. There were no face to face interviews. There were several applications for DHP as each grant of DHP was time limited.

I was informed that there was no evidence on the DHP file that the Council "*had any dealings with Cllr Rayner regarding her DHP, although we have had answered enquiries from him regarding her HB payments which I wouldn't consider improper.*"

This is reflected in the document contained in Mr Dismore's complaint that was sent by the Council to Mrs S setting out Cllr Rayner's request to have Housing Benefit paid to him in accordance with Regulation 95(1)(b) Housing Benefit Regulations 2006.

Finally, I was informed that one of Mrs S's applications had been provided to the DHP team via Ms H Ms H is a member of the Barnet Homes Housing Options Team. She does not deal with DHP

Mrs S's comments re appointments for DHP

In relation to DHP Mrs S said that Cllr Rayner helped her complete the form and made an appointment for her. However she cannot remember when the appointment was and cannot provide me with any documentation that confirms this. She produced a piece of paper with the name of Ms D 8359 2251 written on it and stated "*this is the number he called for the discretionary form details and we found this in my papers.*"

She also produced a piece of paper with the name of Ms H 13 May 2013 at 11 o'clock with 2 telephone numbers both of which were Ms H an employee of Barnet Homes. Mrs S's sister stated that "*this is the evidence that he arranged the meetings and told us to use this detail everytime we needed to discretionary payment. He spoke to her on the phone at the house when I was there.*"

Copies of these 2 documents are at Appendix C

Cllr Rayner's response (author's précis)

Cllr Rayner accepted that the paper with the name of Ms D was in his handwriting was in his handwriting, but not that with Ms H's name.

In relation to Ms D's name and number, he stated "*I am not sure why I wrote it down for Mrs S but suspect it was a contact number to ask questions about DHP.*"

In relation to Ms H, Cllr Rayner said "*I do not recall making appointments other than 8th May 2013 but I would have reminded Mrs S that Ms H at Barnet Homes was handling her case.*"

Cllr Rayner informed me that he had made a call to Barnet Homes on 25 April 2013 on behalf of Mrs S to make an appointment for her to see a Housing Needs Officer, He showed me an email dated 25 April 2013 sent to him confirming a telephone conversation of that day and an appointment for 8 May 2013. This was from Ms I, Housing Supply Manager. This is attached at Appendix D.

Cllr Rayner said that he did not complete the application form for Mrs S.

The following is Cllr Rayner's detailed response

"I have has been a councillor since 2006. I am not sure whether I was the first person to alert the tenant to DHP. Her rent account with S&H Housing Ltd went into special measures in December 2012 when the four bedroom housing benefit limit was imposed reducing the housing benefit she received to below her contracted rent – from £461.50 to £346.15. Around this time we would have discussed ways of resolving this dilemma which would have included her finding alternative accommodation. To give her time to find alternative accommodation whilst avoiding building up arrears DHP would have been discussed. This is using all my knowledge to be a good landlord. And I cannot dismiss from my mind knowledge I may have gained whilst being a councillor. Why would I? I do not know what other discussions she had with Barnet Homes on this subject around this time but suspect they might also have raised DHP as a short term solution. We accepted the lower housing benefit as rent (£346.15 rather than the contracted £461.50) from December 2012 until end of March 2013 when DHP cut in bringing the money received by the tenant back up to £461.50pw for a predetermined period.

I do recall phoning Barnet Homes from the tenants house in the tenants presence (because my English was better than the tenants and I could better explain the situation) sometime in April 2013 to arrange an appointment for the tenant to discuss the way forward with Barnet Homes Housing Supply appreciating that DHP would only be paid for a limited time. This appointment was confirmed by Ms I for 8th May 2013. Sometimes, when calling Barnet Homes I would be recognised as a councillor and in these cases I would make a point of stating whether I was calling as a councillor or a landlord. Having said that, even when calling as a councillor, I would never bring undue pressure on officers from Barnet Homes to take a particular course of action or attempt to interfere with their decision making."

Mrs S's comments re meeting with Mr W

Mrs S saw Mr W on 13 February 2014 regarding potential homelessness. The appointment was not made by Cllr Rayner but by or with the support of Cllr Farrier. Mrs S said:

"Went to Burnt Oak library to speak with Cllr Claire Farrier and she told us to go to Barnet Homes. Barnet Homes refused to make an appointment as you have no rights to a rehousing. Finally, she made an appointment for two weeks after for Mr Neil W when speaking to the receptions and they arranged the appointment."

The customer services officer who dealt with Mrs S at the reception and who made the appointment has recorded that there was "Councillor involvement Claire Sarrier" (sic)

At the meeting with Mr W Mrs S said that Mr W left the office to make a phone call. She said he spoke to her for 10 minutes and” *then left in between for 30 minutes*”

She said that Mr W did not tell her that he was speaking to Cllr Rayner. She thinks it was Cllr Rayner because:

“Cllr Hugh Rayner used to say to me that I will not find a property in a Barnet, look for properties outside London. After the phone call Mr W came back and said the same thing to me.”

Mrs S confirmed that Mr W asked her to leave immediately after the phone call saying that an appointment should never have been made and that he turned down her application at the meeting.

I asked Mrs S whether she told Cllr Rayner whether she was looking for another property. She confirmed that she had and that Cllr Rayner had said the following to her:

“That I wouldn't find one inside London and should search for houses that are cheaper and you will not find it in London maybe someone in your household can work or you should to get a job as you have to work as someone who doesn't work in London has no rights to a housing in London and to search for houses in places like newcastle and york.”

Mr W's comments

Mr W stated that he cannot remember whether he left the room to make a phone call when he was meeting Mrs S and her female friend who acted as an interpreter. He does not know Cllr Rayner and cannot recall having any contact with him. He stated that he did not usher Mrs S in the manner alleged.. She left with him a number of documents. He asked her to provide proof her employment from 2002. When she subsequently failed to provide this or to contact him, Mr W wrote to Mrs S on 21 February 2014 informing her that she was not eligible for homelessness assistance. (Appendix E)

Cllr Rayner' comments

Cllr Rayner said that he did not know Mr W. He did not recall having ever discussed Mrs S with Mr W, *“but I did receive various calls from Barnet Homes to me as a landlord to try and sort out the tenants situation – mainly during 2013. In the main I dealt with Ms H.”* Nor did Cllr Rayner have any recollection of speaking with Mr W on 13 February 2014.

Cllr Rayner agrees that he discussed the problems of finding alternative accommodation in London with Mrs S in the following way:

“My conversations with the tenant were always along the line that whilst her benefit was being capped there would be very little left over, after paying other benefits, for housing benefit – around £160pw. I pointed out that it was very unlikely that this would be insufficient to get a house of sufficient size to accommodate her family in the local area. This was by way of reinforcing the message that the tenant should take steps to get the cap removed. I also pointed out that DHP was only a stop gap to give her time to take the necessary steps get the cap removed. Indeed I held off enforcing possession until the last possible moment to

give her more time. She did not do anything, instead relying on her appeal for disability benefit qualification (which would have removed the cap) but this had not been decided at the time of her eviction. If we had not evicted the tenant when we did then, at the end of March 2014, the DHP would have stopped for the last time and the tenant would have started to accumulate colossal arrears. As it was the arrears she did run up (approaching £4000 – that is four thousand pounds) were not used as a reason for getting the possession order as asserted somewhere else in the complaints and were effectively written off when the tenant left. Indeed, despite the considerable arrears, some of the tenants deposit was nevertheless generously refunded.”

Finally, Cllr Rayner made a general statement regarding this allegation

“Summary: I have been in housing management since 1988. And I have been a councillor since 2006 during which time I have learnt a lot about many things which help me in my job as a housing manager. You will appreciate I cannot switch off being councillor completely when dealing with my tenants. Indeed I consider being a councillor makes me a better housing manager and being a housing manager helps to improve my performance as a councillor. The important objective which I happen to share in my role as a landlord and my role as a councillor is to get the best for my tenant/resident. And if this means calling on knowledge I have gained as a councillor then so be it. Certainly, I use knowledge gained as a housing manager when advising residents on housing matters! I do not see any incompatibility in this. “

Cllr Rayner's final statement in relation to all the allegations

"Mr Dismore's complaints refer. The monitoring officer has already ruled on a number of these leaving just the questions of using undue influence and non-declaration at meetings. I have already answered specific points raised by the borough solicitor but would like to summarise my responses.

In regard to undue influence I presume the accusation is using undue influence on officers - that is using my position as a councillor to influence their decisions. In all my dealings with Barnet Homes when dealing with matters directly concerning a tenant I would always try and divorce my position as a councillor from that as a landlord but in any case I have never used my position as a councillor to try and influence any decision being made by an officer. Indeed, I believe the complaint goes on to infer that I use my position as a councillor to benefit myself financially and to the detriment of a tenant, again by using my influence to persuade an officer to take a particular course of action. This I strongly refute.

In regard to non-declaration, the inference of Mr Dismore's complaints is that I am taking cynical view on declarations at meetings to benefit myself financially. I would refute this. I take these matters seriously, but do not declare unnecessarily. In coming to my decision I apply the rule of what might be considered reasonable but at the end of the day it is a judgement call which we all have to make. If an item does not affect me directly, if an item is not going to be discussed or if I am not being asked to make a decision then I would not declare at the outset. If in the progress of the meeting any of these matters changed I would then need to make a further judgement call. The underlying accusation in all of the complaints is that I am not declaring in order to obtain pecuniary advantage for myself. It is suggested, for instance, that if I vote for a budget that includes a sum for an item that I may at some time in the future take advantage of then I should declare. I am sorry but we vote all sorts of things in the budget including money for care for old people. Am I to declare that one day I will be old?

Now moving from the general to the particular – and for clarity please understand that I own S&H Housing Ltd along with my wife, a company which manages a number of houses - some owned by S&H Housing Ltd, some owned personally by Hugh & Susan Rayner and some owned by clients.

Please see the list below of fifteen properties which S&H Housing manages. For clarity I have excluded properties under long term contracts with Genesis Housing and houses owned by clients. You will see from the list that the majority of leases start dates predate 2010 (the year of the first meeting with which Mr Dismore took issue), and all but two were from private recommendation (that is no council or Barnet Homes involvement with finding tenants). Indeed some houses are occupied by tenants who have moved from other S&H managed properties. But only two had any involvement with Barnet Homes. Not the great reliance on Barnet policies as was asserted by the complainant! Please note that even when Barnet Homes are involved, the contract is between the landlord and the tenant - Barnet Homes are not a party to the contract.

Of the two houses with Barnet Homes' involvement the first (house reference 4 on attached list) was let in January 2013 where the advance rent provided by Barnet Homes was repaid in February 2013 and the deposit provided by Barnet Homes was recorded on the lease as requiring it to be returned to the provider at the end of the lease. Indeed, Barnet Homes were given as the other party when the deposit was lodged. It was only after we had found this tenant a house and were discussing the deposit that we discovered, to the tenants advantage as we do not let houses out without taking a deposit, that the deposit could be funded by Barnet Homes. Not so

much an incentive for the landlord but a necessity for the tenant! For the record, this tenant was previously a tenant of S&H in the 1990s and sought S&H out when they returned to the area in 2013.

The second property (house reference 10 on attached list) was leased in March 2014, later than any of the meetings being challenged by the complainant. Again this tenant came to us by private recommendation and it was only after we had entered into negotiations that we discovered that she would be eligible for an incentive package.

Just one tenant (house reference 8 on attached list) received DHP starting in April 2013, and as decided by Barnet Homes. It is important to note that I do not receive housing benefit or DHP, I only receive rent. It is the tenant's responsibility to source his/her rent.

I do not consider I have used my position as councillor incorrectly nor do I consider that my declarations record at meetings has been incorrect. I trust you will take the same view.

I will not use this opportunity to state how despicable I consider Mr Dismore's behaviour as a GLA member has been, raising unfounded complaints at City Hall without the decency of first raising them with me – after the event is not good enough! Nor will I take this opportunity to state how upset some of my longstanding tenants are as a result of being harassed by certain labour councillors and about having statements they have given being misrepresented in the body of Mr Dismore's so called 'evidence' – statements used incidentally without their permission. Nor will I take this opportunity to express concern about the reliance put by Mr Dismore on statements from one tenant in particular – a tenant who was aggrieved at having been evicted. I will not take this opportunity because these matters are not under examination by you."

Property managed by S&H Housing Ltd as at 31st March 2014

Owned by S&H or HR/SR

Without Genesis long term contracts and client owned property.

No.	Tenants moved in	How found	
1	2000	private recommendation	
2	2010	private recommendation	moved from another S&H property
3	1996	private recommendation	
4	Jan-13	private recommendation	moved from another S&H property
		<i>deposit placed by Barnet Homes with lease recording it is to be returned to provider</i>	
		<i>advanced rent initially funded by Barnet Homes repaid March 2014</i>	
5	2013	private recommendation	
6	2005	private recommendation	
7	2010	tenant was in situ when property was purchased	
8	2006	private recommendation	evicted Mar 2014
9	2002	private recommendation	
10	Mar-14	private recommendation	
		<i>cash incentive offer from Barnet Homes - 31/3/14</i>	
11	2006	private recommendation	
12	2003	private recommendation	
13	2009	private recommendation	
14	2012	private recommendation	
15	2007	private recommendation	

Linda Cohen
Investigating Officer
15 August 2014

Addendum from the Deputy Monitoring Officer - 26th August 2014

This report was sent to Mr Dismore and Cllr Rayner in draft prior to circulation to the panel. Mr Dismore's comments having seen the draft report, which includes both his comments as to matters of fact and his submissions to the panel generally, are produced at Appendix F for the panel's consideration. Councillor Rayner has also made a written submission to the panel having seen the draft report, which is included at Appendix G. Legal advice will be available to the panel at the meeting to clarify which of the matters raised within those submissions are within the panel's terms of reference, should they require this"

Members' Codes of Conduct

1. November 2009
2. 10 July 2012
3. 16 April 2013
4. Current Code of Conduct 8 April 2014

REVISED NOVEMBER 2009
Applies to following meetings:
2 Mar 2010
12 July 2010
16 December 2010
1 March 2011
9 Jan 2012
6 Mar 2012

THE BARNET CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State.

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

(4) In this Code:

 "meeting" means any meeting of:-

 (a) the authority;

 (b) the executive of the authority;

 (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

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

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:-

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

(b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.

(2) You must not:-

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:-

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:-

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either:-
- (a) it relates to or is likely to affect:-
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes;
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or
 - (dd) that is a private club, society, order, lodge, fellowship, institution or other association (for the avoidance of doubt, this category includes freemasons),
- of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:-

- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
- (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

- (2) In sub-paragraph (1)(b), a relevant person is:-
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in

accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:-

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:-

(a) you must withdraw from the room or chamber where a meeting considering the business is being held:-

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

- 13.** (1) Subject to paragraph 14, you must, within 28 days of:-
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later), register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

- 14.** (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Advisory Note

On 10 September 2009, Standards Sub-Committee (B) conduct a formal hearing into a complaint of a breach of the Council's Members Code of Conduct. When issuing their decision they made the following recommendation to the Council.

"The Sub-Committee's advice to the Council and to Members of the Council is that the London Borough of Barnet Members' Code of Conduct rightly sets high standards of behaviour on the part of Councillors when dealing with others. That requirement extends to the sending of e-mails and other communications. Particular care needs to be taken with e-mails because of the speed with which they can be prepared, sent and distributed widely. If a Member is intending to send an e-mail which may contain material that could be construed as personally offensive and/or containing intemperate language, we would counsel the Member against sending that e-mail. Should the Member still be intent on sending the e-mail, we would advise that s/he first consult a senior colleague, or, the Monitoring Officer, or, other appropriate professional officers and allow a period of time, of probably not less than 24 hours, to fully consider, amongst other matters, the consequences of sending that e-mail. This advice applies generally, but particularly in circumstances where the Member believes that they are being subjected to what they consider to be unreasonable and personally directed comment of an abusive nature, whether conducted over a period of time, or, as an isolated incident."

Adopted by Council 10 July 2012
In force for:
5 March 2013

THE BARNET CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of London Borough of Barnet.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code:
 - "meeting" means any meeting of:-
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - "member" includes a co-opted member and an appointed member.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:-
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) As a member or co-opted member of London Borough of Barnet you have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

1 (2) In accordance with the provisions of the Localism Act 2011, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for the borough's residents and maintain public confidence in this authority;-

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

(3) You must treat others in a manner which is consistent with the obligations set out in paragraphs 3 (1) and 3 (2) above.

(4) You must not:-

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:-

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:-

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You—
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

7. (1) You have a personal interest in any business of your authority where either:-
- (a) it relates to or is likely to affect:-
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes;
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or
 - (dd) that is a private club, society, order, lodge, fellowship, institution or other association (for the avoidance of doubt, this category includes freemasons),

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

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:-

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is:-

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which

they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

8. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

9. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- (3) Members and co-opted Members who have a disclosable pecuniary interest are required, if it relates to a matter being considered at any Council, Committee, Sub-Committee or Executive meeting of the Authority, to declare the interest (whether or not it has been registered) and to withdraw from the meeting (including the room) and take no part in any discussion or associated vote on the matter. Members are also advised that this should apply in the case of prejudicial interests to any formal Party Group meeting or meeting with Officers.
- (4) Details of prejudicial interests and disclosable pecuniary interests will be recorded in the minutes of the relevant meeting.
- (5) The Monitoring Officer has the power to grant written dispensations (in exceptional circumstances) for Members to participate in the discussion and voting on a matter where they would otherwise be precluded from doing so and report any such dispensation to Council.

