

Code of Conduct for Councillors

1. As an elected member or co-opted member (“Member”) of the London Borough of Barking and Dagenham (the “Council”); I have a responsibility to represent the Community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
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 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

- 4.1 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: 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.

5. Standards of Conduct

- 5.1 I further understand that when I sign up to this Code I must comply with the following standards of conduct and behaviour, which are consistent with the above principles:
- i. To act solely in the public interest and never seek to 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 fully submit to 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 give reasons for those decisions and actions.
 - vi. To register as required and declare any disclosable pecuniary interest, and other 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 the principles and standards of the Council's Code of Conduct for Councillors apply to me whenever I act in my official capacity as a Member and a failure to comply with this Code may lead to someone making a complaint against me.

6. Disclosable Pecuniary Interests

- 6.1 **The Localism Act 2011 sets out specific requirements for certain personal interests of Members to be notified to the Monitoring Officer within 28 days of becoming a Member. These are called *disclosable pecuniary interests* and must be entered on the Register of Members' Interests. You should also notify the Monitoring Officer if there is any change in those interests.**

6.2 You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in 6.3 below and is either:

- (a) an interest of yours;
- (b) an interest of a “relevant person” who is defined as either
 - i. your spouse
 - ii. your civil partner
 - iii. a person you are living with as a spouse or civil partner

and you are aware that that person has such an interest.

6.3 A disclosable pecuniary interest is one which 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. Non-Pecuniary Interests

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

(a) 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;

(b) any body that:

1. exercises functions of a public nature; or
2. is directed to charitable purposes; or
3. one of its 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;

(c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

(d) a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of a person known to you 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.

8. Declaration of Disclosable Pecuniary Interests

8.1 Subject to sub-paragraphs 8.2 to 8.3, where you have a disclosable 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 declare to that meeting the existence and nature of that interest whether or not such an interest is registered on your Register of Interests or for which you have made a pending notification.

8.2 Sub-paragraph 8.1 only applies where you are aware or ought reasonably to be aware of the existence of the interest.

8.3 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 8.1 but by virtue of paragraph 12 (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. Declaration of Interests generally

9.1 Subject to sub-paragraph 10.1 where you have an interest in any business of your authority you also have a declarable 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.

- 9.2 You do not have a declarable 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 7.1 (a) and (b);
 - 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 7.1 (a) and (b); 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.

10. Effect of Interests on participation

- 10.1 Where you are present at any meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee, and you have a disclosable pecuniary interest in any matter to be or being considered at the meeting, and you are aware that this condition is met, you must:

- (a) disclose the interest at the meeting; and
- (b) withdraw from the meeting room for the relevant item, and
- (c) not participate in any discussion and/or vote on the matter

unless you have received a dispensation from the Authority's Proper Officer (Monitoring Officer). The dispensation process is set out below in paragraph 14. Further advice can be sought from the Monitoring Officer.

10.2 Additionally you may not:

- (a) exercise executive functions in relation to matters for which you are aware that you have a disclosable pecuniary interest or
- (b) seek to influence a decision about matters for which you are aware that you have a disclosable pecuniary interest

10.3 If you have an 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 disclose the existence and nature of the interest in accordance with paragraph 8.1 (but subject to paragraph 8.2). and you are aware that this condition is met, you must:

- (a) disclose the interest at the meeting; and
- (b) withdraw from the meeting room for the relevant item, and
- (c) not participate in any discussion and/or vote on the matter

In this case it is not possible to acquire a dispensation from the Monitoring Officer.

11 Registration of Members' Interests

11.1 Subject to paragraph 12, a Member 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 all 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

- (c) Subject to paragraph 12, 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 of any change to any disclosable pecuniary interest registered under this paragraph 11.1

by providing written notification to the Monitoring Officer.

12 Sensitive Information

12.1 Where you have a disclosable pecuniary interest referred to in paragraph 6 or other 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 s.32(2) of the Localism Act 2011 and/or this paragraph.

- 12.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 12.1 is no longer sensitive information, notify your authority's monitoring officer.
- 12.3 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.

13 Gifts and Hospitality

- 13.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with an actual or estimated value of £50 or more which you have accepted as a Member from any person or body other than the authority.
- 13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 13.3 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.

14. Dispensations

- 14.1 If a Member has a discloseable pecuniary interest and wishes to seek a dispensation from the restrictions on participating and voting in meetings, they must complete a request for dispensation form and submit it to the Monitoring Officer.
- 14.2 The Localism Act 2011 sets out five grounds when a dispensation can be granted. However in the case of grounds 2, 3 and 5, the Monitoring Officer may refer the matter to the Standards Committee for a decision due to the nature of the circumstances, in which case the Standards Committee decision shall be final. Please be advised that as an application may need to be referred to the Standards Committee; an early application is recommended or there not be sufficient time to establish a Standards Committee meeting before the meeting the Member wishes to attend.
- 14.3 Grounds for a dispensation:
1. that without the dispensation the number of persons prohibited by section 31(4) Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 2. that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

3. that granting the dispensation is in the interests of persons living in the authority's area,
4. that without the dispensation each member of the authority's Cabinet would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
5. that it is otherwise appropriate to grant a dispensation.

(Contact Officer: The Council's Monitoring Officer – Tel: 020 8227 2114)

**London Borough of Barking and Dagenham
Management of Complaints relating to Councillors (2013)**

1. All complaints against Members must take the form of a written complaint in the prescribed form unless special circumstances exist as determined by the Monitoring Officer whose decision is final.
2. Where the complaint is unclear in terms of particulars such that there is no specific breach of the Members' Code of Conduct, the Monitoring Officer shall invite the complainant to clarify:
 - What the breach is that is alleged
 - When it happened
 - Where it happened
 - Names and contact details of witnesses, and
 - To attach evidence relevant to the complaint to support the allegation.
3. The Monitoring Officer may set a time for a response to rule 2 not less than 21 days.
4. The Monitoring Officer will only act where there is sufficient evidence in their opinion to do so.
5. Following a period for clarification, the Monitoring Officer may proceed with the complaint and make a determination as to whether the complaint merits a formal investigation and if not, the matter is dismissed. The Monitoring Officer, when making a determination, may consult with the Council's Independent Person.
6. The Monitoring Officer may dismiss a complaint without resort to further investigation if they are of the opinion that the complaint is (any one of the following or more):
 - a. lacking in evidence
 - b. fails to identify any breach
 - c. politically motivated
 - d. vexatious
 - e. repetitive
 - f. defamatory
 - g. has no reasonable prospect of success
 - h. about a Council service. Such a complaint will be referred to the relevant service area in accordance with the Council's complaints policy.
7. If a matter proceeds to investigation the Monitoring Officer may circulate copies of the complaint form to whoever they consider necessary, including the Member and their representative(s) and outside agencies.
8. During the investigation the Monitoring Officer may require the complainant to furnish further details or co-operate in terms of disclosure of evidence. If the complainant fails to co-operate in a timely manner or do not make themselves available, the Monitoring Officer may continue their investigation in the absence of the complainant's co-operation, including making a determination to dismiss the complaint.

