

**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."*