Prejudicial interests arising in relation to overview and scrutiny committees

10. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:-
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

11. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:-

(a) you must withdraw from the room or chamber where a meeting considering the business is being held:-

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation as confirmed in writing from your authority's Monitoring Officer;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

Part 3

Registration of Members' Interests

Registration of members' interests

12. (1) Subject to paragraph 14, you must, within 28 days of:-

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

notify the your authority's Monitoring Officer in writing of the disclosable pecuniary interests notifiable under the Localism Act 2011 and details of your other personal interests where they fall within the descriptions set out in paragraph 8 so that they may

be included in the in your authority's register of members' interests

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new interest or change to any interest required to be registered under paragraph (1), register details of that new-interest or change by providing written notification to your authority's Monitoring Officer.

Sensitive information

13. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's Monitoring Officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Advisory Note

On 10 September 2009, Standards Sub-Committee (B) conducted a formal hearing into a complaint of a breach of the Council's Members Code of Conduct. When issuing their decision they made the following recommendation to the Council.

"The Sub-Committee's advice to the Council and to Members of the Council is that the London Borough of Barnet Members' Code of Conduct rightly sets high standards of behaviour on the part of Councillors when dealing with others. That requirement extends to the sending of e-mails and other communications. Particular care needs to be taken with e-mails because of the speed with which they can be prepared, sent and distributed widely. If a Member is intending to send an e-mail which may contain material that could be construed as personally offensive and/or containing intemperate language, we would counsel the Member against sending that e-mail. Should the Member still be intent on sending the e-mail, we would advise that s/he first consult a senior colleague, or, the Monitoring Officer, or, other appropriate professional officers and allow a period of time, of probably not less than 24 hours, to fully consider, amongst other matters, the consequences of sending that e-mail. This advice applies generally, but particularly in circumstances where the Member believes that they are being subjected to what they consider to be unreasonable and personally directed comment of an abusive nature, whether conducted over a period of time, or, as an isolated incident."

ADOPTED BY COUNCIL 16 APRIL 2013

**In force for:
2 May 2013
6 January 2014
4 March 2014**

BARNET COUNCIL

MEMBERS CODE OF CONDUCT

PART 1

GENERAL PROVISIONS

Introduction and interpretation

1. (1) This Code applies to you as a Member of London Borough of Barnet.
 - (2) You should read this Code together with the general principles prescribed by the Secretary of State.
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) In this Code:
 - "meeting" means any meeting of:-
 - (a) the Council;
 - (b) the executive of the Council;
 - (c) any of the Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - "Member" includes a Co-opted member and an Appointed Member.
 - (5) As a Member or Co-opted Member of London Borough of Barnet you have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.
 - (6) In accordance with the provisions of the Localism Act 2011, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for the borough's residents and maintain public confidence in this authority
- SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Scope

2. (1) You must comply with this Code whenever you **are acting in your capacity as a Member of the council.**

General obligations

3. (1) You must treat others in a manner which is consistent with the obligations set out in paragraphs 1 (5) and 1 (6) above.
 - (2) You must not:-
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
- in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:-

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) the Council's Chief Finance Officer; or

(b) the Council's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

7. When reaching decisions you should -

- (a) not act or cause the Council to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking to the Court, or for the advantage of any particular person or interest rather than in the public interest; and
- (b) take into account all material information of which you are aware and then take the decision on its merits and in the public interest

PART 2

INTERESTS

Disclosable Pecuniary Interests

- 8.1 A pecuniary interest is a “Disclosable Pecuniary Interest” if it is of a description specified in Appendix 1 and either:
- (a) it is the interest of you as a Member or
 - (b) it is an interest of:
 - (i) the Member’s spouse or civil partner
 - (ii) a person with whom the Member is living as husband and wife, or
 - (iii) a person with whom the Member is living as if they were civil partners,
- and the Member is aware that the other person has that interest.
- 8.2 If you are in any doubt as to whether you should continue to participate in any matter, you should take advice from the Monitoring Officer at an early stage as to whether your circumstances permit continued participation.
- 8.3 You, or some firm or body with which you are personally connected may have professional, business or other personal interests within the area for which the Council is responsible. Such interests may be substantial and closely related to the work of the Executive or one or more of the Council’s committees.
- 8.4 You should not seek, or accept, membership of the Executive or any such committee, if that would involve you in disclosing an interest so often that you could be of little value to the Executive or committee, or if it would be likely to weaken public confidence in the duty of the Executive or committee to work solely in the general public interest.

Effect of disclosable pecuniary interests on participation

- 9.1 Where you are present at a meeting of the Council and you are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, then:
- (a) if the interest is not entered on the Council’s register of interests you must (subject to the provision relating to sensitive interests) disclose the interest to the meeting, and

(b) if the interest is not entered on the Council's register of interests and is not the subject of a pending notification you must notify the Monitoring Officer of that interest before the end of 28 days beginning with the date of disclosure and

(c) (i) (subject to any current dispensation) may not participate (or participate further) in any discussion of the matter at the meeting or

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

(iii) and must leave the room in which the meeting is being held

9.2 If a function of the Council may be discharged by you as a single member acting alone and you are aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function then

(a) if the interest is not entered on the Council's register of interests and is not the subject of a pending notification you must notify the Monitoring Officer of that interest before the end of 28 days beginning with the date when you became aware of the existence of the interest in relation to the business to be dealt with and

(b) you must not take any steps, (or further steps) in relation to that matter except for the purpose of enabling the matter to be dealt with otherwise than by you.

(c) decision-making by a single executive member is a matter of particular sensitivity, and if you have a disclosable interest in a matter on which you may take a decision you should wherever possible refer the matter to the Executive for a collective decision.

Other Interests

10.1 In addition to the above requirements, if you attend a meeting at which an item of business is to be considered and you are aware that you have a "non disclosable pecuniary interest or non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

10.2 You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of your authority where –

(a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or

(b) it relates to or is likely to affect any of the interests listed in the Table in Appendix 1 of this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association and

that interest is not a disclosable pecuniary interest.

Gifts and Hospitality

- 11.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the Council.
- 11.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 11.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

PART 3

REGISTRATION OF MEMBERS' INTERESTS

Registration of Members' Interests

12. (1) Subject to paragraph 13, you must, within 28 days of:-

- (a) this Code being adopted by or applied to your authority; or

- (b) your election or appointment to office (where that is later),

notify the Council's Monitoring Officer in writing of the disclosable pecuniary interests notifiable under the Localism Act 2011 and details of your other personal interests where they fall within the descriptions set out in paragraph 8 so that they may be included in the in the Council's register of members' interests

- (2) Subject to paragraph 13, you must, within 28 days of becoming aware of any new interest or change to any interest required to be registered under paragraph (1), register details of that new interest or change by providing written notification to the Council's Monitoring Officer.

Sensitive information

13. Where you have a personal or declarable pecuniary interest and you and the Monitoring Officer consider that it is of such a nature that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation then:

- (a) if the interest is entered on the Council's Register, copies that are made available for inspection and any publishes version of the Register must not include details of the interest but may state that you have an interest details of which are withheld under this provision.

- (b) if by virtue of this Code you are required to disclose an interest at a meeting then that requirement shall be amended to only require disclosure that such an interest exists in respect of the matter concerned, but not the terms of that interest.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the Council's Monitoring Officer asking that the information be included in the Council's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

APPENDIX 1

DISCLOSABLE PECUNIARY INTERESTS

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. For those purposes `Disclosable Pecuniary Interests` are defined as follows:

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member in carrying out duties as a member, or towards the election expenses of a Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to a Member's knowledge) - (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to a Member's knowledge) has a place of business or land in the area of the relevant authority; 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

Adopted By Council 8 April 2014

BARNET COUNCIL

MEMBERS CODE OF CONDUCT

PART 1

GENERAL PROVISIONS

Introduction and interpretation

1. (1) This Code applies to **you** as a Member of London Borough of Barnet.

(2) You should read this Code together with the general principles prescribed by the Secretary of State.

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

(4) In this Code:

"meeting" means any meeting of:-

(a) the Council;

(b) any of the Council's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"Member" includes a Co-opted member and an Appointed Member.

(5) As a Member or Co-opted Member of London Borough of Barnet you have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

(6) In accordance with the provisions of the Localism Act 2011, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for the borough's residents and maintain public confidence in this authority -

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is

appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Scope

2. (1) You must comply with this Code whenever you are acting in your capacity as a Member of the council.

General obligations

3. (1) You must:-
 - (a) treat others in a manner which is consistent with the obligations set out in paragraphs 1 (5) and 1 (6) above.
 - (b) treat others with respect.
- (2) You must not:-
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not:-
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the

information to any other person; or

(iv) the disclosure is:-

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You:-

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) the Council's Chief Finance Officer; or

(b) the Council's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

7. When reaching decisions you should:-

(a) not act or cause the Council to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking to the Court, or for the advantage of any particular person or interest rather than in the public interest; and

(b) take into account all material information of which you are aware and then take the decision on its merits and in the public interest

PART 2

INTERESTS

Disclosable Pecuniary Interests

- 8.1 A pecuniary interest is a “Disclosable Pecuniary Interest” if it is of a description specified in Appendix 1 and either:
- (a) it is the interest of you as a Member or
 - (b) it is an interest of:
 - (i) the Member’s spouse or civil partner
 - (ii) a person with whom the Member is living as husband and wife, or
 - (iii) a person with whom the Member is living as if they were civil partners,
- and the Member is aware that the other person has that interest.
- 8.2 If you are in any doubt as to whether you should continue to participate in any matter, you should take advice from the Monitoring Officer at an early stage as to whether your circumstances permit continued participation.
- 8.3 You, or some firm or body with which you are personally connected may have professional, business or other personal interests within the area for which the Council is responsible. Such interests may be substantial and closely related to the work of one or more of the Council’s committees.
- 8.4 You should not seek, or accept, membership of any committee, if that would involve you in disclosing an interest so often that you could be of little value to the committee, or if it would be likely to weaken public confidence in the duty of the committee to work solely in the general public interest.

Effect of disclosable pecuniary interests on participation

- 9.1 Where you are present at a meeting of the Council and you are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, then:
- (a) if the interest is not entered on the Council’s register of interests you must (subject to the provision relating to sensitive interests) disclose the interest to the meeting, and
 - (b) if the interest is not entered on the Council’s register of interests and is not the subject of a pending notification you must notify the Monitoring Officer of that interest before the end of 28 days beginning with the date of disclosure and
 - (c) (i) (subject to any current dispensation) may not participate (or participate further) in any discussion of the matter at the meeting or
 - (ii) participate in any vote (or vote further) taken on the matter at the meeting
 - (iii) and must leave the room in which the meeting is being held

Other Interests

- 10.1 In addition to the above requirements, if you attend a meeting at which an item of business is to be considered and you are aware that you have a “non disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the

consideration of the item of business or as soon as the interest becomes apparent.

- 10.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
- (a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
 - (b) it relates to or is likely to affect any of the interests listed in the Table in Appendix 1 of this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and
- that interest is not a disclosable pecuniary interest.
- 10.3 You must declare any personal interests, both pecuniary and non-pecuniary, including your membership of any Trade Union that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming to the procedures set out in section 12 below.

Gifts and Hospitality

- 11.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality offered with a value in excess of £25 which you have accepted or declined as a member from any person or body other than the Council.
- 11.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 11.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

PART 3

REGISTRATION OF MEMBERS' INTERESTS

- 12.1 You must, within 28 days of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse’s or civil partner’s, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 12.2 In addition, you must, within 28 days of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act

in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

- 12.3 If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.
- 12.4 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 12.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You should leave the room.
- 12.6 In cases where a member has a disclosable pecuniary interest, they may still be able to participate and vote at a meeting if they have obtained a dispensation from the Monitoring Officer in accordance with the provisions set out below:

There are 5 circumstances in respect of which a dispensation may be granted, namely:

- (a) That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would 'impede the transaction of the business';
 - (b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - (c) That the authority considers that the dispensation is in the interests of persons living in the authority's area; or
 - (e) That the authority considers that it is otherwise appropriate to grant a dispensation
- 12.7 Each Member will be required to apply for a dispensation from the Monitoring Officer in writing. The Monitoring Officer will be required to report to each Committee the dispensations granted where it is relevant to that Committee.

Sensitive information

13. Where you have a personal or declarable pecuniary interest and you and the Monitoring Officer consider that it is of such a nature that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation then:
 - (a) if the interest is entered on the Council's Register, copies that are made available for inspection and any published version of the Register must not include details of the interest but may state that you have an interest details of which are withheld under this provision.
 - (b) if by virtue of this Code you are required to disclose an interest at a meeting then that requirement shall be amended to only require disclosure that such an interest exists in respect of the matter concerned, but not the terms of that interest.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the Council's Monitoring Officer asking that the information be included in the Council's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

DISCLOSABLE PECUNIARY INTERESTS

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner. The duties to register, disclose and not to participate in respect of any matter in which a Member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member in carrying out duties as a member, or towards the election expenses of a Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992). The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
Contracts	Any contract which is made between you, or your spouse or civil partner (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which you, or your spouse or civil partner has within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) which you, or your spouse or civil partner, holds to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to a Member's knowledge) - (a) the landlord is the relevant authority; and (b) the tenant is a body in which you, or your spouse or civil partner has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to a Member's knowledge) has a place of business or land in the area of the relevant authority; 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.

Process for complaints about the conduct of a councillor or co-opted member

- (a) Complaints would initially be investigated by the Monitoring Officer or a representative designated by him/her.
 - (i) The Monitoring Officer after consulting with the Independent Person will decide whether any complaint should go to a formal process. If the Monitoring Officer believes that the complaint is frivolous or vexatious or does not fall within the scope of the Code or Conduct, the complaint can be rejected following consultation with an appointed Independent Person.
 - (ii) If the Monitoring Officer decides that a complaint should go to a formal process, the Monitoring Officer will provide a written report to the Group Leaders Panel within three months of receiving the complaint. The report would comprise purely factual findings without any conclusion drawn as to whether or not a breach of the code is believed to have taken place.
- (b) The complainant and subject Member would be able to make written representations to and answer questions in writing or verbally from the Monitoring Officer but there would not be 'in person' interviews at this stage.
- (c) The Monitoring Officer would have the discretion to assemble other evidence to assist the Panel as appropriate.
- (d) The Panel would have discretion to decide whether to take evidence in writing or in person from the complainant and the subject Member and whether or not to take statements / evidence from other parties.
- (e) Procedures would have an emphasis on flexibility and informality (insofar as possible and consistent with the principles of natural justice) and dispute resolution.
- (f) Consideration of and decisions on complaints to be dealt with by a Panel comprising the Leaders of all the political Groups represented on the Council taking account of the views of the 'Independent Person', with a right of appeal to full Council. Where the subject member is a Group Leader, the Panel would comprise the Deputy Group Leader.
- (g) Powers of sanction would include resolution of censure but would also extend to requests to Group Leaders/Political Groups to take appropriate action.
- (h) When giving evidence in person to the Group Leaders Panel, the complainant and the subject Member could bring along a friend/lay person (but not a legal representative), based on the definition used in staff disciplinary procedures.
- (i) Where a Member is found by the Panel to be in breach of the Code of Conduct, the Panel could, if they so decided, recommend to Full Council to censure or make recommendations to the Group Leaders/Political Groups on what "sanctions" the Panel believe should be imposed, subject to the Group Leaders/ Political Groups being legally able to impose such "sanctions".
- (j) Where the Group Leaders /Political Groups are asked to impose appropriate sanctions, there should be a requirement for the Group Leaders to formally notify the Panel on what action they have taken and, if no action is taken, the reason why.
- (k) All decisions following a hearing should be published on the council's website; subject to the right of a subject Member to request non-publication in any case where there is a finding that the Code of Conduct has not been breached.
- (l) Two "Independent Persons" should be appointed to ensure that one is always available to be consulted. One would be the primary independent person and the other a secondary independent person.

THE BARNET CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
 - (2) You should read this Code together with the general principles prescribed by the Secretary of State.
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) In this Code:
 - "meeting" means any meeting of:-
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - "member" includes a co-opted member and an appointed member.
 - (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:-
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have

effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.

(2) You must not:-

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:-

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:-

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either:-
- (a) it relates to or is likely to affect:-
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes;
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or
 - (dd) that is a private club, society, order, lodge, fellowship, institution or other association (for the avoidance of doubt, this category includes freemasons),
- of which you are a member or in a position of general control or management;
- (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:-

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is:-

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public

with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:-

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:-

(a) you must withdraw from the room or chamber where a meeting considering the business is being held:-

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of:-

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later), register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Advisory Note

On 10 September 2009, Standards Sub-Committee (B) conduct a formal hearing into a complaint of a breach of the Council's Members Code of Conduct. When issuing their decision they made the following recommendation to the Council.

"The Sub-Committee's advice to the Council and to Members of the Council is that the London Borough of Barnet Members' Code of Conduct rightly sets high standards of behaviour on the part of Councillors when dealing with others. That requirement extends to the sending of e-mails and other communications. Particular care needs to be taken with e-mails because of the speed with which they can be prepared, sent and distributed widely. If a Member is intending to send an e-mail which may contain material that could be construed as personally offensive and/or containing intemperate language, we would counsel the Member against sending that e-mail. Should the Member still be intent on sending the e-mail, we would advise that s/he first consult a senior colleague, or, the Monitoring Officer, or, other appropriate professional officers and allow a period of time, of probably not less than 24 hours, to fully consider, amongst other matters, the consequences of sending that e-mail. This advice applies generally, but particularly in circumstances where the Member believes that they are being subjected to what they consider to be unreasonable and personally directed comment of an abusive nature, whether conducted over a period of time, or, as an isolated incident."

