

**DRAFT**

**Code of Conduct for Councillors**

**London Borough of Barking and Dagenham**

1. As an elected member or co-opted member (“Member”) of the London Borough of Barking and Dagenham I have a responsibility to represent the Community and work constructively with our staff and partner organizations to secure better social, economic and environmental outcomes for all.
2. As a Member I have a duty to maintain high standards of conduct. This Code of Conduct (“the Code”) helps to discharge this duty by providing the standards of conduct expected of its Members when acting in their official capacity.
3. This Code regulates the conduct of Members. It does not apply to or seek to regulate the performance, politics or policies of the Council or its individual councillors. These are matters decided by the residents at local elections.

**Principles of good conduct**

4. In accordance with the provisions of the Localism Act 2011, when acting in the capacity of a Member I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS**

To serve only the public interest and never improperly confer an advantage or disadvantage on any person

**INTEGRITY**

Not to place myself in situations where my integrity may be questioned, not to behave improperly and on all occasions to avoid the appearance of such behaviour

**OBJECTIVITY**

To make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.

**ACCOUNTABILITY**

To be accountable to the public for my actions and the manner in which I carry out my responsibilities and to co-operate fully and honestly with any scrutiny appropriate to my Office.

**OPENNESS**

To be as open as possible about my actions and those of the Council and be prepared to give reasons for those actions.

**HONESTY**

Not to place myself in situations where my honesty may be questioned, not to behave improperly and should, on all occasions, avoid the appearance of such behaviour.

**LEADERSHIP**

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

**Standards of Conduct**

- 5.1 I understand that when I sign up to this Code I must comply with the following standards of conduct / behaviour, which are consistent with the above principles:
- i. To act solely in the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for myself, my family, friend or close associates.
  - ii. Not to place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
  - iii. To make all decisions on merit when carrying out public duties, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits.
  - iv. To be accountable for my decisions to the public and to co-operate fully with whatever scrutiny is appropriate to my office.
  - v. To be as open as possible about my decisions and actions and the decisions and actions of my authority and to be prepared to give reasons for those decisions and actions.
  - vi. To register and declare any pecuniary and non-pecuniary interests, as set out in this Code.
  - vii. When using or authorising the use by others of the resources of this authority, to ensure that such resources are not used improperly for political purposes (including party political purposes) and to have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
  - viii. To behave in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources and dealing with confidential information appropriately.
  - ix. To value and respect colleagues, staff, partners and public, engaging with them in an appropriate manner that underpins the mutual respect

- between us that is essential to good local government and not to act in a manner that could be deemed as bullying, harassment or intimidation.
- x. To promote and support high standards of conduct by leadership and by example.

5.2 I understand that these standards of conduct apply to me when I am acting in my official capacity as a Member and if I breach one or more of these standards someone may make a complaint against me.

## **6 Disclosable Pecuniary Interests**

6.1 You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in 6.2 below and is either:

- (a) An interest of yours
- (b) An interest of your spouse
- (c) An interest of your civil partner
- (d) An interest of a person you are living with as a spouse or civil partner

And in the case of paragraphs 6.1(b) – 6.1(c) (“relevant persons”) where you are aware that that relevant person has the interest.

6.2 It relates to or is likely to affect:

- i. Any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain;
- ii. Any payment or provision of any other financial benefit (other than from your authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 other than from a registered political party;
- iii. Any beneficial interest in securities of a body where:
  - 1. that body (to your knowledge) has a place of business or land in the area of your authority and
  - 2. either:
    - a. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body;
    - or

- b. the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.
- iv. Any contract for goods, services or works which has not been fully discharged between you or a relevant person and your authority or a body in which you or they have a beneficial interest;
- v. A beneficial interest in any land in your authority's area;
- vi. Any tenancy where to your knowledge:
  - (a) the landlord is your authority and
  - (b) the tenant is a body in which you or a relevant person has a beneficial interest.
- vii. A licence of any land in your authority's area (alone or jointly with others) that you or a relevant person occupy for a month or longer.

