

# Member Code of Conduct

## *LONDON BOROUGH OF BARNET*

### *Code of Conduct for Members & General Guidance*

#### **1. Introduction and Interpretation**

- (1) This Code applies to Councillors (Members) of the London Borough of Barnet and also to co-opted committee members.
- (2) It is the responsibility of Councillors and co-opted Members to comply with the provisions of this Code.

#### **2. Scope**

You must comply with this Code whenever you act in the capacity as a councillor.

#### **3. General Obligations**

- (1) Councillors (Members) and Co-Optees are committed to behaving in a manner that is consistent with the following principles of Public Life:

**Selflessness** — Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** — Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity** — Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** — Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** — Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgement** — Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** — Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the law** — Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** — Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership** — Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

(2) Do:

- (a) Follow the Code of Conduct when you are representing your authority.
- (b) Be aware of what pecuniary and non-pecuniary interests are – refer to the Monitoring Officer if you are unsure.
- (c) Keep your register of interests up-to-date.
- (d) Treat others with respect.
- (e) Register gifts and hospitality, received in your role as a Member, worth more than £25.
- (f) Report a safeguarding issue to the appropriate authority
- (g) Comply with any formal investigation under this Code of Conduct
- (h) When dealing with enquiries from residents do refer these to officers if the requests become vexatious or are otherwise difficult to deal with.

(3) Don't:

- (a) Bring your authority or office into disrepute.

- (b) Use the Council's resources which includes the Council's address and email address for any personal, party political or non-Council purposes.
- (c) Compromise the impartiality of people who work for your authority.
- (d) Discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age.
- (e) Bully, harass, intimidate or attempt to intimidate others<sup>1</sup>.
- (f) Use your position improperly for personal gain or to advantage your friends or close associates.
- (g) Participate in meetings or be involved in decision-making where you have a pecuniary interest – except when speaking when the general public are also allowed to do so.
- (h) Disclose confidential information, other than in exceptional circumstances – refer to the Monitoring Officer if you are unsure.
- (i) Prevent anyone getting information they are entitled to.
- (j) Make trivial or malicious allegations under this Code of Conduct

#### **4. Disclosable Pecuniary Interests**

- (1) A pecuniary interest is a 'Disclosable Pecuniary Interest' if it is of a description specified in Appendix A 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

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<sup>1</sup> Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Examples include:

Verbal: remarks about appearance, derogatory or lewd comments, innuendoes, persistent name calling, statements which are suggestive, unwelcome, abusive and offensive.

Behaviour: that denigrates or ridicules; intimidation or physical abuse; making threats; attempts to stir up hatred against an individual or group

(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.

- (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.

## **5. Other Interests**

Other interests are ones where:-

- (1) Any decision in relation to the item at a meeting 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.
- (2) A close family member is a spouse, civil partner or any person living with the member as a spouse or civil partner, or a Member's brother or sister, son or daughter or a parent.

## **6. Disclosure of Pecuniary and Other Interests**

- (1) Subject to the paragraph 7 below (Sensitive Interests), you must within 28 days of this Code being adopted or election or appointment to office, and within 28 days of becoming aware of any new pecuniary or other interest, or of any change to your registered interests, notify the Monitoring Officer.
- (2) If a pecuniary or Other Interest arises from any business to be discussed at any committee or joint committee meeting of the Council then you must declare this interest either at the start of the meeting or immediately before the item is discussed.
- (3) If you declare a pecuniary interest then you must not take part in any discussion of the matter at the meeting, and you must not vote on the matter. You need not withdraw from the meeting but any participation by yourself at the meeting in respect of the matter in which you have a pecuniary interest is a criminal offence for which you may be prosecuted as well as referred to the Standards Committee.
- (4) If you declare an Other Interest then you may remain in the meeting, you may take part in the discussion and you may vote on the matter.

## **7. Sensitive Interests**

Where you consider that disclosure of the details of an interest could lead to you or a person connected to you being subject to violence, discrimination or intimidation, and the Monitoring Officer agrees, then the Register of Interest will disclose the interest but not the details which may accordingly be withheld from publication.