Register of Members' Interests

1. Cllr Rayner's entry for 18 May 2006
2. Cllr Rayner's entry for 13 July 2010 with subsequent additions
3. Cllr Rayner's entry for 18 June 2014 with subsequent additions

Submitted by Cllr H Rayner
18/5/06

APPENDIX B

LONDON BOROUGH OF

LOCAL CODE OF CONDUCT

REGISTER OF MEMBERS' INTERESTS

PART I – COMPULSORY DECLARATIONS

PART II – ADDITIONAL VOLUNTARY DECLARATIONS

PLEASE NOTE

Part I of this document contains a declaration of interests which all Members must, by law, complete

*Part II is a **voluntary** declaration of additional interests. It is the Council's policy to ask Members to complete Part II, but it is not obligatory.*

Both documents are open to public inspection.

LONDON BOROUGH OF BARNET

PART I

FORM OF GENERAL NOTICE

REGISTER OF MEMBERS' INTERESTS

GENERAL NOTICE OF REGISTRABLE INTERESTS

I, [NAME], HUSH RAYNER

a member of the Council of the London Borough of Barnet, give notice that

Either

I have no financial or other interests which are required by the Council's Local Code of Conduct to be registered in the Council's register maintained under Section 81(1) of the Local Government Act 2000.

Or

I have set out below under the appropriate headings my interests which I am required by the Council's Local Code of Conduct to register on the Council's register maintained under Section 81(1) of the Local Government Act 2000, and I have put "none" where I have no such interests under any heading.

[Please delete one of the two declarations]

[The notes to this form give general guidance, but are not necessarily comprehensive]

[If there is insufficient space in any of the following sections to complete your answer please attach additional pages suitably completed and cross referenced to the relevant section, and endorse the section on this form accordingly indicating below how many additional pages you have attached].

I have attached additional pages.

FINANCIAL INTERESTS

A. Employment or Business

No.	Notes	For Completion by Member
1.	You must show every employment, office, trade, profession or vocation that you have to declare for income tax purposes.	S-H Housing Ltd The Old Church 48 Verulam Road St Albans AL3 4DH
2.	Give a short description of the activity concerned. For example, "Computer Operator" or "Accountant".	Director - property management company
3.	Employees must give the name of their employer. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company.	S-H Housing Ltd
4.	Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, it will be the local education authority; in the case of an aided school, it will be the school's governing body.	/
5.	Where you are a partner in a firm, you must give the name of that firm.	/
6.	If you are a remunerated director of a company, you must give the name of that company.	S-H Housing Ltd

No.	Notes	For Completion by Member
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B. Sponsorship

7.	<p>You must declare the name of any person or body who has made any payments to you towards your expenses as a councillor or towards your election expenses. You do not need to declare the amounts of any payments, only the name of the person or body making them. Payments made to you by the Council or by another public authority for these purposes do not have to be declared.</p>	<p>Mendon Conservative Association</p>
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C. Interests in Companies and Securities

8.	<p>You must list the names of any companies, industrial and provident societies, co-operative societies, or other corporate bodies that (to your knowledge) are active in the borough and in which you have a substantial interest. You do not need to show the extent of your interest.</p> <p>You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or if you own more than 1/100th of the issued shares or securities. If there are several classes of shares or securities, the fraction of 1/100th applies to any of those classes. These limits also apply to deposits with industrial and provident societies, and co-operative societies.</p> <p>A company or body corporate is active in the borough if it has land or a place of business in the borough.</p> <p>The requirement also covers shares and securities in which you have a beneficial interest even though they are held in the name or names of other people</p>	<p>S.H Housing Ltd</p>
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No.	Notes	For Completion by Member
D. Contracts with the Authority		
9.	<p>You must describe all contracts, of which you are aware, which are not fully discharged, and which are:</p> <p>(a) contracts for the supply of goods, services or works to the Council or on the Council's behalf, and</p> <p>(b) between the Council and either yourself, or, a firm in which you are a partner, or, a company of which you are a remunerated director, or, a body corporate in which you have disclosed your interest under Section C ("Interests in Companies and Securities").</p> <p>You need not say what the financial arrangements are, but should say for how long the contract is.</p>	

E. Land in the Area of the Authority

10.	<p>You must declare any land in the borough in which you have a beneficial interest (that is, in which you have some property interest for your own benefit). You should give the address or a brief description which is sufficient to identify the location.</p> <p>You must also include any property from which you receive rent, or of which you are the mortgagee.</p> <p>"Land" includes any buildings or parts of buildings.</p>	<p><i>See attached list</i></p>
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Owned by HR Rayner together with Susan Rayner

S&H Housing Ltd

9 Bovingdon Lane NW9 5WJ

6 Cranfield Drive NW9 5WH

13 Dishforth Lane NW9 5WG

5 Elvington Lane NW9 5WB

4 Gaydon Lane NW9 5WA

8 Gaydon Lane NW9 5WA

9 Gaydon Lane NW9 5WA

11 Gaydon Lane NW9 5WA

14d Hemswell Drive NW9 5WN

8 Tangmere Way NW9 5WW

11 Tangmere Way NW9 5WW

14 Tangmere Way NW9 5WW

17 Tangmere Way NW9 5WW

10 Grant Court NW9 5GA

51 Glendale Avenue HA8 8HF

Owned by S&H Housing Ltd

Land adjacent 14-17 Hemswell Drive NW9 5WN

Land adjacent 4 Elvington Lane NW9 5WB

Land adjacent 1 Gaydon Lane NW9 5WA

Land adjacent 16 Gaydon Lane NW9 5WA


4 Elvington Lane NW9 5WB

14c Hemswell Drive NW9 5WN

8 Hemswell Drive NW9 5WN

4 Tangmere Way NW9 5WW

HRR
May-06


H R Rayner
18/5/06

No.	Notes	For Completion by Member
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F. Corporate Tenancies

11.	<p>You must give the address or other description (sufficient to identify the location) of any land or property where the Council is the landlord and the tenant is a firm in which you are a partner, or, a company in which you are a remunerated director, or, a body corporate in which you have disclosed your interest under Section C ("Interests in Companies and Securities").</p>	
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G. Licences to Occupy Land

12.	<p>You must declare any land in the borough which you have a right or licence to occupy (alone or jointly with others) for 28 days or longer. You must give the address or a brief description sufficient to identify the location. You need not refer under this heading to land which you own or have a tenancy of.</p> <p>"Land" includes any buildings or parts of buildings.</p>	
-----	---	--

OTHER INTERESTS

No.	Notes	For Completion by Member
13.	You must provide details (name of organisation and your position) of your membership of or position of general control or management in any:-	
	(a) body to which you have been appointed or nominated by the Council as its representative	Barnet Homes Deansbrook Infant School Hale Drive Mill Hill NW7
	(b) public authority or body exercising functions of a public nature	/
	(c) company, industrial and provident society, charity or body directed to charitable purposes	S.H. Housing Ltd
	(d) body whose principal purposes include the influence of public opinion or policy	Conservative Party
	(e) trade union or professional association	/
	(f) private club, society, order, lodge fellowship, fraternity, institution or other association (for the avoidance of doubt this category includes freemasons)	/

IMPORTANT INFORMATION

CHANGES/ADDITIONS TO REGISTERED INTERESTS

Must be notified in writing to the Council's Monitoring Officer within 28 days of you becoming aware of the change or additional interest.

HOSPITALITY

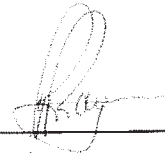
If you receive any gift or hospitality of a value exceeding £25 in your capacity as a Councillor, then you must give details in writing to the Council's Monitoring Officer within 28 days of your receiving the gift or hospitality.

I recognise that it is a breach of the Council's Local Code of Conduct to

1. omit information that ought to be given in this notice;
2. provide information that is materially false or misleading;
3. fail to give further notices in order to
 - bring up-to-date information given in this notice
 - declare an interest that I acquire after the date of this notice and have to declare

I further recognise that any of the above acts or omissions may result in a referral to the Standards Board for England for an investigation of my conduct.

Signed: [Member's Signature]



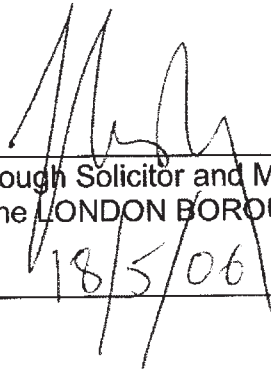
H R RAYNER

Date: [Date]

18/5/06

RECEIVED

Signed: [Signature]



Borough Solicitor and Monitoring Officer
of the LONDON BOROUGH OF BARNET

Date:

18/5/06

RETURN TO:

J E LUSTIG, LL.B (Hons)
BOROUGH SOLICITOR
LONDON BOROUGH OF BARNET
TOWN HALL
HENDON
LONDON NW4 4BG

LONDON BOROUGH OF BARNET

PART I

FORM OF GENERAL NOTICE

REGISTER OF MEMBERS' INTERESTS

GENERAL NOTICE OF REGISTRABLE INTERESTS

I, [NAME],

HUGH ROBERT RAYNER

an elected Member/Independent Member/ Co-opted Member of the London Borough of Barnet; (please delete as appropriate)

give notice of my interests which I am required by the Council's Local Code of Conduct to register on the Council's register maintained under Section 81(1) of the Local Government Act 2000, and I have put "none" where I have no such interests under any heading.

FINANCIAL INTERESTS

A. Employment or Business

No.	Notes	For Completion by Member
1.	You must show every employment, office, trade, profession or vocation that you have to declare for income tax purposes.	Director S.H Housing Ltd
2.	Give a short description of the activity concerned. For example, "Computer Operator" or "Accountant".	managing affairs of company
3.	Employees must give the name and address of their employer. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company.	S.H Housing Ltd 51 Glendale Ave Edgware Middx HA8 8HF
4.	Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, it will be the local education authority; in the case of an aided school, it will be the school's governing body.	/
5.	Where you are a partner in a firm, you must give the name and address of that firm.	/
6.	If you are a remunerated director of a company, you must give the name of that company and its registered address.	S.H Housing Ltd The Old Church 48 Verulam Road St Albans AL3 4DH

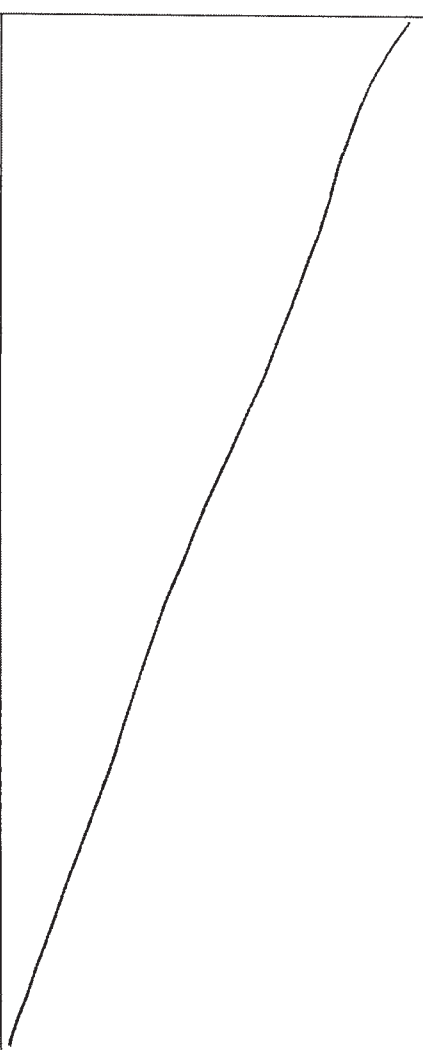
B. Sponsorship

7.	<p>You must declare the name of any person, political party or body who has made any payments to you towards your expenses as a councillor or towards your election expenses. You do not need to declare the amounts of any payments, only the name of the person, political party or body making them. Payments made to you by the Council or by another public authority for these purposes do not have to be declared.</p>	<p>Mendon Conservative Association 212 Ballards Lane Finchley</p>
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C. Interests in Companies and Securities

8.	<p>You must list the names of any companies, industrial and provident societies, co-operative societies, or other corporate bodies that (to your knowledge) are active in the borough and in which you have a substantial interest. You do not need to show the extent of your interest.</p> <p>You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or if you own more than 1/100th of the issued shares or securities. If there are several classes of shares or securities, the fraction of 1/100th applies to any of those classes. These limits also apply to deposits with industrial and provident societies, and co-operative societies.</p> <p>A company or body corporate is active in the borough if it has land or a place of business in the borough.</p> <p>The requirement also covers shares and securities in which you have a beneficial interest even though they are held in the name or names of other people. You have a beneficial interest in a type of share if you own or are entitled to the proceeds, or if through a trust or will, you become entitled to the proceeds of that type of share.</p>	<p>S.H Housing Ltd 51 Glendale Ave Edgware Middx HA8 8HF</p> <p>Homehurst Residents Ltd 51 Glendale Ave Edgware Middx HA8 8HF</p>
----	---	---

D. Contracts with the Authority

9.	<p>You must describe all contracts, of which you are aware, which are not fully discharged, and which are:</p> <p>(a) contracts for the supply of goods, services or works to the Council or on the Council's behalf, and</p> <p>(b) between the Council and either yourself, or, a firm in which you are a partner, or, a company of which you are a remunerated director, or, a body corporate in which you have disclosed your interest under Section C ("Interests in Companies and Securities").</p> <p>This includes either a contract between your employer and the Council or a contract between the Council and one of your corporate interests for the provision of goods or services.</p> <p>You need not say what the financial arrangements are, but should say for how long the contract is for.</p>	
----	--	---

E. Land in the Area of the Authority

10.	<p>You must declare any land in the borough in which you have a beneficial interest (that is, in which you have some property interest for your own benefit). You should give the address or a brief description which is sufficient to identify the location.</p>	<p><i>See attached list</i></p>
-----	--	---------------------------------

	<p>You must also include any property from which you receive rent, or of which you are the mortgagee.</p> <p>This includes rented, jointly owned or leased property.</p> <p>"Land" includes any buildings or parts of buildings.</p>	
--	--	--

F. Corporate Tenancies

11.	<p>You must give the address or other description (sufficient to identify the location) of any land or property where the Council is the landlord and the tenant is you or a firm in which you are a partner, or, a company in which you are a remunerated director, or, a body corporate in which you have disclosed your interest under Section C ("Interests in Companies and Securities").</p>	
-----	--	--

G. Licences to Occupy Land

12.	<p>You must declare any land in the borough which you have a right or licence to occupy (alone or jointly with others) for 28 days or longer. You must give the address or a brief description sufficient to identify the location. You need not refer under this heading to land which you own or have a tenancy of.</p> <p>"Land" includes any buildings or parts of buildings.</p>	
-----	---	--

OTHER INTERESTS

No.	Notes	For Completion by Member
13.	You must provide details (the full name of the organisation and your position) of your membership of, or position of general control or management in any:-	
	(a) body to which you have been appointed or nominated by the Council as its representative	<i>School governor Fairway School Deans brook Infant School HBB rep on Reserve Forces & Cadets Assoc for Greater London</i>
	(b) body exercising functions of a public nature	/
	(c) body directed to charitable purposes	/
	(d) body, one of whose principal purposes includes the influence of public opinion or policy (including any political party, pressure group or trade union)	<i>Conservative Party</i>
	(e) private club, society, order, lodge fellowship, institution or other association (for the avoidance of doubt this category includes freemasons)	/

Owned by HR Rayner together with Susan Rayner

S&H Housing Ltd

9 Bovingdon Lane NW9 5WJ

6 Cranfield Drive NW9 5WH

13 Dishforth Lane NW9 5WG

5 Elvington Lane NW9 5WB

4 Gaydon Lane NW9 5WA

5 Gaydon Lane NW9 5WA

8 Gaydon Lane NW9 5WA

9 Gaydon Lane NW9 5WA

11 Gaydon Lane NW9 5WA

14d Hemswell Drive NW9 5WN

8 Tangmere Way NW9 5WW

11 Tangmere Way NW9 5WW

14 Tangmere Way NW9 5WW

17 Tangmere Way NW9 5WW

10 Grant Court NW9 5GA

51 Glendale Avenue HA8 8HF

Owned by S&H Housing Ltd

Land adjacent 14-17 Hemswell Drive NW9 5WN

Land adjacent 4 Elvington Lane NW9 5WB

Land adjacent 1 Gaydon Lane NW9 5WA

Land adjacent 16 Gaydon Lane NW9 5WA

4 Elvington Lane NW9 5WB

14c Hemswell Drive NW9 5WN

8 Hemswell Drive NW9 5WN

4 Tangmere Way NW9 5WW

HRR Jun-10



H R Rayner

I recognise that it is a breach of the Council's Local Code of Conduct to

1. omit information that ought to be given in this notice;
2. provide information that is materially false or misleading;
3. fail to give further notices in order to:
 - bring up-to-date information given in this notice
 - declare an interest that I acquire after the date of this notice and have to declare

I further recognise that any of the above acts or omissions may result in a referral to the Standards Committee for an investigation of my conduct.

Signed: [Member's Signature] _____  Hugh Rayner

Print Name HUGH ROBERT RAYNER
Councillor/Independent Member/Co-opted Member
(please delete as appropriate)

Date: 05 JUNE 2010

I have attached 1 additional pages.

Please return the signed Declaration to the Director of Corporate Governance and Monitoring Officer.