## **7. Other Pecuniary Interests**

7.1 You have a pecuniary interest in any business of your authority where it relates to or is likely to affect:

- i. any person or body who employs or has appointed you;
- ii. 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 specific in paragraph 6.2.(iii) which has been fully discharged within the last 12 months.

## **8. Non-Pecuniary Interests**

8.1 You have a non-pecuniary 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:
    - 1. exercising functions of a public nature;
    - 2. directed to charitable purposes; or

3. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);  
of which you are a member or in a position of general control or management;
- iii. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- iv. a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward, as the case may be, affected by the decision.

## **9. Disclosure of Interests**

- 9.1 Subject to sub-paragraphs 9.2 to 9.5, where you have a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of your authority and you are present at a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.
- 9.2 Sub-paragraph 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the pecuniary or non pecuniary interest.
- 9.3 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 9.1 but by virtue of paragraph 13 (sensitive interests) details of the interest are not registered in your authority's published register of members' interests and that the interest is a disclosable pecuniary interest (if that is the case), you need not disclose the nature of the interest to the meeting.
- 9.4 Where you have a pecuniary interest in any business of your authority and a function of your authority may be discharged by you acting alone in relation to that business, you must ensure you notify the authority's Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business.
- 9.5 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 9.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest.

9.6 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.

## **10. Disclosure of Interests generally**

10.1 Subject to sub-paragraph 10.2 where you have a pecuniary interest in any business of your authority you also have a disclosable pecuniary 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 judgment in the public interest.

10.2 You do not have a disclosable pecuniary interest in any business of your authority where that business

- i. does not affect your financial position or the financial position of a person or body described in paragraph 8.1 (a) i. and ii.;
- ii. 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 8.1 (a) i and ii; or
- iii. relates to the functions of your authority in respect of
  - (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (d) an allowance, payment or indemnity given to members;
  - (e) any ceremonial honour given to members; and
  - (f) setting council tax or a precept under the Local Government Finance Act 1992.

## 11. Effect of Disclosable Pecuniary Interests on participation

### 11.1 You may not-

- a. if present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority and
- b. you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and
- c. you are aware that sub-paragraph 11.1.b is met:
  - i. participate, or participate further, in any discussion of the matter at the meeting, or
  - ii. participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's Proper Officer (Monitoring Officer). The process for applying for a dispensation can be found in the Council's Constitution or advice can be sought from the Monitoring Officer.

- d. exercise executive functions in relation to that business and
- e. seek improperly to influence a decision about that business

11.2 If a function of your authority may be discharged by a member acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself).

11.3 If you have a Pecuniary Interest other than a Disclosable Pecuniary Interest in any business of your authority 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 judgment of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered you must:-

11.3.1 Disclose the existence and nature of the interest in accordance with paragraph 9.1 (but subject to paragraph 9.3).

11.3.2 Withdraw from the room or chamber where the meeting considering the business is being held, unless you have obtained a dispensation from your authority's proper officer in a case where paragraph 11.3 applies, immediately after making your representations or in any other case when the business is under consideration unless you have obtained a dispensation from your authority's proper officer.

## 12. Registration of Members' Interests

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, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the authority

register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- (i) disclosable pecuniary interests as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
  - (ii) other pecuniary interests referred to in paragraph 7 that you have
- (c) Subject to paragraph 13, you must within 28 days of becoming aware of any new disclosable pecuniary interest as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner, or change to any disclosable pecuniary interest registered under paragraphs 12.(i) or (ii) above

by providing written notification to your authority's Monitoring Officer.

## 13. Sensitive Information

- 13.1 Where you have a disclosable pecuniary interest referred to in paragraph 6 or other pecuniary interest referred to in paragraph 7 and the nature of the interest is such that you and your authority's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 13.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 13.1 is no longer sensitive information, notify your authority's monitoring officer.



13.3 In this Code “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

**14. Gifts and Hospitality**

14.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value of £25 or more which you have accepted as a Member from any person or body other than the authority.

14.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

14.3 Detailed information as to gifts and hospitality given and received can be found in the Council’s Constitution or advice can be sought from the Monitoring Officer.

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