## **8. Dispensations**

- (1) 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.
- (2) There are five 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;
  - (d) That without a dispensation, no member of the committee would be able to participate in this matter, or
  - (e) That the authority considers that it is otherwise appropriate to grant a dispensation
- (3) You must make verbal declaration of the existence and nature of any dispensation granted to you at or before the consideration of the item of business or as soon as the interest to which the dispensation relates, becomes apparent. In the event of a blanket dispensation granted to all Members on a particular matter, this should be declared by the chairman at the commencement of the meeting.

## **9. General Dispensations Granted by the Monitoring Officer**

The following general dispensations have been granted by the Monitoring Officer to all Members up to 23 May 2022 to enable them to be present, speak and vote where they would otherwise have a Disclosable Pecuniary Interest

on the grounds that it is appropriate to grant a dispensation to allow all Members to participate fully in the following matters:

- a) Housing: where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not only relate to the Member's particular tenancy or lease.
- b) School meals or school transport and travelling expenses where the Member is a parent or guardian of a child in full time education, or is a parent governor of a school, provided that the matter does not only relate to the particular school which the child attends.
- c) Housing Benefit: where the Member (or spouse or partner) directly receives housing benefit in relation to their own circumstances.
- d) Decisions in relation to any Council Tax Benefit if the member or their spouse or partner are in receipt of any such benefit.
- e) Membership of the Local Government Pension Scheme of either the councillor or their spouse or partner

For the avoidance of doubt and to ensure adherence to the Member Code of Conduct, Members should seek guidance from the Council's Monitoring Officer.

## **10. Gifts and Hospitality**

- (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 authority.
- (2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- (3) This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

## **11. Additional voluntary provisions**

No Councillor shall provide or offer to provide a formal reference for any candidate for employment or promotion with the Council as to do so may be perceived as bringing an unacceptable pressure to bear on the appointing officer and any officer appointed as a result of such reference.

## ***Appendix A – Pecuniary Interests and Other Interests***

### **1. Employment, office, trade, profession or vocation:**

Your employment, office, trade, profession or vocation carried on for profit or gain, and that of your husband/wife/civil partner.

Note: “Office” includes position held as representative of the council on the management of an external organisation if an Allowance is paid which exceeds reasonable expenses.

### **2. Sponsorship**

Any payment or provision of any other financial benefit in respect of any expenses incurred in carrying out duties or towards election expenses; this includes any payment or financial benefit from a trade union.

### **3. Contracts**

Any contract which is made between you or your husband/wife/civil partner (or a body in which you or your husband/wife/ civil partner has a beneficial interest) and the Council under which goods or services are to be provided or works are to be executed and which has not been fully discharged.

### **4. Land**

Any beneficial interest in land held by you or your husband/wife/civil partner which is within the area of the Council.

### **5. Licences**

Any licence (alone or jointly with others) to you or your husband/wife/civil partner to occupy land in Barnet for a month or longer.

### **6. Corporate tenancies**

Any tenancy where the landlord is the Council and the tenant is a body in which you or your husband/wife/civil partner has a beneficial interest.

### **7. Securities**

Any beneficial interest in which you or your husband/wife/civil partner has in securities of a body where:

- (a) that body has a place of business or land in the area of the Council; 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 you or a relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **8. Other Interests**

Other Interests are ones where:-

- a) Any decision in relation to the item at a meeting 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.
- b) A close family member is a spouse, civil partner or any person living with the member as a spouse or civil partner, or a Member's brother or sister, son or daughter or a parent.



## REGISTER OF COUNCILLORS' INTERESTS

I, .....  
(name)

an Elected / Co-opted Member of the London Borough of Barnet do hereby give notice that I have set out below my interests which I am required to declare under the Code of Conduct for Members.

Within 28 days of election to office, an Elected or Co-opted Member must register his/her pecuniary and non-pecuniary interests in a public register by providing written notification to the Monitoring Officer; you must declare your own interests on the form below and also those of your husband/wife/civil partner, which includes any person with whom you are living as husband/wife/civil partner. You do not need to name your husband/wife/civil partner.