RECEIVED

Signed: [Signature] _____  Jeff Lustig
Director of Corporate Governance and Monitoring Officer
LONDON BOROUGH OF BARNET

Date: 13/7/10

IMPORTANT INFORMATION

CHANGES/ADDITIONS TO REGISTERED INTERESTS

Must be notified in writing to the Council's Director of Corporate Governance within 28 days of you becoming aware of the change or additional interest.

HOSPITALITY

If you receive any gift or hospitality with an estimated value of at least £25 in your capacity as a Councillor, then you must give details in writing to the Council's Director of Corporate Governance within 28 days of your receiving the gift or hospitality. These details must include the name of the donor, his or her main business (if appropriate), the nature of the gift or hospitality and its estimated value. The details of any gift or hospitality that you receive will be kept on this register for three years from receipt.

Please use this space below to record any gifts or hospitality received.

Donor name	Donor business/ organisation	Gift/Hospitality	Estimated Value	Date received

LONDON BOROUGH OF BARNET

PART II

REGISTER OF MEMBERS INTERESTS

ADDITIONAL VOLUNTARY DECLARATION

I understand that I am under no obligation to complete this Part.

I set out below the information requested in accordance with the Council's policy on the voluntary declaration of interests additional to those recorded in Part I.

1. Membership of organisations not registrable under Part I

I wish to declare that I am a member of the following organisations and that I hold the offices shown:-

Organisation	Office Held (if appropriate)

2. Directorships not registrable under Part I

I wish to declare that my spouse/partner and I hold the following directorships.

My Directorships

My Spouse/Partner's Directorships

3. Shareholdings etc not registrable under Part I

I wish to declare that I have the following stock and shareholdings.

My Stock and Shareholdings

Signed: [Member's Signature] _____

Print Name _____
Councillor/Independent Member/Co-opted Member
(please delete as appropriate)

Date: _____

I have attached _____ additional pages.

Please return the signed Declaration to the Director of Corporate Governance and Monitoring Officer.

RECEIVED

Signed: [Signature] _____
Director of Corporate Governance and Monitoring Officer
LONDON BOROUGH OF BARNET

Date: _____

**London Borough of Barnet - Register of Members' Interests
Gifts or Hospitality with an estimated value of at least £25**

Member

Councillor Hugh Rayner

Date of Declaration

1 July 2011

Gift/hospitality supplied by

Courtesy of three MEP's Marina Yannakoudakis, Syed Kamall and Charles Tannock

Description of gift/hospitality

The cost of the trip included Eurostar at £89, Hotel £135 Euros and dinner approximating £30

Estimated value of gift/hospitality received

£254

Date gift/hospitality received

June 2011

Additional information (if any)

**London Borough of Barnet - Register of Members' Interests
Gifts or Hospitality with an estimated value of at least £25**

Member

Cllr Hugh Rayner

Date of Declaration

21 October 2013

Description of gift/hospitality

International Day Lunch and Reception

Gift/hospitality supplied by

Broadfields Resource Centre, 194-198 Broadfields Avenue, Edgware, Middx HA8 8TF

Estimated value of gift/hospitality received

£25.00

Date gift/hospitality received

20 October 2013

Additional information (if any)

**London Borough of Barnet
Register of Members' Interests - update/amendment to declaration**

Member

Councillor Hugh Rayner

Date of Declaration

15/04/2014

Nature of the update/amendment to the register

1. I am now a trustee of the Samuel Atkinson's Trust in particular in regard the Atkinson's Almhouses in Edgware
2. In the list of properties owned by HR/SR, we disposed of 9 Gaydon Lane NW9 5WA in 2013

Section of the Register

Part I

LONDON BOROUGH OF BARNET

PART I

FORM OF GENERAL NOTICE

NOTIFICATION OF MEMBERS' INTERESTS

GENERAL NOTICE OF REGISTRABLE INTERESTS

I, [NAME], *HUGH RAYNER*

an elected Member/ ~~Co-opted Member~~ (this includes Independent Members) of the London Borough of Barnet; (please delete as appropriate)

give notice of my interests which I am required by the Council's members Code of Conduct to register on the Council's register maintained under Section 29(1) of the Localism Act 2011, and I have put "none" where I have no such interests under any heading.

DISCLOSABLE PECUNIARY INTERESTS

Note: Spouse or civil partner includes a person with whom you are living with as husband and wife or as if you are civil partners.

A. Employment or Business

*some
* properties are managed thru
S.H Housing Ltd*

No.	Nature of Interest	For Completion by Member
1.	Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.	<i>self and spouse Directors of S.H Housing Ltd private landlord of property within borough * self Director of Homehurst Residents Co Ltd.</i>
	Give a short description of the activity concerned. For example, "Computer Operator" or "Accountant" and the name and address of any employer or other relevant body concerned e.g. a partnership, company or public body.	<i>Director of S.H Housing Ltd - overseeing and managing the letting of property - acquisition of land - development of land. Director of Homehurst Residents Co Ltd - Homehurst is a leaseholders group who own freehold of 14-17 Hemswell Drive</i>

B. Sponsorship

7.	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member in carrying out duties as a member, or towards the election expenses of a Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992). The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.	<i>Hendon Conservative Association Bunns Lane Mill Hill</i>
----	--	---

C. Contracts

8.	<p>Any contract which is made between you, or your spouse or civil partner (or a body in which the relevant person has a beneficial interest) and the relevant authority:</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>	None
----	---	------

D. Land in the Area of the Authority

9.	<p>You must declare any land in the borough in which you, your spouse or civil partner has a beneficial interest (that is, in which you have some property interest for your own benefit). You should give the address or a brief description which is sufficient to identify the location.</p> <p>You must also include any property from which you receive rent, or of which you are the mortgagee.</p> <p>This includes rented, jointly owned or leased property.</p> <p>"Land" includes any buildings or parts of buildings.</p>	<p>See attached list</p> <p>Note some of the tenants of SA Housing owned properties and privately owned properties have their rent funded by LBB housing benefit - and in some cases this is paid direct (whilst I do not consider this to be a pecuniary interest I do include it) likewise I am also recipient of incentive payments as a landlord from Burt Homes. (again I do not consider this to be a pecuniary interest)</p>
----	--	---

E. Licences

10.	<p>You must declare any licence which you, or your spouse or civil partner (alone or jointly with others) holds to occupy land within the borough for a month or longer.</p> <p>You must give the address or a brief description sufficient to identify the location.</p>	None
-----	---	------

	"Land" includes any buildings or parts of buildings.	
--	--	--

F. Corporate Tenancies

11.	<p>You must give the address or other description (sufficient to identify the location) of any land or property where the Council is the landlord and the tenant is a body in which you, or your spouse or partner has a beneficial interest.</p> <p>A beneficial interest in a body exists where you or your spouse or civil partner is a partner in a firm or is a remunerated director of a company or who has a beneficial interest in its securities.</p>	None
-----	--	------

G. Securities

<p>You must list the names of any companies, industrial and provident societies, co-operative societies, or other corporate bodies that (to your knowledge) are active in the borough and in which you, your spouse or civil partner have a beneficial interest. You do not need to show the extent of the interest.</p> <p>A beneficial interest exists if the interest is in shares or other securities in the company with a nominal value of more than £25,000 or if the beneficial interest is in more than 1/100th of the issued shares or securities of that class. If there are several classes of shares or securities, the fraction of 1/100th applies to any of those classes. These limits also apply to deposits with industrial and provident societies, and co-operative societies.</p> <p>A company or body corporate is active in the borough if it has land or a place of business in the borough.</p>	<p><u>self & spouse</u></p> <p>S.H. Housing Ltd</p> <p>Homechunt Residents Co Ltd</p>
--	---

OTHER INTERESTS

No.	Nature of interest	For Completion by Member
13.	Membership of, or position of general control or management in a:-	
	(a) body to which you have been appointed or nominated by the Council as its representative	atkinson Alm houses (Trustee) gov Fairway School Deansbrook Infant School LBS rep on Reserve Forces & Cadets Assoc to Greater London
	(b) body exercising functions of a public nature	
	(c) body directed to charitable purposes	
	(d) body, one of whose principal purposes includes the influence of public opinion or policy (including any political party, pressure group or trade union)	Conservative Party Mill Hill Preservation Society
	(e) private club, society, order, lodge fellowship, institution or other association (for the avoidance of doubt this category includes freemasons)	2nd Edgware Scouts

IMPORTANT INFORMATION

CHANGES/ADDITIONS TO REGISTERED INTERESTS

A Member must, within 28 days of becoming aware of any change to the interests specified above, provide written notification to the Authority's Monitoring Officer of that change.

HOSPITALITY

If you receive or have declined any gift or hospitality with an estimated value of at least £25 in your capacity as a Councillor, then you must give details in writing to the Council's Monitoring Officer within 28 days of your receiving the gift or hospitality. These details must include the name of the donor, his or her main business (if appropriate), the nature of the gift or hospitality and its estimated value. The details of any gift or hospitality that you receive will be kept on this register for three years from receipt.

Please use this space below to record any gifts or hospitality received.


Date received / Declined	Donor name	Donor business/ organisation	Gift/Hospitality	Estimated Value

I recognise that it is my responsibility as a Member to ensure that the information contained within the Register of Members Interests is kept up to date during my term of office. This responsibility includes but is not limited to:

1. providing information that ought to be given in this notice;
2. ensuring information is not materially false or misleading;
3. ensuring that further notices are given in a timely way to:
 - bring up-to-date information given in this notice
 - declare an interest that I acquire after the date of this notice

I further recognise that failure to observe any of the above may result in a referral to for an investigation of my conduct.

I understand that if I do have a disclosable pecuniary interest (DPI) that I must withdraw from a meeting and not take part in any discussion or vote as soon as it becomes clear I have a DPI, unless I have been granted a specific dispensation by the council.

Signed: [Member's Signature] _____ 


Print Name Hugh Rayner
Councillor/ Co-opted Member (includes Independent Member)
(please delete as appropriate)

Date: 18 June 2014

I have attached ONE additional pages.

Please return the signed form to the Monitoring Officer.

RECEIVED

Signed: [Signature] _____ 
Assurance Director (Monitoring Officer)
LONDON BOROUGH OF BARNET

Date: 18/6/14

LONDON BOROUGH OF BARNET

PART II

NOTIFICATION OF MEMBERS INTERESTS

ADDITIONAL VOLUNTARY DECLARATION

I understand that I am under no obligation to complete this Part.

I set out below the information requested in accordance with the Council's policy on the voluntary declaration of interests additional to those recorded in Part I.

1. Membership of organisations not registrable under Part I

I wish to declare that I am a member of the following organisations and that I hold the offices shown:-

Organisation	Office Held (if appropriate)

Owned by HR Rayner together with Susan Rayner

S&H Housing Ltd

9 Bovingdon Lane NW9 5WJ

6 Cranfield Drive NW9 5WH

13 Dishforth Lane NW9 5WG

5 Elvington Lane NW9 5WB

4 Gaydon Lane NW9 5WA

5 Gaydon Lane NW9 5WA

8 Gaydon Lane NW9 5WA

11 Gaydon Lane NW9 5WA

14d Hemswell Drive NW9 5WN

8 Tangmere Way NW9 5WW

11 Tangmere Way NW9 5WW

14 Tangmere Way NW9 5WW

17 Tangmere Way NW9 5WW

10 Grant Court NW9 5GA

51 Glendale Avenue HA8 8HF

Owned by S&H Housing Ltd

Land adjacent 14-17 Hemswell Drive NW9 5WN

Land adjacent 4 Elvington Lane NW9 5WB

Land adjacent 1 Gaydon Lane NW9 5WA

Land adjacent 16 Gaydon Lane NW9 5WA

4 Elvington Lane NW9 5WB

14c Hemswell Drive NW9 5WN

8 Hemswell Drive NW9 5WN

4 Tangmere Way NW9 5WW

HRR Jun-14

**London Borough of Barnet
Register of Members' Interests - update/amendment to declaration**

Member

Councillor Hugh Rayner

Date of Declaration

19 June 2014

Nature of the update/amendment to the register

1. I am now a trustee of the Samuel Atkinson's Trust in particular in regard the Atkinson's Almshouses in Edgware
2. In the list of properties owned by HR/SR, we disposed of 9 Gaydon Lane NW9 5WA in 2013
3. These are voluntary posts I have taken up.

Chairman of the civilian committee of 1374 sqn ATC
President of RAFA Hendon and district

Section of the Register

1. Section 13 (b)
2. Section D
3. Section 13 (e)

Register of Members Interests 02-06-14 – 30-06-14

Date	Estimated Value	Gift/Hospitality	From	Notes
21/06/14	£35	Bouquet of flowers	Magnolia Court Care Home	For Mayoress
26/06/14	£50	The Holy Quran in English Translation	The Ahmaddyia Muslim Association	
28/06/14	£15 £35	CD Bouquet of flowers	Proms at St Judes	Flowers for Mayoress
29/06/14	£60	Lunch	Hong Kong Chinese Cultural Association	Includes hospitality for Mayoress and Son

**London Borough of Barnet
Register of Members' Interests - update/amendment to declaration**

Member

Councillor Hugh Rayner

Date of Declaration

5 August 2014

Nature of the update/amendment to the register

I wish to declare further information in relation to my interest in that from time to time I receive incentives as a private landlord from Barnet Homes for taking on tenants as recommended by them.

Section of the Register

Section 1

**London Borough of Barnet
Register of Members' Interests - update/amendment to declaration**

Member

Councillor Hugh Rayner

Date of Declaration

14 August 2014

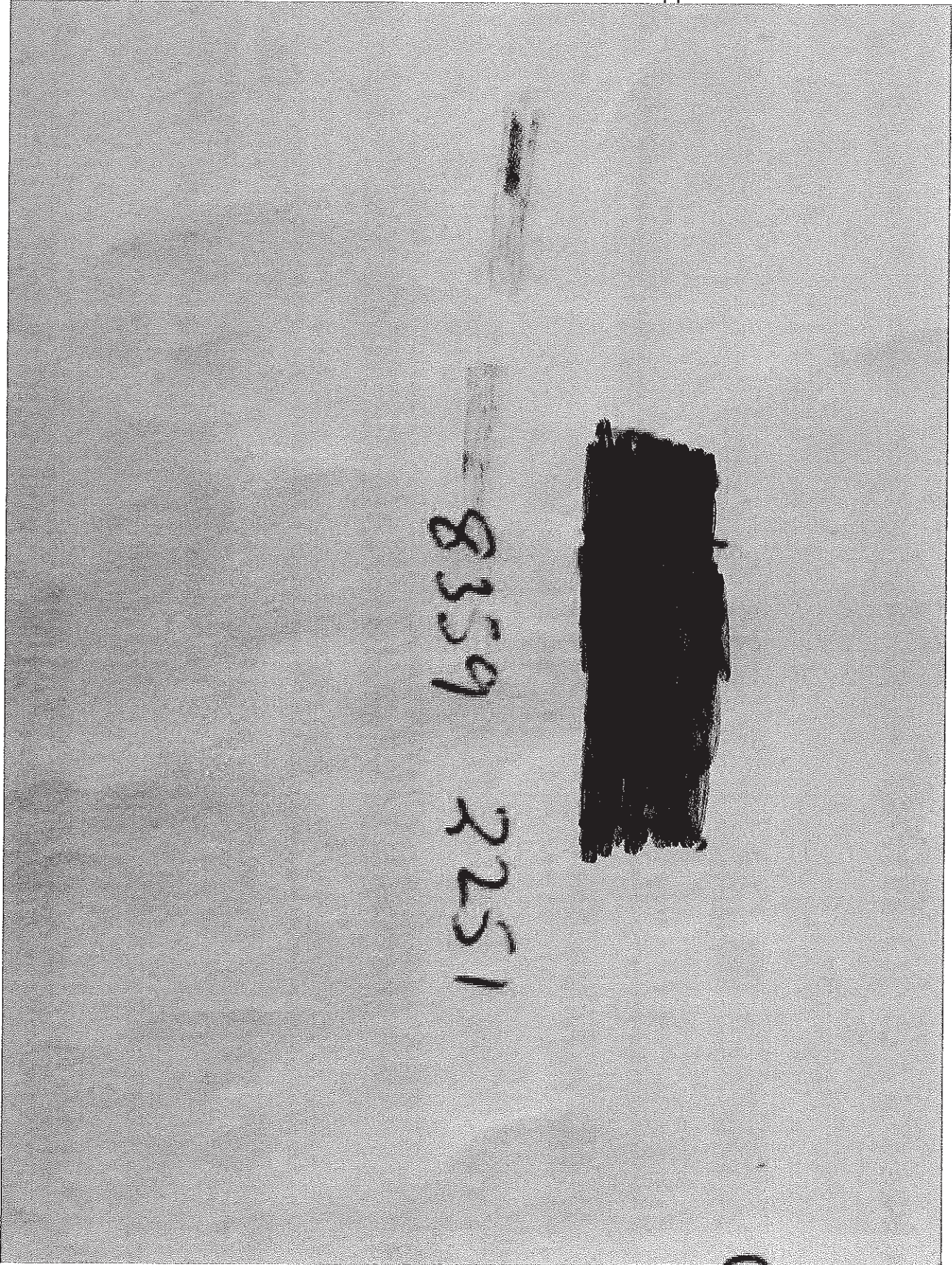
Nature of the update/amendment to the register

I wish to declare that I have entered into a contract with the Council for a Cross Over Deed.

Section of the Register

Part 1, C, Section 8

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How much help can I receive?

You cannot receive more than the difference between your benefit and your rent/Council Tax.

We cannot award a Discretionary Housing Payment to make up for any reduction in other social security benefits as a result of any sanctions applied by the Benefits Agency.

