

**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 of 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.