

Part 5 Codes and Protocols

Chapter 1 Code of Conduct

1. Purpose of the Code

- 1.1 As a Councillor, you have a duty to maintain high standards of conduct. The purpose of this Code of Conduct (the Code) is to assist you in the discharge of your obligations to the Council, the local community and the public at large by:
- a) setting out the standards of conduct that are expected of you when you are acting in that capacity, and in so doing
 - b) providing the openness and accountability necessary to reinforce public confidence in the way in which you perform those activities.
- 1.2 The Code applies equally to co-opted members of Council committees who are entitled to vote on any issues coming before those committees.

2. Scope

- 2.1 The Code applies to you whenever you are acting in your capacity as a member of Barking and Dagenham Council, including:
- (a) at formal meetings of the Council and all of its committees and sub-committees;
 - (b) when acting as a representative of the Council;
 - (c) in discharging your functions as a ward councillor;
 - (d) at meetings with officers;
 - (e) at site visits;
 - (f) when corresponding with the Council other than in a private capacity.
- 2.2 The Code does not seek to regulate what you do in your private and personal lives.
- 2.3 It also does not apply to or seek to regulate the performance, politics or policies of the Council or its individual councillors. These are matters decided by the residents at local elections.
- 2.4 The obligations set out in this Code are also complementary to related Codes

3. Public Duties of Councillors

- 3.1 You have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act 2011, and to act on all occasions in accordance with the public trust placed in you.
- 3.2 You have an overriding duty to act in the interests of the London Borough of Barking and Dagenham as a whole, but also have a particular duty to represent the views of the residents of your ward.

- (a) an interest of yours;
- (b) an interest of a relevant person which is defined as either
 - (i) your spouse
 - (ii) your civil partner
 - (iii) a person you are living with as a spouse or civil partner and you are aware that that person has such an interest.

6.3 A disclosable pecuniary interest is one which relates to or is likely to affect:

- (i) any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain;
- (ii) any payment or provision of any other financial benefit (other than from your authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 other than from a registered political party;
- (iii) any beneficial interest in securities of a body where:
 - 1. that body (to your knowledge) has a place of business or land in the area of your authority and
 - 2. either:
 - (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (b) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.
- (iv) any contract for goods, services or works which has not been fully discharged between you or a relevant person and your authority or a body in which you or they have a beneficial interest;
- (v) a beneficial interest in any land;
- (vi) any tenancy where to your knowledge:
 - (a) the landlord is your authority and
 - (b) the tenant is a body in which you or a relevant person has a beneficial interest.
- (vii) any premises (jointly or otherwise) which you or a relevant person occupy for a month or longer.

that you and the Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Register of Members' Interests then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s.32(2) of the Localism Act 2011 and/or this paragraph.

12.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 12.1 is no longer sensitive information, notify the Monitoring Officer.

12.3 If an inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

13 Gifts and Hospitality

13.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with an actual or estimated value of £50 or more which you have accepted as a Councillor from any person or body other than the Council.

13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

14. Dispensations

14.1 If a Councillor has a disclosable pecuniary interest and wishes to seek a dispensation from the restrictions on participating and voting in meetings, they must complete a request for dispensation form and submit it to the Monitoring Officer.

14.2 The Localism Act 2011 sets out five grounds when a dispensation can be granted. However in the case of grounds 2, 3 and 5, the Monitoring Officer may refer the matter to the Standards Committee for a decision due to the nature of the circumstances, in which case the Standards Committee decision shall be final.

14.3 Grounds for a dispensation:

1. that without the dispensation the number of persons prohibited by section 31(4) Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
2. that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
3. that granting the dispensation is in the interests of persons living in the Borough,

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- g) has no reasonable prospect of success
 - h) about a Council service. Such a complaint will be referred to the relevant service area in accordance with the Council's complaints policy.
- 15.7 If a matter proceeds to investigation the Monitoring Officer may circulate copies of the complaint form to whoever they consider necessary, including the Member and their representative(s) and outside agencies.
- 15.8 During the investigation the Monitoring Officer may require the complainant to furnish further details or co-operate in terms of disclosure of evidence. If the complainant fails to co-operate in a timely manner or do not make themselves available, the Monitoring Officer may continue their investigation in the absence of the complainant's co-operation, including making a determination to dismiss the complaint.
- 15.9 In the event that the circumstances of a standards complaint are such that there is potential for a conflict of interest regarding

3. Consultation with the Localism Act Independent Person

The Monitoring Officer may consult with an Independent Person appointed by the Council as to the Public Interest merits of continuing with an investigation, and the Council's decision will be final.

These considerations will assist the Monitoring Officer in identifying the public interest but they are not exhaustive and not all are relevant in each case. In any event, consideration of the public interest is only one of a number of criteria which must be met in deciding whether to investigate a complaint: crucially the complaint must also be supported by evidence of a breach of the Code.