V2: Dec 2005

12/5/2013

[Redacted]

11.00

359-14754

45 MP

07050 683

316

Rayner, Cllr Hugh

From: [REDACTED]
Sent: 25 April 2013 17:17
To: Rayner, Cllr Hugh
Cc: Ellis, Daniel
Subject: Ms S [REDACTED]

25/4/13

Dear Cllr Rayner

Further to your phone call this afternoon, I wish to confirm that an appointment has been made for Ms S [REDACTED] to attend our office on 8 May 2013 to see a Housing Needs officer.

[REDACTED]
Housing Supply Manager
Barnet Homes (part of the Barnet Group)
Barnet House, 1255 High Road, Whetstone, N20 0EJ
Tel: 0208 359 4591
Fax 0871 594 8769
www.barnethomes.org
www.thebarnetgroup.org

Free Landlord Accreditation available. Please contact us for further details on 020 8359 4761

Benefit Changes are coming..... Use our online calculator to discover the impact on you - www.barnethomes.org

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Letter of 21 February 2014 from [REDACTED] Barnet Homes to Mrs S

[REDACTED]

Barnet Homes
Barnet House, 1255 High Road, Whetstone, London N20 0EJ.



APPENDIX E

Ms S [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

contact: [REDACTED] W [REDACTED]
tel: 020 8359 4706
e-mail: [REDACTED]@barnethomes.org
fax: 020 8359 4188
date: 21/02/14
our reference: HAT/m96/109543

Dear Ms S [REDACTED]

Re: Decision on your Homelessness Application: The Housing Act 1996, Part VII (as amended) – Section 184

You approached Barnet Homes (acting for and on behalf of London Borough of Barnet) on 13th February, 2014, seeking accommodation or assistance in obtaining accommodation.

Barnet Homes has completed its enquiries into your application under the above legislation. After careful consideration, Barnet Homes has concluded that you are **not eligible for assistance**.

I have undertaken the following enquiries into your case:

- * A personal interview and assessment of your circumstances
- * Your immigration status in the UK
- * Relevant legislation relating to your immigration status in the UK

I carried out a personal, face-to-face interview with you at our offices on 13th February, 2014. You attended the interview with a personal contact, who assisted with interpreting as required. At all stages of the interview you understood what I asked and she was able to translate your responses and comments throughout the interview.

It is evident that you, and all members of your household, are Swedish. You provided passports for yourself and all members of your household, which I accepted as proof of your nationality and status within the UK.

www.barnethomes.org

Barnet Homes

Barnet House, 1255 High Road, Whetstone, London N20 0EJ.



In order to have a right to reside in the UK the following must apply to you:

1. *You are a jobseeker*
2. *You are a worker or a person who is self-employed or a person who retains the status of a worker or self employed person*
3. *You have a right to reside in the UK permanently by virtue of the immigrations and European Economic Area Regulations 2006 reg. 15*
4. *You are person who is self sufficient*
5. *You are a student who is self sufficient*
6. *you are a family member of a jobseeker, worker or a self employed person or a family who retains the right of residency*

You submitted a declaration of income, stating that you are currently in receipt of the following:

- Housing benefit at £375.35 p/w
- Child benefit at £47.00 p/w
- Child tax credit at £152 p/w
- Employment Support Allowance at £71.00 p/w

Given the above, I am satisfied that you have the right to reside in the UK. You provided recent bank statements as proof of your receipt of the above listed benefits.

You stated that you have lived in your current accommodation at the above address (managed by a Housing Association) since 2007. The rent you are liable to pay to reside in the property has until now been covered in full by the Housing Benefit of which you are in receipt. You have, however, been informed in writing by your Housing Association that the amount of Housing Benefit you are awarded will decrease in March 2014 when the 'benefit cap' is introduced. You were advised by your Housing Association to seek advice about how to avoid being affected by the 'benefit cap' or to make alternative arrangements for accommodation as you risk losing your current accommodation if unable to pay the full amount of rent for which you are liable.

You stated that you arrived in the UK in the summer of 2002. You said that you were unable to remember the exact date of your arrival. You claimed that you began working shortly after your arrival in the UK for 'a few months' until December 2002. You stated that you worked in a factory. You said that you could not remember the name of the temping agency who paid your wages or the company itself. You said that your employment was terminated in December 2002, although you could not remember the exact date when this happened, as your services were no longer required. Since this date you said that you have not worked in the UK, although you have lived here continuously since then.

You provided no proof of your employment in 2002. You claimed that you had destroyed your wageslips and bank statements and that you had not received a contract of employment from the agency or the company itself.

www.barnethomes.org

Barnet Homes Limited. Registered in England No. 04948659
Registered office: Barnet House, 1255 High Road, Whetstone, London N20 0EJ
Barnet Homes Limited is a company controlled by the London Borough of Barnet

Barnet Homes

Barnet House, 1255 High Road, Whetstone, London N20 0EJ.



I advised that you needed to provide proof of your employment from 2002 in order for me to have reason to believe you had worked in the UK since your arrival and that you are eligible for assistance. Since the interview on 13th February 2014, you have failed to provide any further information and have not contacted me.

According to the Allocation of Housing and Homelessness (Eligibility) Regulations 2006 if your only right to reside in the United Kingdom is derived from a status as a jobseeker or person temporarily unable to work for health reasons, you are ineligible for assistance.

As a result of the above, section 185 of the Housing Act applies to you. It provides that:-

- (1) A person is not eligible for (housing) assistance ... if he is a person from abroad who is ineligible for housing assistance*
- (2) A person who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is not eligible for housing assistance unless he is of a class prescribed by regulations made by the Secretary of State;*
- (4) A person from abroad who is not eligible for housing assistance shall be disregarded in determining for the purposes of this Part (of the Act) whether another person-*
 - (a) Is homeless;*
 - (b) Has a priority need for accommodation.*

Therefore, I must conclude that you are not eligible under S185 of the Housing Act 1996.

As you are not eligible for assistance with housing, Barnet Homes is not able to provide you with accommodation, even if you are homeless or become homeless in the future. However, under the Housing Act 1996 (Section 179), you are entitled to receive free advice and information about homelessness. You can receive free and independent advice by:

- Phoning Broadway Barnet Housing Aid Centre on 020 8446 2504
- Phoning Shelter on (freephone) 0808 800 4444 or visiting their website at www.shelter.org.uk
- Phoning or visiting a local Citizen's Advice Bureau (0870 128 8080) or try their website at www.barnetcab.org.uk
- Phoning a solicitor.

If you think this decision is wrong, you have the right (under Section 202 of the above named Act) to ask for a review. If you want to request a review you must do so within 21 days of the date of this decision. You should make your request by writing to the Appeals Manager at the address above.

www.barnethomes.org

Barnet Homes Limited, Registered in England No. 04048658
Registered office: Barnet House, 1255 High Road, Whetstone, London N20 0EJ
Barnet Homes Limited is a company controlled by the London Borough of Barnet

Barnet Homes

Barnet House, 1255 High Road, Whetstone, London N20 0EJ.



Please contact me on the telephone number given at the top of this letter if you do not understand anything in the content of this letter.

Yours sincerely,

[Redacted signature]

[Redacted name]
Housing Needs Officer

www.barnethomes.org

Barnet Homes Limited. Registered In England No. 04948859
Registered office: Barnet House, 1255 High Road, Whetstone, London N20 0EJ
Barnet Homes Limited is a company controlled by the London Borough of Barnet

[Illegible text]

Submission to Leaders' Panel, re complaint against Cllr Rayner by Andrew Dismore AM

1 Procedural matters

1.1 the date of the hearing

The Leaders' Panel hearing date has been set for a date (3rd September) when the Monitoring Officer (MO) already knew in advance that I was on holiday and not able to attend to present the complaint, which would be the normal procedure; and the MO has not rescheduled the date even though I am available for a number of dates before her deadline for the hearing. In any event, this meeting of the Panel does not need to determine the complaint as there is no deadline for this. The duty on the MO is to present a report to the Panel by the 3 month deadline; there is no equivalent duty on the Panel to decide on the complaint by then.

The rules do not even state that the meeting has to be convened to decide on the complaint within 3 months so this could await my return and a mutually convenient date for the Panel, myself and of course Cllr Rayner.

Whist the MO will not confirm if Cllr Rayner was consulted on the date before it was set or not, as the officer involved is 'on holiday', she has stated that this would be normal practice. This raises the question of whether there has been a level playing field, concerning the setting of the date. It looks like the 'defendant' will be there, but there will be no 'prosecution' and so this is an abuse of natural justice.

LBB's published "Process for complaints" states " procedures would have an emphasis on flexibility and informality (insofar as possible and consistent with the principles of natural justice) and dispute resolution". This requirement has been overlooked in the listing of the case. The MO states that I could send a representative in my absence, but with over 300 pages of evidence in this very complex and detailed case of such public importance it is not fair, just or practical for me to send someone else to do this, who is not a legal representative, which is not permitted by the panel (see below). This would not happen in the law courts and it should not happen here.

1.2 Membership of the Panel

"Membership of the Panel includes Cllr Cornelius as chair. He has not so far recused himself, even though he has already publically expressed support for Cllr Rayner in the local papers, in response to press reports of the allegations:

http://www.times-series.co.uk/news/11280338.Council_leader_defends_Barnet_Mayor_s_illegal_behaviour/

In these circumstances Cllr Cornelius cannot therefore be seen to be impartial as the chair (and indeed all members) must be when considering a complaint such as this.

There is also a de facto Conservative majority on the Panel. Conservative legislation removed the compulsory requirement for an independent chair, but the Council could have an independent chair if it so wanted, and that seems to me what should happen.

1.3 Nature of the hearing

The MO cannot confirm the hearing will be held in public, so justice such as it is, may not be seen to be done.

1.4 Background correspondence

I have not been informed what is to be included in the bundle before the Panel hearing. The Monitoring Officer avoided a straight reply to my question on 4 August 2014 requesting inclusion of our correspondence in the bundle. I also asked that my statement of 25 July 2014, which was a challenge to the original decision as to what was to be included in the investigation, should be included in the bundle. Again, no answer though the inference was negative.

So the MO will not confirm that she will copy to the members of the Panel my correspondence dealing with all the above procedural issues and including my detailed submissions as to why I consider her rulings to be wrong (see below). It is important for the Panel to see these emails, as it is for them to see my original complaints and supporting evidence

1.5 the factual statement is deficient

the reasons why this is the case are set out in detail below in section 3 of this document. in summary the statement reports contradictory matters as 'facts' but without concluding which of the mutually exclusive statements have been found to be 'facts'. There are some assertions by Cllr Rayner as to what may be facts, which have been taken at face value and not tested.

So far as Cllr Rayner's account set out in the statement is concerned, the statement, reports as 'fact' what are not facts but are actually arguments,

justifications , mitigations, and on occasion personal attacks against me- these are not facts.

1.6 My comments on the factual statement

At Paragraph 4 of the Report it says, *‘Councillor Raynor provided me with a final summary of his position. This is included at the end of this Report.’*

In his email on 15 August 2014 Matthew Adams asked me for my written comments and said that he would ensure that they are put before the Panel. However, I am concerned that my comments will not be afforded the same status as the summary position set out by Councillor Rayner in the body of the Report as I have received no confirmation that they will be treated in the same manner .

1.7 The three day turnaround for the response to the draft Report

The three day turnaround for the response of this draft Report was inadequate . In the days of the Standards Board, the complainant and the member were always given a minimum of 14 days to respond to a draft Report. I have done my best to respond, but that is woefully inadequate to draft a fully considered reply to such a lengthy and important document. and even now, the following day, as I write this document late at night , I can see points that should have been raised and were not due to the pressure of time. Three days will not be considered to be a reasonable length of time by the courts should this matter be subject to judicial review.

1.8 Legal advice for the Leaders Panel

Who will provide legal advice for the Leaders Panel? There is a clear conflict of interest if the Monitoring Officer or the Investigator who is part of the Harrow & Barnet combined joint Legal Services team were to advise the Leaders Panel.

Cllr Rayner states on page 6 of the Investigation Report that the Monitoring Officer (who I understand is not legally qualified) advised Cllr Rayner on one of the legal questions that are fundamental to the complaint , namely what was (and was not) a disclosable pecuniary interest:

‘And I am advised by the Monitoring Officer that receipt of rent funded in part or in full by housing benefit is not a disclosable pecuniary interest. Nor, are contracts entered into with subsidiaries of the Council such as Barnet homes. All Landlord Members could potentially be affected by the matters raised by the Complainant but I have not noticed any Declarations from them – they have interpreted reasonableness in the same way as me.’

It is not clear when this advice was offered to Cllr Rayner , assuming it was. That is a question of fact the Panel itself will have to resolve, and in relation to which the MO will herself be a witness.

It seems likely that this advice was given after the event, as if the MO had been consulted before, then the safest advice to give would have been to apply for a dispensation, as happened recently with respect to a number of councillors at the last council meeting, including Cllr Rayner. the MO is also a witness as to whether or not she advised Cllr Rayner to apply for a dispensation , and if so whether in fact he did so; and if she did not so advise, why not, because Cllr Rayner's business interests have not changed at any material time or in any material way between the matters complained of and the recent application for, and grant by the MO of, the dispensation to him. These are questions that need to be explored with the MO as a witness, as these issues are not dealt with in the investigation report.

I also believe her advice, whenever it was offered (assuming it was), to have been an incorrect interpretation of the law on this point (and indeed her interpretation to be erroneous on a number of other points too, as I argue elsewhere in this document).

It would be against the interests of natural justice to the complainant to have the Monitoring Officer advise the Leaders Panel as she is party pris to a key decision the panel has to take- the interpretation of the law; and she is also a witness of fact who will need to be questioned by the Panel as to these key facts.

I cannot see how it would be possible to find any officer 'in house', who would be able to provide neutral legal advice to the Panel.

External independent counsel should be appointed to advise the Panel on the law and to question witnesses on the Panel's behalf..

1.9 absence of legal representation

Neither Cllr Rayner nor I are allowed legal representation at this hearing where reputations (his and mine) can be mercilessly attacked and even destroyed. it is a fundamental breach of natural justice in such circumstances for legal representation to be denied.

1.10 resolution of procedural matters

The only way these problems can be resolved is if, at the Leaders' Panel:

1. The hearing is adjourned to a date when both I and Cllr Rayner can attend;

2. Cllr Cornelius relinquishes the chair, stands down from the Panel, and an independent chair is appointed;
3. A Conservative member agrees in advance to abstain, so no one party has a majority, as used to be the case before the Conservatives changed the rules;
4. the Panel requires the MO to provide the full correspondence and submissions passing between myself and the MO;
5. the Panel resolves to hear the case in public, given the public importance of the issues involved ;
6. The factual statement must be remitted to the MO to be rewritten as to what are and are not findings of fact; and to exclude argument, which should form part of a submission to the Panel, such as this;
7. My comments on the factual statement and closing statement at the end of this document should be included in the investigation report and given equal status;
8. The three day turnaround for the response to the draft Report should be extended and the hearing adjourned to enable this to be done;
9. Independent legal counsel for the Leaders Panel should be briefed in advance of the hearing to avoid the conflict of interest to attend the hearing to advise the panel on the corded interpretation of the law;
10. Both parties to the complaint should be allowed legal representation at the hearing.

.Already there are sufficient grounds for judicial review in the way this matter has been handled by the MO, not limited to the points above. These should not be compounded by the Panel not responding positively to the proposals above as to how it conducts its business .

2 background

2.1 introduction

My concerns over the conduct of the investigation into my complaint began when the Monitoring Officer (MO) disallowed a large part of the complaint. She has disallowed those parts of my complaint not on the grounds of inadequate evidence to support them, but on what is a pedantic, very technical interpretation of the councillors' Code of Conduct. She has done so with minimal explanation, followed by an absolute refusal to even consider very detailed and closely argued representations as to why this interpretation was wrong and in my view was clearly against the spirit of the Nolan principles of conduct in public life, which set out requirements relating to openness and accountability of politicians.

2.2 scope

Barnet Council's Members' Code of Conduct s.2 (scope) states –

"You must comply with this code whenever you are acting in your capacity as a member of the Council".

The MO used this "capacity" test to decline to accept my complaints under part 3 relating to the conduct of Cllr Rayner's business affairs; part 5 improper use of his position as a councillor in his dealings with his tenants; and part 6, racial discrimination.

However, advice from the former Standards Board for England addressed this very difficult "capacity" issue. It has been argued at various times that simply because you are known as a councillor (e.g. if you "tweet" as Cllr X) you are therefore acting in your official capacity.

The well known Ken Livingstone case led to a much greater awareness that it is not always obvious when a councillor is acting as such in his private affairs and when he is not; and that what might otherwise be seen to be private matters are not, depending on the context, as Mr Livingstone found out to his cost.

Since the Localism Act 2011, the old case law, which resulted in a number of tests to be applied when considering the capacity question, is still relevant.

Cllr Rayner has himself demonstrated that he perceives no divide between his roles as a private landlord and as a councillor. The evidence I provided in support of my complaint shows that Cllr Rayner ensured that his tenants were aware that he is a councillor upon the commencement of their tenancy. Cllr Rayner's comments to the investigation also confirm that these two roles in his mind merge together.

As a councillor he arranged meetings for his tenants at Barnet Homes and spoke to council officers about his tenants' affairs (both of which form elements of the complaint under part 4 which were accepted for formal process). The MO's decisions under parts 3, 5 and 6 therefore have been made in isolation from the other parts of the complaint such as part 4; and are inconsistent with her rulings on part 4.