### ***Pecuniary Interests***

#### **1. Employment, Office, Trade, Profession or Vocation:**

Your employment, office, trade, profession or vocation carried on for profit or gain, and that of your husband/wife/civil partner.

Note: "Office" includes position held as representative of the council on the management of an external organisation if an Allowance is paid which exceeds reasonable expenses.

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**2. Sponsorship**

Any payment or provision of any other financial benefit in respect of any expenses incurred in carrying out duties or towards election expenses; this includes any payment or financial benefit from a trade union.

**3. Contracts**

Any contract which is made between you or your husband/wife/civil partner (or a body in which you or your husband/wife/ civil partner has a beneficial interest) and the Council under which goods or services are to be provided or works are to be executed and which has not been fully discharged.

**4. Land**

Any beneficial interest in land held by you or your husband/wife/civil partner which is within the area of the Council

## 5. Licences

Any licence (alone or jointly with others) to you or your husband/wife/civil partner to occupy land in Barnet for a month or longer.

## 6. Corporate tenancies

Any tenancy where the landlord is the Council and the tenant is a body in which you or your husband/wife/civil partner has a beneficial interest.

## 7. Securities

Any beneficial interest in which you or your husband/wife/civil partner has in securities of a body where:

- (a) that body has a place of business or land in the area of the Council; 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 you or a relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **8. Personal Wellbeing**

You may also have a pecuniary interest where you attend a meeting of the Council where the business concerns your personal wellbeing or financial position or that of your husband/wife/partner – to a greater extent than the majority of residents in your Ward affected by the decision.

*You may only know this when you attend a meeting of the Council and an item on the agenda affects your wellbeing or that of your husband/wife/partner, to the extent described.*

*You must then declare a pecuniary interest at the beginning of the meeting or before the relevant item is discussed and not take part in the meeting when that agenda item is discussed.*

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## 9. Other Interests

Other Interests are ones where:-

- a) Any decision in relation to the item at a meeting 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.
- b) A close family member is a spouse, civil partner or any person living with the member as a spouse or civil partner, or a Member's brother or sister, son or daughter or a parent.

*If you are unsure about any matter relating to the declaration of interests please consult with the Monitoring Officer.*

*If there is insufficient space in any of the boxes provided, please use a supplementary sheet.*

*This is a public document to which members of the public will have free access to during normal office hours and copies will also be published on the City Council's Website.*

**Declaration**

I recognise that I will be in breach of the Council's Code of Conduct for Members if I:

- (a) omit information that ought to be given in this notice; or
- (b) provide information that is materially false or misleading; or
- (c) fail to give further notices within 28 days of any change to the information set out above in order to bring up to date the information given in this notice.

Signed .....

Dated .....

please return the signed Declaration to the Monitoring Officer

## STATUTORY REGISTER OF GIFTS OR HOSPITALITY

An Elected or Co-opted Member must, within 28 days of receiving any gift or hospitality, in their capacity as a Councillor or Co-opted Member, and over the value of £25, provide written notification to the Council's Monitoring Officer of the existence and nature of that gift or hospitality. This does not apply to gifts or hospitality received from the Council.

I, .....  
.....being an Elected / Co-opted Member of Barnet Council do hereby give notice that I have received the gift or hospitality detailed below.

Signed .....  
Dated .....

Please return the signed Notice to the Monitoring Officer

## STATUTORY REGISTER OF GIFTS OR HOSPITALITY

Date upon which the Gift or Hospitality was received:

Person / Organisation offering or providing the Gift or Hospitality:

Brief details of Gift or Hospitality received:

Estimated or actual value of the Gift/Hospitality:

## DISPENSATIONS AVAILABLE

Circumstances in which dispensations may be granted:

The Monitoring Officer may grant a dispensation to a Member in the following circumstances:

- that so many Members of the decision making body have disclosable pecuniary interests in the matter that the meeting would be inquorate; or
- that the representation of different political groups on the decision making body would be so upset as to alter the likely vote on the matter; or
- that it is in the interests of persons living within Barnet; or
- that it is otherwise considered appropriate to grant a dispensation.