

Member Code of Conduct

Definitions

For the purposes of this Code of Conduct, a “Councillor” means a member or co-opted member of the Council.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, council officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct.

General principles of Councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services including Councillors and council officers should uphold the Seven Principles of Public Life also known as the Nolan Principles (Appendix A).

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in you, on all occasions **MUST**

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking your role you **SHOULD**:

- impartially exercise your responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the Council’s requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct, show leadership and promote the values in this Code at all times when acting as a Councillor and in any public or published communications while you hold office as a Councillor.

The Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

Failure to comply with Sanctions.

Failure to comply with a sanction may of itself be a breach of the Code.

STANDARDS OF COUNCILLOR CONDUCT

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Councillor you must:

- 1.1 treat other councillors and members of the public with respect.
- 1.2 treat council employees, employees and representatives of partner organisations and those volunteering for the council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticize and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack or do anything to undermine your duty as a Councillor to promote equality (see section 2).

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the council, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Code of Conduct and council employees, where concerns should be raised in line with council's Member/officer protocol.

2. Refraining from bullying, harassment and discrimination and duty to promote equality

In performing your duties as a Councillor and, in any published material, whether spoken or written while you are a Councillor, you must:

2.1 not bully any person,

2.2 not harass any person,

2.3 promote equalities and not behave in such a way so to undermine achieving equality and

2.4 not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

In November 2023, Full Council unanimously adopted the London Local Government Anti-Racist Statement which is appended to this Code. Councillors are expected to behave in ways that promote the values and ethos of that statement (Attached as appendix C).

Social media is a public forum and the same considerations, including the provisions of this section of the Code, apply as would to speaking in public or writing something for publication, either officially or in a personal capacity.

3. Impartiality of officers of the council

As a Councillor you must:

- 3.1 not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.

Officers work for the Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Councillor you must:

- 4.1 not disclose information:

- a. given to you in confidence by anyone
- b. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. you have received 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 legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the council; and
 3. I have consulted the Monitoring Officer prior to its release.

- 4.2 not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

- 4.3 not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Councillor you must

5.1 not bring your role or the council into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or the council and may lower the public's confidence in your or the council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the council into disrepute. You are able to hold the council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Councillor you must:

6.1 not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities, and privileges and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of council resources and facilities

As a Councillor you must:

7.1 not misuse council resources.

7.2 when using the resources of the Council or authorizing their use by others:

- a. act in accordance with the Council's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the council or of the office to which you have been elected or appointed.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of council buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the council's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor you must:

- 8.1 undertake Code of Conduct training provided by the Council.
- 8.2 cooperate with any Code of Conduct investigation and/or determination.
- 8.3 not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the council or its governance. If you do not understand or are concerned about the council's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the council

9. Interests

As a Councillor you must:

- 9.1 register and disclose your interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, council employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

10. Gifts and hospitality

As a Councillor you must:

- 10.1 not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, license or other significant advantage.
- 10.2 register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

In order to protect your position and the reputation of the council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

11. Provision of formal references for Council Employees

- 11.1 As a Councillor you must not 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.

12. Sex Offenders Register or to Sexual Risk Orders

- 12.1 As a Councillor you must inform the Monitoring Officer if you commit any offence under Sexual Offences Act 2003 and are subject to the notification requirements set out in the Sexual Offences Act 2003 (commonly known as being put on the sex offenders register), or subject to Sexual Risk Orders “or other orders relating to sexual conduct”.
- 12.2 A Councillor who becomes disqualified pursuant to the Local Government Act 1972 section 81A, as inserted by the Local Government (Disqualification) Act 2022 section 1, shall immediately notify the Monitoring Officer of that fact and of the circumstances relating to it.

(This was agreed by Full Council on 19 October 2022)

- **Police Investigation, Arrest or Charge.**

11.4 As a Councillor you are required to inform the Monitoring Officer should you be under police investigation, have been arrested or charged of an offence.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a Councillor or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

Failure to register a disclosable interest is a criminal offence.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on

the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate;or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the test set out in paragraph 9 should be applied.

9. Where a matter **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Dispensations

11. In cases where a Councillor has a disclosable Pecuniary Interest, they may still be able to participate and vote at the meeting if they have obtained a dispensation from the Monitoring Officer in accordance with the provisions set out below.

12. 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;
- (e) That the authority considers that it is otherwise appropriate to grant a dispensation

14 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 Councillors on a particular matter, this should be declared by the chairman at the commencement of the meeting.

General Dispensations Granted by the Monitoring Officer

15. The following general dispensations have been granted by the Monitoring Officer to all Councillors 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 Councillors to participate fully in the following matters:

- a) Housing: where the Councillor (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not only relate to the Councillor's particular tenancy or lease,
- b) School meals or school transport and travelling expenses where the Councillor 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 Councillor (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 Councillor 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, Councillors should seek guidance from the Council's Monitoring Officer.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
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 council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labor Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Council and (a) the Councillor; or (b) the spouse or civil partner of the Councillor; or (c) the person with whom the Councillor is living as if they were spouses/civil partners; or (d) a firm in which any of the parties in (a-c) is a partner, or (e) an incorporated body in which any of the parties in (a-c) is a director* or (f) a body in which any of the parties in (a-c) has a beneficial interest in the securities) and the council - (i) under which goods or services are to be provided or works are to be executed; and (ii) which has not been fully discharged.

Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners a right to occupy or to receive income.</p>
Licenses	<p>Any license (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the Councillor's knowledge) -</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that</p> <ul style="list-style-type: none"> (i) the Councillor; or (ii) the spouse or civil partner of the Councillor; or (iii) the person with whom the Councillor is living as if they were spouses or civil partners is a partner of, a director* of, or has a beneficial interest in, the securities* in
Securities	<p>Any beneficial interest in securities* of a body where -</p> <p>(a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> 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; <ul style="list-style-type: none"> (a) the Councillor; or (b) the spouse or civil partner of the Councillor; or (c) the person with whom the Councillor is living as if they were spouses or civil partners <p>has a beneficial interest which exceeds one hundredth of the total issued share capital of that class.</p>

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

The London Local Government Anti-Racist Statement

Local authorities in London are committed to achieving racial equality because we recognise that persistent racial inequalities are unacceptable and adversely affect all Londoners.

We know that some groups are more likely to face inequality, experience poor outcomes and to live in poverty. We also know that this is sometimes used as an excuse not to acknowledge racial inequality. But groups don't happen to be more disadvantaged by chance. Structural disadvantage is rooted in racism and discrimination that is both historical and current.

We do have legislation to protect against overt racism, negative attitudes and treatment, but many of the systems that discriminate do so because of more subtle and covert unchecked "prejudice, assumptions, ignorance, thoughtlessness and racist stereotyping."

This wording draws on the Macpherson Report 1999 definition of institutional racism which is still relevant today. This is a dehumanising process that is unacceptable and communities are tired of being treated this way.

We cannot let another generation down by not responding what remains a clear and compelling articulation of what must change.