The MO's decision under part 4 is also in conflict with her decisions made under parts 3, 5, and 6. If further investigation was required to determine the extent of misuse of public office under part 4, then it must also be required to determine such misuse with respect to the management of Cllr Rayner's business affairs when they are so intimately bound in to the Council's and Barnet Homes' operations. Cllr Rayner and S.H. Housing have made financial gains from Council funds since he became a councillor and surely effort must be made to establish the extent of the connection between his two roles, which, seem in his mind to have merged in an unhealthy and probably unlawful way.

2.3 non registration of interests: housing benefit

I now turn to the MO's ruling on part 1 of my complaint, non registration of interests concerning housing benefit. She stated:

"there is no requirement within the Code to register receipt of Housing Benefits – it is not a disclosable pecuniary interest".

The MO needed to look more closely at Appendix 1, which sets out definitions of disclosable pecuniary interests (DPI). The "prescribed description" is

"any employment, office, trade, profession or vocation carried on for profit or gain which you or your spouse or civil partner undertakes"

This is a deliberately broad definition, in line with the broad test set out in the Nolan principles, themselves incorporated into the Council's Code. In my view it is clear that if a person has several properties which he rents out as a self confessed 'social landlord', his profession or trade could reasonably be described as 'a social landlord' or 'landlord'. Cllr Rayner clearly does this work for profit or gain and therefore this fits neatly into the prescribed description of DPI set out at Appendix 1.

The amounts involved in relation to housing benefit are substantial, even if only directly paid benefit is taken into account. If indirect payment is included, the sums mount up to hundreds of thousands of pounds a year.

The MO's ruling demonstrates that she is not acting in the spirit of the Localism Act and the Nolan principles by making an overly very narrow ruling as to what is a DPI in this case of the councillor/ landlord.

2.4 non registration of interests: contractual relationship with Barnet Homes

In relation to the supplementary part 7 complaint, non registration of the contractual relationship with Barnet Homes, the MO has taken a very dangerous course, insofar as she has interpreted the Code too narrowly, perhaps also *against* the better interests of all Barnet councillors more generally in ruling that dealings with Barnet Homes are not covered by the Code..

The nature of Cllr Rayner's relationship with Barnet Homes, and why in law all the necessary elements of offer, acceptance, and consideration are there to show certain of his dealings with Barnet Homes are contractual is fully set out in my part 7 complaint.

Appendix 1 refers to "*any contract between you and the relevant Authority*". Barnet Homes is a wholly owned arm's length company (ALMO) and it is extremely unwise to exclude such interests from the strictures of the DPI rules. De facto, Barnet Homes is one and the same as far as the DPI rules are concerned.

Where an ALMO such as Barnet Homes has been established to manage housing services, ultimate legal responsibility remains with the relevant local authority. Indeed the ALMO manages housing services on behalf of (not in place of) the local authority, such that agreements entered into with an ALMO are in fact agreements with a relevant local authority via the ALMO as an intermediary agent.

Contracts with subsidiaries, under which the local authority retains strategic direction for the stock and services managed by that subsidiary creates such a close relationship between the Council and Barnet Homes, that for the purposes of the Code it cannot therefore be seen as a wholly separate entity.

The point can be further tested in this way: as the Council has residual liability for the activities of Barnet Homes, if Barnet Homes were to default on a contract, then the Council would be liable for the consequences of the default. If the Council were not the guarantor of last resort, then many of the huge contracts which Barnet Homes has made for major works or as a regeneration partner would not have been possible: the other contracting party would either not enter into the contract without the assurance of the Council's 'underwriting' guarantee, as the risk to them would be too high, or alternatively the contract price would be much higher if more risk was to be imposed on the other contracting party.

Thus, if Barnet Homes defaulted on its various contracts with Cllr Rayner (for example because Barnet Homes became insolvent) then the Council would be liable to Cllr Rayner for damages for that breach of contract.

For these reasons, this inextricable relationship between Barnet Homes and the Council means that a contract between Barnet Homes and councillors should be and is a DPI.

It is against the spirit of the Nolan principles (and I would submit also against the letter of the new legislation if the point were to be tested in court) , for the Council to send out the message, through the MO's ruling, to all councillors that such matters are not disclosable pecuniary interests, need not be registered, and that sections 8 and 9 of Barnet's Code do not apply.

Indeed the evidence of the terms of Cllr Rayner's own later registration and conduct would suggest that he himself now considers such matters to be DPIs, by both the language of his late registration, the part of the registration form in which it is now recorded (the DPI section) , and his own declaration of interest at, and successful application for a dispensation for, the last full council meeting.

The fact that the MO considered it appropriate to grant such a dispensation to Cllr Rayner (and indeed to a number of other councillors) itself supports the argument that the MO has adopted an inconsistent approach: if these were not DPI matters, then why would such dispensations be sought from , and a fortiori granted, by the MO?

The impression left by the MO's ruling on this part of my complaint is that her approach is to assist councillors in general , and Cllr Rayner in this case in particular, to *avoid* the restrictions of the Code of Conduct. In my view that is not her role. She ought to be ensuring that councillors comply with the Nolan principles, which are the foundation stones of the Code of Conduct and for this reason their inclusion in every Code of Conduct became mandatory under the Localism Act.

The MO's negative ruling on this part of my complaint does not affect any decision that prosecuting authorities may take, if a complaint is presented to them on non declaration of similar issues in the future; and such a ruling gives councillors a false sense of security, especially at a time of greater contracting out of council services more generally. To ensure that all councillors are not in danger of falling foul of the new post Localism "criminal" rules, the advice should be - 'if in doubt, register'.

2.5 Cllr Rayner's conduct towards his tenants

Turning to part 5 of the complaint , the MO's ruling is inconsistent with her ruling on part 4. The factual matrix of the two parts are inextricably linked. Cllr Rayner's conduct towards his tenants is not confined to him making them aware that he is a councillor, which is itself wrong- that is meant to and indeed did intimidate some of his tenants in what is already an asymmetrical power relationship between landlord and tenant. In his dealings with council officers about them, this also affected his relationship with tenants in an improper way.

2.6 Disallowance of parts of my complaint: remedy

As the MO's rulings excluding parts of my complaint are potentially subject to judicial review, (as well as an Ombudsman reference) for which the Council, not the MO would bear responsibility and any legal costs incurred, the Panel should remit the MO's decision to exclude large parts of my complaint to her for reconsideration and investigation.

3 comments in response to the revised investigation report

3.1 introduction

I have already commented above at the inadequate time given to respond to this report.

This report is supposed to include a record of the facts as found in the investigation. This it does not.

The investigation report does not seem to have made clear 'findings of fact'. The analytical legal process that needs to be performed to find facts- what are and are not 'facts' as distinguished from arguments and submissions- does not seem to have been followed. Certainly, when I was sitting as a Tribunal Judge, a decision notice containing what purport to be 'facts' such as this would not have been allowed to stand, but would have been remitted by a senior judge to a different tribunal for rehearing.

Whilst some of the 'matters of record' facts are reported (for example the occasions on which Cllr Rayner failed to declare an interest and which are matters of record anyway) the investigation statement recites parts (but not all) of my complaint but then reports not findings of fact concerning the complaint, but mainly Cllr Rayner's submissions in response to the complaint. Parts of the statement also report contradictory matters but without concluding which of the mutually exclusive statements have been found to be 'facts'. There are some assertions by Cllr Rayner as to what may be facts, which appear to have been taken at face value and have not been tested.

In the main the statement, so far as Cllr Rayner's account is concerned, consists mostly of argument, justification, mitigation, and on occasion personal attacks against me, as well as his closing statement. whilst I have submitted comments in rebuttal to Cllr Rayner's arguments in the investigation report, it does not appear to me that I am to be offered the same opportunity as Cllr Rayner to respond to his points as he has to mine as part of the investigation report; nor that I am, as part of the report, to be allowed to make a closing statement in it. this is not a level playing field and is a further breach of natural justice.

3.2 remedy

The MO should be required to rewrite the investigation report to identify what are, and are not, facts: and to include my response to Cllr Rayner's submissions to the Panel, which should be set out in the same way as is this document. His submissions are not and should not be, recorded as fact. They are arguments.

Findings of fact should be made based on the evidence and recorded as such, whilst indentifying the evidence relied upon to come to those findings. Further amendments to the document also need to be made to remove the clear perceptions of bias, as set out below.

3.3 detailed comments page by page on the investigation report

On the basis that the Panel may nevertheless decide to proceed, further opening up additional grounds for judicial review and Ombudsman intervention, I comment on the investigation report by reference to paragraph and page numbers on the last version supplied to me, before I went on the vacation which prevents me attending the hearing.

Paragraphs 6 to 9: These set out an extremely complex and confusing legal history and pose a very strong argument in favour of having legal representation at the Panel hearing for both the complainant and Cllr Rayner .

Paragraph 14: This is a good example of how the Report is biased in the way that some of the “facts” are set out . The paragraph states that section s.31(2)

“*only* requires the member to disclose the pecuniary interest at the meeting if it is not already on the register of members’ interests”.

This is misleading because if the member *does* have a disclosable pecuniary interest because of the requirements of s.31 *they will be not be able* take part in the discussion of the matter at the meeting, or because of Barnet’s rules, vote on it or even be there in the meeting.

Thus, as it is set out on page 2 of the lengthy and very convoluted Report, this simple but important misrepresentation may serve erroneously to persuade the Panel that the current rules are not in favour of disclosing pecuniary interests, apart from in particular circumstances. This is certainly *not* the case.

Paragraph 16: It is not necessary to describe the guidance as “non-statutory”. Again, this negative reporting of the current Code of Conduct may serve subtly to mislead the Panel into an understanding of the Code of Conduct which is incorrect in its emphasis.

I would draw the Panel's attention to Statutory Instrument 2014 No. 2095 and the latest (September 2013) DCLG Guidance "Openness and Transparency on personal interests" which states in the introduction:

'It is essential that there is confidence that Councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a Councillor.'

"failure to comply with those rules (which originated in the Local Government Act 1972) was in circumstances a criminal offence, as his failure to comply in certain circumstances with the new rules."

The Guidance refers to all Members' duty to act in conformity with the seven principles of public life (the Nolan principles) and states:

'You must also stop dealing with the matter as soon as you become aware of having disclosable pecuniary interests relating to the business'.

The Guide says that even if a Council's standing orders do not instruct the member to leave the meeting when a matter is being discussed or a vote taking place, the member *must* leave the room if he/she considers that his/her continued presence *is incompatible with* the Council's Code of Conduct or the *seven principles of public life*. It says,

'It is also a criminal offence to knowingly or recklessly provide false or misleading information or to participate in the business of your authority where that business involves a disclosable pecuniary interest.'

I must emphasise that the Panel needs to bear in mind all this guidance when reaching a decision and the fact that I consider that Councillor Rayner's ownership and renting out (and potential renting out) to both the public and private sector of his properties in Barnet, gives him a disclosable pecuniary interest in many of the issues that were discussed at the meetings which have been brought to the attention of the Investigator. The default position should have been – *if in doubt – stay out – think how public perception would view your presence at such meetings.*

Paragraphs 21 to 26: These paragraphs seem to be *deliberately* confusing and in the body of the Report there does not seem to be any attempt made to relate in a simple way the parts of the Codes which were in force at the time to the complaints made and the responses from Councillor Rayner.

Paragraph 24: Again, this paragraph is misleading. The Panel needs to look at what s.31(4) of the Localism Act 2011 actually states, to see that when there is a DPI a Member may not participate in the meeting vote, and so on. Paragraphs like

this are typical of an unfair bias which emerges at several points in this Report. The second sentence is inaccurate by omission of the reference to other sections of the Act.

Paragraph 29: This a clear example of how the London Borough of Barnet has got it wrong. This issue was the subject of some derision, when it was discussed in the House of Commons, when comments were made about the bad advice that Monitoring Officers had been given since this legislation was introduced in relation to the need to grant dispensations for council tenants.

Paragraphs 34 to 37: In setting out what Councillor Raynor has declared in his register entry , this confirms the precise reasons why I consider that Councillor Rayner should have declared a DPI in relation to all private rented sector discussions of any kind which come before Barnet Council Meetings. However, Councillor Rayner never declared any such interests.

page 6: Cllr Rayner states that his position as a landlord is akin to a car driver , when voting on the budget. This is a facetious argument. The test is whether the point affects the generality of the public rather than him as an individual. Whilst many, ,probably the majority, of people in Barnet are car owners, (the latest figures available from 2011 show that there are 12 cars per 10 households in England), only a small minority of the population and of councillors are landlords, like Cllr Rayner. Accordingly he should have either sought a dispensation or made a declaration in the Council Budget debates as these matters potentially affect him personally.

I also do not accept that it can be correct to say that contracts entered into with Barnet Homes or receipt of Housing Benefit as a landlord are not disclosable pecuniary interests.

The "prescribed description" of disclosable pecuniary interests is:

"any employment, office, trade, profession or vocation carried on for profit or gain which you or your spouse or civil partner undertakes"

This is a deliberately broad definition. In my view it is clear that if a person has several properties which he rents out as a self confessed 'social landlord', his profession or trade could reasonably be described as 'a social landlord' or 'landlord'. Cllr Rayner clearly does this for profit or gain and therefore this fits neatly into the prescribed description of disclosable pecuniary interests set out at Appendix 1.

The amounts involved in relation to housing benefit are substantial , even if only directly paid benefit is taken into account. If indirect payment is included, the sums mount up to hundreds of thousands of pounds a year.

In relation to the non registration of the contractual relationship with Barnet Homes, Whilst Appendix 1 refers to “*any contract between you and the relevant Authority*” and Barnet Homes may arguably be a separate legal entity, Barnet Homes is a wholly owned arm’s length company (ALMO) . De facto, Barnet Homes is one and the same as far as the DPI rules are concerned .

Where an ALMO such as Barnet Homes has been established to manage housing services, ultimate legal responsibility remains with the relevant local authority. Indeed the ALMO manages housing services on behalf of (not in place of) the local authority, such that agreements entered into with an ALMO are in fact agreements with a relevant local authority via the ALMO as an intermediary agent.

Contracts with subsidiaries, under which the local authority retains strategic direction for the stock and services managed by that subsidiary creates such a close relationship between the Council and Barnet Homes, I submit that for the purposes of the Code it cannot therefore be seen as a wholly separate entity.

The point can be further tested in this way: as the Council has residual liability for the activities of Barnet Homes, if Barnet Homes were to default on a contract, then the Council would be liable for the consequences of the default. If the Council were not the guarantor of last resort, then many of the huge contracts which Barnet Homes has made for major works or as a regeneration partner would not have been possible: the other contracting party would either not enter into the contract without that underwriting guarantee as the risk to them would be too high, or alternatively the contract price would be much higher if more risk was to be imposed on the other contracting party.

Thus, if Barnet Homes defaulted on its various contracts with Cllr Rayner (for example because Barnet Homes became insolvent) then the Council would be liable to Cllr Rayner for damages for that breach of contract.

For these reasons, this inextricable relationship between Barnet Homes and the Council means that a contract between Barnet Homes and councillors should be and is a DPI.

Indeed the evidence of the terms Cllr Rayner’s own later registration and conduct would suggest that he himself now considers such matters to be DPIs, by both the language of his late registration, the part of the registration form in which it is now recorded (the DPI section) , and his own declaration of interest at, and application for a dispensation for, the last full council meeting.

The fact that such a dispensation was granted to Cllr Rayner (and indeed to a number of other councillors) itself supports my argument that to find against this

point is to adopt an inconsistent approach: if these were not DPI matters, then why would such dispensations be sought from , and a fortiori granted?

page 8: Rent deposit scheme. The issue is not whether Cllr Rayner stood to gain immediately from the scheme: it was that he potentially could gain from it, as he admits he did, some time later. The scheme moreover is for the benefit of both landlord and tenant. It is variously described in Council documents as part of the 'landlord incentive scheme'. If the Council did not perceive it as a benefit to landlords it would not be so described. The benefit to landlords including Cllr Rayner is the certainty that the deposit can be provided without undue pressure on the tenant's resources, which might otherwise feed through into arrears.

The Code of Conduct in force at that date at paragraph 8(b) states,

'You have a personal interest in any business of your authority where either (a)..... or (b), a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing or financial position of a relevant person to a greater extent than the majority of other Council Tax payers, ratepayers or inhabitants of the Electoral Division or Ward as a case may be affected by the decision.

It is clear that the matters discussed at this meeting which related to the rent deposits scheme and private sector leasing and private sector landlord cash incentives could and would affect Councillor Rayner's financial position and wellbeing more than most other people in the borough.

Cllr Rayner's page 8 response is particularly facile. Councillor Rayner does not seem to be taking this matter seriously insofar as he is utterly disregarding the possibility that all and any matters which affect the private rented sector in Barnet affect him personally due to his substantial business interests.

Page 9: The same comments as those referring to page 8 also apply.

in addition, Cllr Rayner states that he did not receive DHP via his tenants or direct to him. This is not correct. The letter to the tenant of [REDACTED] of 20/2/14 from the Council (not Barnet Homes) states that this was awarded to her for a period ending on 30/3/14. The letter to her from the Housing Benefits Officer of 4/3/14 states the benefit will be paid direct to the landlord .Cllr Rayner's letter of 18/3/14 para 3 requests payment of benefit direct to the landlord. He has therefore received DHP directly from the Council. Other tenants have also confirmed their benefit is paid direct to Cllr Rayner, as set out in the schedule in the evidence supplied to support the complaint.

Councillor Rayner's response on page 9 states:

'I consider the lines in accounts of budget to be so far removed from my role as a Landlord that I do not consider it reasonable to be required to make a Declaration.'

In this sentence Councillor Rayner demonstrates his total disregard for the new spirit of openness transparency and accountability which is required by the Localism Act 2011. It also flies in the face of the requirements set out in the new "Openness of the Local Government Bodies Regulations 2014" which were promoted by the Minister for DCLG.

Page 10: Refers to a Code dated 2011 –is that an error?

Page 11: Perhaps Cllr Rayner had not scrutinised these budget lines with the attention they deserved at the time, or now. They both have the potential to benefit Cllr Rayner directly, as a private sector landlord.

page 12: Cllr Rayner is a private landlord. These budget and policy lines increase the Council's demand for private lettings. Cllr Rayner stood to gain from increased demand, either through taking tenants nominated by the council or its partners; or as a consequence of the increased demand, seeing the value of his own properties increase either by way of capital value or rental value, or both. It is the simple economic law of supply and demand.

Page 14: Cllr Rayner is being disingenuous. The documentary and witness evidence supplied with the complaint demonstrates the extent to which Cllr Rayner is reliant on his tenants obtaining housing benefit to pay him. The fact that Cllr Rayner was in contact with the Council about payments of housing benefit shows that he was not a disinterested party in how his tenants are funded and he saw the receipt of housing benefit as not just a problem for his tenants.

His judgment not to make a declaration was incorrect. The remedy at the time would either have been for him to apply for a dispensation, or to declare an interest and withdraw. He cannot ignore his disclosable interests in the cavalier way he did. Moreover, his reference to accepting housing benefit as rent on page 27 also contradicts these statements about rent not being housing benefit.

It seems to me that Councillor Rayner's comments *intentionally* missed the point about progressing the policy at Barnet Council in favour of the private sector. It *cannot* be that Councillor Rayner misunderstands the complainant's position on this matter.

It is impossible to conclude that the Chair of a Scrutiny Committee Meeting can be seen as impartial and without prejudice if he is making his living from renting out private accommodation in the borough. The meeting is clearly scrutinizing a policy which advocates a more extensive use of the private sector by the Council to solve its housing problems.

In addition, it *cannot* be an answer to this criticism, to say that none of Councillor Rayner's tenants came from Council lists. What is important is the public perception of how these decisions are made. It must be that the public would view Councillor Rayner as '*likely to benefit from such a change or advancement in such a policy.*' By the same token it is not an answer to this criticism to say that none of his tenants received DHP, though in fact at least one did (the tenant of [REDACTED]). No effort has been made by the investigator to establish independently whether or not any other of Cllr Rayner's tenants were in receipt of DHP. It having been shown that he was wrong on at least one occasion, as the documentary evidence shows, he may well be wrong on others.

page 15: the same arguments apply.

Page 18: Cllr Moore's 'call in' reasons clearly are to look at housing allocations in the round. The policy called in specifically refers to the increased use of the private sector as a central part of allocations policy and the targets are very specifically about private rental issues. Cllr Rayner made the wrong decision, bearing in mind how central were his interests to the matters in hand. There is no transcript available, so it is only Cllr Rayner's subjective view that the discussion did not touch on issues where he had an interest. That is a self serving and circular argument. It would be very surprising indeed if private sector housing had not been discussed given how central it was to the policy. Moreover, as chair of the meeting, Cllr Rayner was in a position to steer the debate away from issues affecting his interests; whether or not he actually did so is not relevant to the declaration rules.

Again Councillor Rayner's response is bordering on the facile. It is simply *not true* to describe the overview and Scrutiny Committee Meetings as not decision making. This is a misleading statement by Councillor Rayner. Even so, the Code currently states:

'If you attend a meeting at which the business is considered'.

It does *not* say that it is a meeting at which a decision has to be made. The matter simply has to be considered.

Page 19: Paras 1.6 and 2.2 of the BMOS report relate to the supply and demand of social renting, and the shortfall being filled by the private sector. Para 2.6 reports that 715 social housing tenants were placed in private sector properties. The impact of the proposed changes to the housing allocations system was to tell classes of potential tenants that they had no, or very little, chance of being housed in council or housing association owned properties. They would be reliant on the private sector and would need to find their own private sector accommodation without council assistance. Indeed Cllr Rayner in his schedule on page 31, relates that a number of his properties were let this way.

Other tenants would be placed by the council and housing associations in the private sector in accordance with the new allocations policy. In both these cases, demand for private sector rentals would increase, to the potential benefit of Cllr Rayner.

Yet again there is a display of fundamental ignorance by Councillor Rayner as to what is a disclosable pecuniary interest. The very existence of such an interest means, by definition, that Councillor Rayner should not even be in the room.

Again Cllr Rayner made the wrong judgement. The reference to Cllr McGuirk is an attempt to muddy the waters. As an existing tenant she would not be affected by an allocations policy that relates to new tenants- a completely different position to Cllr Rayner.

Page 20: At this time, the 2009 Code was in force. Councillor Rayner should have declared he had a personal interest because this matter *would* affect his financial position more than most others. For example, with advice given by the Council about resolving homelessness and the use of resources in the direction of the private sector, it cannot be said that this would *not* affect private landlords in the area. Who else was to benefit from this shift in policy? Councillor Rayner chaired the meetings at which these policies were discussed and promoted. In fact he went further, by requesting that it be exempt from calling in – this demonstrates how important this vested interest was to him.

Cllr Rayner's declaration was inadequate. Levels of benefit capping were also of direct relevance to him. As we have seen from the case of the tenant of [REDACTED] she was directly affected by the benefit cap, which put her in arrears; she was given a short term DHP to meet some of the shortfall. Cllr Rayner used her arrears as grounds for eviction.

The levels of benefit and the caps directly affected Cllr Rayner's income from his tenants. Cllr Rayner is very dependent on Housing Benefit to meet his tenants' rent payments.

Some of his tenants receive HB paid to them from which Cllr Rayner benefits when they pay him their rent. These include the tenants of:

[REDACTED]

[REDACTED]

Significantly and more seriously, in respect of several of his tenants the HB is paid direct by the Council to Cllr Rayner and/ or his company.

These include HB payments with respect to:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This is not a comprehensive list and there may be more: it represents a sample drawn from just 6 of the properties where it has been possible to establish the position from the tenant concerned.

Aggregating the rents Cllr Rayner charges for 6 of his properties where the tenants are on HB, the total of rents charged is £8840 pm. The total for these properties is equivalent exactly to LHA rates. According to Cllr Rayner's Register of Interests entry, he lets 19 properties to social tenants. Extrapolating these figures to Cllr Rayner's portfolio as a whole (and excluding 1 property where I believe the tenant may not be on HB) this suggests that his rental income from HB per annum is:

$$£8840 / 6 \times 18 = £26,520 \times 12 = £318,240 \text{ pa}$$

The minimum based on those rentals for which we know the rent and where we know the tenants are definitely on HB (even if all the other tenants are assumed not to be in receipt of HB at all which is extremely unlikely) is:

$$£8840 \times 12 = £106,080$$

The tenants of [REDACTED] and [REDACTED] are long standing. The HB for [REDACTED] has been paid direct to Cllr Rayner and/or his company for 15 years. The total of the LHA for these 2 properties is £2860 and the total rent is £2844. Taking the (lower) rent figure as the base, this amounts to:

£2844 x 12 = £34,128 per annum

paid by way of HB direct to Cllr Rayner.

The HB from 3/3/14 to 25/3/14 of the evicted tenant of [REDACTED] was also paid direct to the landlord, i.e. Cllr Rayner, at the request of his company. This amounted (reduced due to loss of DHA and the benefit cap) to:

£146.16pw x 3 = £438.48

I put these figures to Cllr Rayner by email of 13/6/14 as well as a number of issues raised by the matters in my original complaint including his non registration and non declaration of interests, but so far he has not replied.

These are not trivial sums. It is disingenuous for Cllr Rayner to suggest that when he is so dependent directly and indirectly for his income on Housing Benefit, that he has no direct pecuniary interest in a debate about housing benefit levels. See also his answer on page 27, where he confirms that one of his tenants was affected adversely by the benefit cap. (Also see my further comments on that page.) See also Cllr Rayner's comments on page 29 and the letter to the tenant of 11/2/14, and the letter from S and H Housing Ltd of 18/3/14, which also show that Cllr Rayner saw rent and benefits as interchangeable.

Moreover, the evidence I submitted with my original complaint (and which has been overlooked by the MO and which represents more facts not taken into account in the investigation report) demonstrated the extent to which Cllr Rayner fixed the levels of his tenants' rents at above or in alignment with the LHA, which was the maximum level at which HB was payable for his properties, amounts which were generally in excess of market rents as demonstrated by Zoopla. If the HB rate was irrelevant to him, then why fix rents by reference to it? Cllr Rayner admitted to the local newspapers that he saw nothing wrong in exploiting the HB system to charge to the maximum level HB would allow.

He (Cllr Rayner) added: "With regards to charging above market rates, when letting to housing benefit funded tenants, our rents have been in line with the prevailing local housing allowance rates."

http://www.times-series.co.uk/news/11271349.Mayor_of_Barnet_accused_of_acting_illegally_towards_his_tenants/?ref=var_0

From my original complaint:

Zoopla market rents estimated for the six properties sampled ranged from £989 to £1186. Local Housing Allowance (on which max HB based and is averaged over NW London) is £1009 x 2 bed; £1300 x 3 bed; £1560 x 4 bed property.

£2844 x 12 = £34,128 per annum

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Rents were charged not at market rent but closer to the LHA rate, and in 3 cases more than LHA, to the 6 tenants on HB with rents ranging from £1350 to £1846 pm.

Actual rent is only less than market rent on only one property, where it is believed the tenants are not on HB.

This appears to be exploitation of the HB rules to maximise income beyond what would be a fair rent in the private non-benefit sector.

Cllr Rayner adjusted the rents he charged (generally upwards) under the admittedly illegal terms allowing him absolute freedom to increase rents at his whim by reference to HB levels, which leases he now accepts were illegal and in relation to which he claims no longer to use them. He was therefore directly interested in the levels of HB.

page 23: It does not matter whether BMOSC is or is not a decision making body. Para 9.1 of the Code refers to any 'matter to be considered', not a matter to be decided upon. However, there was a decision: to expedite the proposal. The paper directly relates to the role of the private sector and as a private sector landlord, Cllr Rayner stood to benefit from its proposals, as in fact he did, from both the rent deposit and the incentive scheme.

Councillor Rayner states, *'If the matter moved into an area where I thought I might have an interest...'* This is perhaps Councillor's Rayner's most disingenuous remark and becomes even more so by its repetition. It is repeated in fact on **page 24** of the Report when he was chairing a meeting at which Barnet Homes is discussed, from which he was receiving cash incentives for taking on Council tenants.

page 24: in the original version of the factual statement there appeared to be a drafting issue, in that the paragraph commencing *'The cabinet member for housing...'* through to the end of the page was in italics and was thus represented as if forming part of my complaint, when it was not.

The wording of my complaint ended at the previous paragraph:

...the evidence referred to above confirms'.

This has been corrected in the version before the Panel.

However, the remainder of the italicised paragraph was this:

“The Cabinet Member for Housing presented a report that outlined the process for renewing the management agreement with the Barnet Group for the management of the council’s housing stock and provision of the housing service.

In appendix 3 of the report there is a one line reference to rent deposits and landlord incentives fee income budget o £230,000.

The report was noted and the committee requested that consideration was given to (a) meeting the needs of vulnerable groups; (b) the importance of filling vacancies on the Board of Barnet Group and (c) how ongoing scrutiny of housing matters fitted into the committee system.

Cllr Rayner is WAS HE IN RECEIPT OF INCENTIVES AT THIS TIME?

Cllr Rayner chaired the meeting. There were no declarations of members’ interests”

This was presumably the MOs factual assessment, now removed from the current version. These paragraphs should still have been included in this current version, not in italics but as part of the factual matrix, as these were some of the few actual findings of fact and should not have been deleted. It is surprising that such important facts that are supportive of the complaint were removed.

The revised report now before the Panel should also have included the affirmative answer to “ WAS HE IN RECEIPT OF INCENTIVES AT THIS TIME?” which the MO should have been able to corroborate from council records.

The available evidence shows that Cllr Rayner was; but that is the wrong question. The correct question is whether or not he could have benefitted from the incentive scheme prospectively, not whether in fact he did so, or was doing so at the time of the meeting.

also Page 24: it does not matter that BMOSC was not a decision making body. The code does not require this, for the reasons set out above.

Page 27: Appendix D is an email to Cllr Rayner from Ms Nkechi. On the face of it, it would appear to have been sent to Cllr Rayner as a councillor (see the title of the addressee); and to have been sent to him at his council email address. My belief is that Cllr Rayner used his council email address for transactions of this kind. My following FoI requests to establish this were refused, on the grounds that it would take more than 18 hours to find the answers:

- Please disclose all email correspondence on his council email address passing between Cllr Hugh Rayner and a) Barnet Council and b) Barnet Homes that mention the following properties: (list as on his register of interests entry)
- Please disclose all correspondence passing between Barnet Council and Hugh Rayner in his capacity as a landlord for each of the last 3 years
- Please disclose details of all payments made by the Council to Hugh Rayner in his capacity as a landlord including any Housing Benefit payments in each of the last 3 financial years.

The refusal of the FOI requests on this matter on the basis that they would take too much time to respond may demonstrate the scale of Councillor Rayner's involvement with Barnet Council in his role as a landlord and his use of council resources to promote his interests.

The first point above is especially critical evidence of the way that Cllr Rayner used his title and position and indeed council email facilities, in the course of his dealings with the council as a landlord.

The Panel should request this information themselves, or better still, Cllr Rayner should allow voluntary access of his council email to the investigation, to establish the truth, one way or the other. If he does not do so, then the facts speak for themselves.

This council email use is clearly inappropriate. He should have used an entirely separate email address for his business dealings with the council; and should have referred to himself as *Mr Rayner*, when dealing with officers on his private business. Cllr Rayner saw no distinction between his two roles, and the net effect is to give the impression that he improperly approaches officers in the way he conducts his businesses affairs as a councillor. The email also suggests that when he spoke to the officer he did so as a councillor, as otherwise she would have emailed him at his private email address, if he had supplied one to her as he should have done; or if the council housing department had this on file.

Also Page 27: Cllr Rayner's response. I assume by 'special measures' Cllr Rayner means arrears. There is no such thing as 'special measures' in housing law. The tenant's comments on Cllr Rayner's 'discussion' about alternatives reproduced under his response paragraph suggest a very intimidatory approach to her. In fact Cllr Rayner did not accept the lower housing benefit as rent, but as a contribution towards it, as he still considered arrears were accruing, which in the end were used as grounds for eviction. Moreover, his reference to accepting housing benefit as rent also contradicts his earlier statements about rent not being housing benefit.

Cllr Rayner states when phoning Ms Nkechi he made clear he was not calling as a councillor. That is contradicted by the evidence of the email and points referred to above about it.

page 29: The evidence suggests that the grounds for seeking possession were indeed the rent arrears: see the letter to the tenant of 11/2/14, and the letter from S and H Housing Ltd of 18/3/14. I note Cllr Rayner has not produced a copy of the affidavit to the court setting out the grounds for seeking possession which would settle this point if he were correct. It is accepted Cllr Rayner did not pursue the arrears after the tenant was evicted.

also page 29: Cllr Rayner's general statement . This proves that he saw his roles as interchangeable. When in this position, Cllr Rayner should have been much more determined to put in place 'fire walls' in his dealings with officers. He states that he made clear when he was speaking as a landlord to officers and as a councillor to tenants, but this swapping of hats can only work if Cllr Rayner is absolutely clear in all possible ways with his interlocutor. For example, the use of his title when dealing with officers is inappropriate. His use of his council email address for personal business is inappropriate . He should have insisted on using only his business communication addresses and not used his title of Councillor when dealing with his business affairs, especially when approaching council officers. To do otherwise, as Cllr Rayner did, is to send mixed messages and is a misuse of public office.

page 30 The important point that Cllr Rayner overlooks is not whether in fact he later benefitted from decisions in which he participated without declaring an interest, but whether the perception could be given of this; and whether he could have the opportunity to do so, depending on the outcome of the decision which is undeniably the case.

Nor is there a test of 'reasonableness' in the terms that Cllr Rayner has invented ,as to whether he should declare his interests. The test is whether or not he has an interest, pure and simple. Cllr Rayner has an interest as his trade is that of landlord. If business that relates to landlords is being discussed he should declare an interest and withdraw. He has a duty under the Nolan principles to declare any interest. There is no remoteness test either.

The Code also suggests that if there is any doubt, then the Monitoring Officer should be consulted. Whilst Cllr Rayner states on page 6 of the Investigation Report that the Monitoring Officer advised him on one of the legal questions that are fundamental to the complaint , namely what was (and was not) a disclosable

pecuniary interest, is not clear when this advice was offered to Cllr Rayner, assuming it was.

It seems highly probable that this interpretation of the law (which I consider to be wrong anyway) was given after the event. If the MO had been consulted before, then the safest advice for her to give would have been to apply for a dispensation, as happened recently with respect to a number of councillors at the last council meeting, including Cllr Rayner, when so far as Cllr Rayner is concerned, there were no material changes to his interests.

Ex post facto consultation is not consultation, as the Code clearly requires consultation in advance. Cllr Rayner could have applied for a dispensation if the case was marginal, but he did not do that either.

Cllr Rayner again repeats his argument concerning benefit not being rent, but the evidence suggests he regards them as interchangeable, see above.

Cllr Rayner then goes on to take the opportunity which he says he is not (but clearly is) , by mounting his personal attack on me, which to my mind does not form part of the factual matrix of the complaint and should have been excluded, so I will not respond to it in kind. I do not consider the complaints I have made unfounded. The fact that the Monitoring Officer has accepted two of the five classes of complaints for investigation and having investigated them, then referred them to the Panel is evidence in itself that there is a case for Cllr Rayner to answer.

The Monitoring Officer did not accept for investigation other complaints which I consider fall to be breaches of the Code; nor would she entertain detailed submissions as to why her decision was wrong. She invited me to refer her decision to the Ombudsman, which of course I will do.

4 conclusions

As I have indicated above, LBB's published "Process for complaints" states:

"procedures would have an emphasis on flexibility and informality (insofar as possible and consistent with the principles of natural justice) and dispute resolution.

The process so far has failed these tests. It has failed to apply the Nolan principles that are required of every councillor, given the way the complaint has been approached so far. It has not preceded in accordance with natural justice and has shown clear elements of bias against the complainant and in favour of Cllr Rayner.

Because of the MO's ruling, unless the Leaders' Panel adopt the course of action I propose in this document, they will not be able to consider my complaint concerning Cllr Rayner's conduct as a landlord, nor his non registration of interests concerning his receipt of housing benefit, even though thousands of pounds of public money was involved, nor Cllr Rayner's contractual dealings with Barnet Homes.

Nevertheless, if my arguments concerning procedural matters are not accepted, the Leaders' Panel will consider the two most serious allegations, concerning Cllr Rayner's non-disclosure of interests at council and committee meetings; and improper use of his position as a councillor in dealings with council officers.

Cllr Rayner should have declared at all these meetings a direct pecuniary interest.

When the Council budget meetings and BMOSC was discussing policies which positively advocated an increase in the use of the private rented sector when discharging the council's social housing responsibilities, considered and agreed landlord incentives, and discussed housing benefit caps and their consequences, a non-pecuniary interest on the sole occasion such a declaration was made was insufficient, as Cllr Rayner stood to gain personally from the decisions taken as a self-confessed landlord who takes social housing tenants.

Whether or not Cllr Rayner actually benefitted (though as my complainant and this document demonstrates, he did in a number of ways) is immaterial. The question is, whether he could benefit from the opportunities now afforded as a result of the council's decisions.

Such decisions will for example have an impact on demand for such properties as Cllr Rayner owns thus affecting both capital values and rent levels.

As the Council administers both HB and Discretionary Housing Payments, due to his receipt directly and indirectly of HB Cllr Rayner should also have declared this as a disclosable pecuniary interest at all these meetings.

He was clearly reliant on housing benefit to enable his tenants to pay rent; and on other occasions received housing benefit as a direct payment to him from the

council. He is disingenuous in suggesting that HB levels were of no interest to him, when the evidence I have submitted demonstrates that the rent levels he fixed were aligned to the LHA level - the housing benefit rate.

He received landlord incentives from the council and Barnet Homes. he claims they were for the benefit of the tenant – but if so why were they called by the council and Barnet Homes ‘landlord incentives’, and how does the tenant benefit from a payment to the landlord to take a council nominated tenant? Cllr Rayner should have made a disclosable pecuniary interest declaration in relation to his ownership of property as a landlord as the business conducted at the meetings was of benefit to him both directly and indirectly.

The Code also expects councillors to take advice from the Monitoring Officer as to participation in matters where the Member may have an interest. It is hard to believe that Cllr Rayner did, so, as if he had the Monitoring Officer would surely have advised him of the risks of him not making a full disclosure and declaration of his disclosable pecuniary interests and continuing to preside at and participate in the meetings referred to above. Ex post facto damage limitation advice after the horse has bolted is no defence to this.

Cllr Rayner could have applied for a dispensation, but did not do this either, until the last council meeting.

Cllr Rayner has adopted an overly subjective view of the Code, when the Nolan principles and all the pronouncements from the Government over recent years, especially since the Localism Act emphasise the need to interpret the Code objectively: what would it look like to the person in the street if a declaration was not made?

In his dealings with officers and his tenants, Cllr Rayner did not draw clear lines to distinguish which role he was adopting at a particular time. This sent mixed messages to officers and tenants. Tenants felt intimidated by this powerful man who was not just their landlord but also a person of considerable local prominence, in what was a very asymmetric relationship. The fact that Cllr Rayner admits he saw nothing wrong in turning up at a tenant’s home at 10pm at night with no appointment demonstrates this.

This confusion of roles vis a vis officers is shown by the email from Ms Nkechi addressed to Cllr Rayner at his council email address. It is absolutely clear that in dealings with council officers, members have to be scrupulous about separating out their personal interest from their roles as a councillor. Clear ‘firewalls’ should have been put in place by Cllr Rayner. It is not enough to tell an officer that today he is wearing one hat, rather than the other. He should never have used, nor permitted to be used, his council email for his personal business. He should not have used, or permitted to be used, his title of councillor when dealing with officers on his own personal business.

For these reasons, I believe the case against Cllr Rayner has been made out on both elements of the complaint before the Panel.

Cllr Rayner has acted, or failed to act, contrary to part 2 para 9.1 of the Code.

Cllr Rayner has acted contrary to paragraph 7 of the Code, in that he has taken decisions that are for his personal benefit.

Cllr Rayner has acted contrary to paragraph 8.2 of the Code, in that he apparently failed to take timely advice from the Monitoring Officer.

Cllr Rayner has not acted with selflessness, integrity, accountability, openness, honesty or shown leadership as required by the principles set out at paragraph 1(6) of the Member's Code of Conduct in failing properly to declare his direct pecuniary interests.

Cllr Rayner disclosed confidential information concerning his tenant contrary to paragraph 4 and used his position as a councillor to secure an advantage for himself contrary to paragraph 5 of the Code.

Cllr Rayner has failed to act with selflessness, integrity, objectivity, accountability, openness, honesty and to exercise leadership by behaving in ways that do not exemplify the high standards of conduct required by paragraph 1(6) of the Member's Code of Conduct in the conduct of his dealings with council officers.

In relation to the complaint of repeated failure to disclose a DPI, the panel should refer the matter to the police for further investigation, as other councillors have been referred in the past. Not do so would smack of party political double standards.

Against the sorry background set out in this document, it is inevitable that there have to be fears of a whitewash, shared by many local residents, who will be observing the outcome of these proceedings with keen interest.

In whatever way this Panel meeting is conducted, and despite the erroneous exclusion of large parts of my complaint so far, this will not prevent the public forming their own view as to Mayor Cllr Rayner's conduct on these matters, bearing in mind his own admissions to the local press.

If the Leaders' Panel do not deal with this case appropriately, then I will have to explore other avenues to establish the truth for the people of Barnet and achieve an appropriate outcome.

Andrew Dismore AM

20/8/14

With Compliments from



S&H HOUSING LTD

Property Management

51, Glendale Avenue
Edgware
Middlesex
HA8 8HF

Tel: Office: 020-8958-3624
Mobile: 07973-675-149

E-mail: lets@shhousing.co.uk

Our Reference: [REDACTED]

Date: 11th February 2014

Mrs S [REDACTED]

As you are now beyond the notice period allowed in the court order for possession you no longer pay rent – but instead pay *mesne profits* or *occupation payment* – see below. You pay for the occupation of your house four weeks in arrears. As of now your occupation payment is paid upto and including 2nd February 2014. Your next occupation payment is due on 3rd March 2014. Occupation payment is £375.35 pw.

The reason for the landlord seeking possession is that on 31st March when DHP ceases you will only be left with approx. £160 pw capped hb to pay your occupation payment. If you take action to get the housing benefit cap removed then the landlord might consider not enforcing the possession order.

Bailiffs have been requested to enforce the possession order and we now await advice of the date when they will attend.

Yours sincerely,

Hugh Rayner

DOCUMENT RECEIPT

Name [REDACTED]

Address [REDACTED]

Document Type Residential Housing

Date of Receipt _____

net Benefits Services

[REDACTED]
020 8359 2111
benefits@barnet.gov.uk
0871 911 6101
4/03/2014

747666
8001 020 8359 2111

FEN60

Payments of Housing Benefit

Your landlord has informed me that you are eight weeks or more in arrears (£3978.39) with you rent. Housing Benefit will now be paid direct to your landlord. This decision has been made in accordance with Regulation 95(1)(b) of The Housing Benefit Regulations 2006 or Regulation 76(1)(b) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

If you think that this decision is wrong, you must write within one calendar month of the date of this letter asking for a reconsideration of this decision or appealing against it.

Yours sincerely

[REDACTED SIGNATURE]

With Compliments from



S&H HOUSING LTD

Property Management

**51, Glendale Avenue
Edgware
Middlesex
HA8 8HF**

**Tel: Office: 020-8958-3624
Mobile: 07973-675-149**

E-mail: lets@sbhousing.co.uk

**Our Reference: [REDACTED]
Your Reference:**

Date: 18th March 2014

Mrs S [REDACTED] is the tenant of [REDACTED]

1. Mrs S [REDACTED] is due to be evicted on 25th March 2014 in accordance with the court order made on 8th January by the Barnet County Court. The order also specifies that Mrs S [REDACTED] should pay the claimant's costs of £244.50.
2. Mrs S [REDACTED] lease dated 28th March 2011 specifies a weekly rent of £461.50. Since 31st of December 2012 housing benefit have made various adjustments to her housing benefit payments, resulting in Mrs S [REDACTED] paying less than the contracted rent to the landlord since that date. Please see the attached statement. As of 2nd March 2014 actual payments against contracted rent have resulted in a shortfall of £3978.39.
3. We have requested that her final benefit instalment, 3rd March to 25th March, be paid directly to the landlord.
4. Mrs S [REDACTED] £1000 deposit which was originally placed with DPS, has been recovered in full from DPS and is now held by S&H Housing Ltd.

Dealing with the rent shortfall of approx. £4k – providing the property is left in a clean and tidy state including the garden on 25th March, fair wear and tear allowed for, then the landlord does not intend to pursue these arrears.

PTO

Dealing with the deposit – the claimant's costs referred to in the court order will be deducted from the £1000 recovered deposit leaving a balance of £755.50. Any disputes over the condition and contents of the property will be dealt with when the property is handed back. In deciding these matters due consideration will be given to the length of time Mrs S [REDACTED] has lived in the property.

Yours sincerely,



Hugh Rayner

APPENDIX G

POST REPORT SUMMARY – from Hugh Rayner

1. I run a small property management agency in the Colindale area - some of the houses we manage are owned by the agency itself, some by me and some by clients. Our tenants are a generally contented group who live in nice well maintained, properly documented houses, many for more than ten years with some for more than twenty years. Our tenants are generally well satisfied with the service the agency provides. Some, but not all of our tenants, are disadvantaged by not being able to afford London rents. These have their rent funded, or supplemented, by housing benefit. As an agency we do not automatically turn these people away as most agencies do. We realise that just being on benefits does not make you a bad person - indeed some of our best tenants fall into this category.
2. I repeat, for emphasis, that **as a landlord I only receive rent** – I do not claim or receive housing benefit or DHP as Dismore and the newspapers would have you believe. I receive rent! How a tenant sources their rent is their responsibility not mine. My responsibility is to provide the house – theirs is to provide the rent. If the tenant lives in somebody else’s house – then rent is due!
3. There is a **big difference between Barnet Homes’ ‘deposits’ and ‘incentives’ schemes.**
 - a. **‘Deposits’** in this context are amounts lodged with the landlord by Barnet Homes, repayable at the end of the lease less any deductions. **Deposits advantage the tenant.** S&H Housing Ltd received one deposit on behalf of one tenant in **January 2013** – which is lodged with DPS with Barnet Homes named as the provider. Note this tenant was previously our tenant in the 1990’s before they moved away. They sought us out when they returned. They did not come as a Barnet Home’s recommendation – I state this in case it was not clear in my final summary at page 30 of Mrs Cohen’s main report.
 - b. **‘Incentives’** on the other hand are non-returnable cash sums paid to the landlord. **Incentives advantage the landlord.** Hugh Rayner received one incentive in **July 2014** (well after the meetings about which the complainant is concerned). Note this tenant came to us in the first instance through a private recommendation – not from Barnet Homes. I state this in case it was not clear in my final summary at page 30 of Mrs Cohen’s main report. We also received a further incentive at the end of **July 2014** – again the tenant was obtained through private recommendation.
4. **I made no reliance in my property business on any matters arising from Council policy** – indeed I suffered from Council policy in as much as I now need to pay council tax when properties are void and because of the downward adjustments of LHA and caps etc. Most of my tenants were in situ before the meetings about which the complainant is concerned and **all of my tenants came from private referrals – NONE THROUGH BARNET HOMES.** (No tenants were recommended by Barnet Homes - I repeat this in case it was not clear in my final summary at page 30 of Mrs Cohen’s main report.) Just for the record our advertising budget during the nearly 30 years I have been in business has been virtually zero – **existing tenants recommend us to their friends!**

5. The bottom line, I believe, is that you must consider whether there has been any impropriety in all this or for that matter any intention of impropriety.
 - a. I do not consider that there was any **impropriety in my dealings with council officers or Barnet Homes' staff** – as evidenced by solicitor Mrs Cohen's research - nothing but inference and conjecture on the part of Mr Dismore and his 'star' witness!
 - b. Nor do I consider there has been any **impropriety in regard to my declarations** at meetings. Matters under consideration at meetings were considered carefully and judgements made in good faith. And if a conflict of interest were to have arisen I would, as stated elsewhere, have made a declaration. In my opinion no conflict of interests arose – even, as it turns out, at the meeting in January 2014 when I did make a declaration.

6. My advisors have expressed serious concerns about the part played by Mr Dismore in all this, about the part played by certain Burnt Oak Councillors, about the declarations of opposition members of BMOSC as well as about the involvement of local newspapers. I am at a loss as what making all these complaints, including those set aside by the Monitoring Officer, was intended to achieve! Whose benefit has it been all for? If I were the bad landlord that Mr Dismore has been making out then surely my tenants, many of long standing, would be up in arms. The fact is that I have **only received words of support from my tenants** and they are totally bemused, and in some cases very annoyed, by the newspaper reports. If I were a bad councillor then I would not have **been re-elected in May 2014**. I do hope this is not just a political ploy on the part of Mr Dismore - part of Mr Dismore's re-election campaign!

HRR

Aug 14

Comments on procedure noted in Mr Dismore's submission to the Group Leaders Panel

- Hearing date – the hearing date was set with members as is usual practice on by the 24th July and the date published on the 29th July and the MO was notified that Mr Dismore was to be on leave until the 9th September on the 25th July. Mr Dismore did not however state what date he would be away from. It is not usual practice to canvass dates for the hearing from the complainant. An alternative date was offered to Mr Dismore of the 9th September from 4pm onwards and he said he could not attend, as such the scheduled date was kept given that was the only other available time until the 16th September.
- Three month deadline – there is a requirement within the Constitution to provide a written report to the Group leaders Panel within three months of receiving the complaint. The complaint was received on the 16th June and therefore the Group Leaders Panel was required to receive it by the 16th September. The 3rd of September was the date chosen.
- Natural justice – the procedures for the Group Leaders Panel are set out in the Constitution, specifically the Panel would have discretion to decide whether to take evidence in writing or in person from the complainant and the subject member and whether or not to take statements/evidence from other parties. In light of Mr Dismore's unavailability the papers were sent to him for comments on factual accuracy and his written statement has been included within the papers for the panel including any procedural issues he feels that have not been followed. Likewise Councillor Rayner has been sent the papers for his written statement on the finding of fact. If anything new is introduced to the panel on the evening the panel would need to consider whether they take it into account and therefore adjourn the meeting for Mr Dismore's right of reply or not to include it within their deliberations.
- Membership of the Panel – all Members are responsible for managing their own conflicts of interest of perceptions of bias. Members are asked at the start of the meeting for their declaration of interests.
- Public or Private meeting – the MO does not make a decision on whether or not to hold the meeting in public or private that is the decision of the Committee.
- Background correspondence – under the procedures "the monitoring officer has the discretion to assemble other evidence to assist the Panel". All information relevant to the complaints put through for a formal process has been included for the Group Leaders Panel.
- Legal advice to the panel – there has been Chinese walls in place within HB PL (Harrow) as to who will be undertaking the investigation and who will be advising the panel. These have been maintained through-out the investigation. A separate adviser from HBPL will advise the panel.
- Absence of legal representatives – Under the Localism Act the Council must have a code of Conduct, and a procedure for investigation and decision making on allegations. The procedure for investigation are included in Appendix 2 of the Code of Conduct and

specifically state under (h) that the subject Member may bring along a friend/lay person (but not a legal representative). This procedure was adopted by Full Council in July 2012.

- Complaints not taken forward – those complaints not taken forward have been done so after consultation with the independent person and after legal advice was taken. The appeal process is to complain to the Ombudsman or to the Chief Executive. The Group Leaders Panel does not play a role in reviewing the decision of an officer.-The decision can be reconsidered in light of any fresh information about the other complaints.

Overall Conclusion

Procedures as set out in the Members Code of Conduct, specifically Appendix 2, have been followed. The Localism Act requires that

28 (6) A relevant authority other than a parish council must have in place—

(a) arrangements under which allegations can be investigated, and .

(b) arrangements under which decisions on allegations can be made.

The local arrangements that are in place have been approved by Full Council and these have been worked to since July 2012. There has been no deviation from this approach. The Group Leaders Panel has been sent factual information which is relevant for their consideration of the complaints put through to a formal process, on that basis it should proceed.