

## Part 5

### A. Members' Code of Conduct<sup>1</sup>

#### Introduction and scope

- 1 You are an elected or voting co-opted member of the Royal Borough of Greenwich. You must comply with this Code whenever you carry out the Royal Borough's business, and your business as an elected or co-opted member.
- 2 Where you act as the Royal Borough's representative:
  - (a) on another local authority body, you must comply with that body's code of conduct.
  - (b) on any other body, you must comply with this Code, except to the extent that it conflicts with any lawful obligations which that body is subject to.

#### General principles

- 3 You must have regard to the following principles:

**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 declare and resolve any interests and relationships.

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<sup>1</sup> Agreed by Council on 30 October 2013

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.

## **General conduct**

- 4 You must treat others with respect.
- 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Royal Borough or your position into disrepute.
- 6 You must not bully any person.
- 7 You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or be dealing with an investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with this code of conduct.
- 8 You must not do anything which compromises or is likely to compromise the impartiality of those who work for the Royal Borough or on its behalf.
- 9 You must not do anything which may cause the Royal Borough to breach the Equality Act 2010.

## **Disclosing and accessing information**

- 10 You must not disclose information given to you in confidence, or information which you believe or ought reasonably to know is confidential, except where:
- (a) you have the consent of a person authorised to give it; or
  - (b) you are required by law to disclose the information; or
  - (c) you disclose the information to a third party to obtain legal advice, provided that the third party agrees not to disclose the information to any other person; or
  - (d) you disclose the information reasonably, in the public interest, in good faith and in compliance with the Royal Borough's whistleblowing procedure.
- 11 You must not prevent another person from gaining access to information which that person is legally entitled to.

## **Using the Council's resources**

- 12 You must act in accordance with the Royal Borough's reasonable requirements when using or authorising others to use the Royal Borough's resources. You must not use those resources improperly for political purposes, including party political purposes.

## **Making decisions**

- 13 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the chief executive, chief finance officer or monitoring officer. It is your responsibility to seek advice in good time should you have any doubt as to the application of this Code.

## **Abusing your position as a councillor**

- 14 You must not use or attempt to use your position to give or secure for yourself or any other person an advantage or disadvantage.

# Interests

## Personal interests

- 15 You have a personal interest where any business is likely to affect:
- (a) you, or
  - (b) a relevant person or a relevant body (where you are aware that they have the interest);

more than a majority of those in the ward you represent.

- 16 A **relevant person** means your spouse or civil partner, a person who you are living with as husband and wife or as civil partners, or a person with whom you have a close association.<sup>2</sup>

- 17 A **relevant body** means:

- (a) any organisation, school governing body or outside committee or trust which you are appointed to by the Royal Borough or by the Leader, or
- (b) any other voluntary organisation, school governing body or commercial organisation where you are a management committee member, school governor, trustee or director.

## Financial interests

- 18 You have a financial interest where any business is likely to affect an interest in the table below, and where the interest is:

- (a) your interest, or
- (b) the interest of a relevant person or a relevant body (where you are aware that they have the interest)

Financial interest	Description
Employment	Any employment, office, trade, profession or vocation carried on for profit or gain.

<sup>2</sup>

See the guidance in Annex 1

Financial interest	Description
	This includes any clients of a consultancy firm to which you have personally provided advice, or which you know have benefited from your advice.
Sponsorship and election expenses	<p>Any payment or other financial benefit</p> <p>(1) in respect of any expenses incurred by you in carrying out your duties as a member, or</p> <p>(2) towards your election expenses made or provided in the 12 months before you declared your interests on becoming a member</p> <p>This excludes any payment or financial benefit from the Royal Borough, but includes any payment or financial benefit from a trade union.</p>
Contracts	<p>Any contract with the Royal Borough for works, services or supplies which has not been fully discharged.</p> <p>This includes any contract with a body in which you, or your spouse or civil partner or a person who you are living with as husband and wife or as if you are civil partners, has a beneficial interest</p>
Land	Any beneficial interest in land in Royal Greenwich.
Licences	Any licence (alone or jointly with others) to occupy land in Royal Greenwich for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge)</p> <p>1 the landlord is the Royal Borough; and</p> <p>2 the tenant is a body in which you, or your spouse or civil partner or a person who you are living with as husband and wife or as if you are</p>

Financial interest	Description
	civil partners, has a beneficial interest.
Securities	<p>Any beneficial interest in securities of a body which (to your knowledge) has a place of business or land in the Royal Borough; and either</p> <p>(1) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(2) 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 your spouse or civil partner or a person who you are living with as husband and wife or as if you are civil partners has a beneficial interest exceeding one hundredth of the total issued share capital of that class.</p>
Gifts and hospitality	Any gift or hospitality with an estimated value of £100 or more, and the name of the person who provided it.

## Registering your interests

19 you must give written notice to the monitoring officer:

- (a) of any financial interest (except the financial interests of persons you have a close association with and of relevant bodies) and
- (b) of the name of any relevant body and a brief description of its purpose

within 28 days of becoming a member, and within 28 days of any new or any change to your interest.

## Disclosing your interests

- 20 If you are present at a meeting and you know you have a **personal** or **financial** interest in any matter to be considered, you must disclose the existence and nature of the interest at the start of the meeting, or when the interest becomes apparent. You must continue to disclose the name of any relevant body for six months after ceasing to be appointed to that body, or a director of that body.
- 21 If you have a sensitive interest,<sup>3</sup> you need not disclose the nature of your interest but merely the fact that you have an interest in the matter.
- 22 If you propose to make an **executive decision** in relation to a matter, then:
- (a) if you have a **personal** interest in that matter, you must ensure that the written statement of your decision records the existence and nature of your interest; and
  - (b) if you have a **financial** interest or a **personal** interest described in paragraph 23, you must not make an executive decision or take any steps in relation to the matter, except to enable it to be dealt with by someone else.

## Taking part in meetings

- 23 If you are present at a meeting, you must leave the room and not take part in any discussion or vote (unless you have obtained a dispensation) if
- (a) you have a **financial** interest in a matter to be considered, or
  - (b) you have a **personal** interest in a matter to be considered, and your interest would be affected financially, or by any approval, consent, licence, permission or registration which the meeting will determine.
- 24 Paragraph 23 does not prevent you from speaking, answering questions or giving evidence at the meeting, provided:
- (a) the public are also allowed to attend the meeting for the same purpose, and;

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<sup>3</sup>

See paragraph 27

- (b) you leave the room immediately after making representations, answering questions or giving evidence and before any discussion.

25 Paragraph 23 does not apply where the matter concerns the Royal Borough's functions in respect of:

- (a) housing, provided the matter does not relate to a particular tenancy or lease;
- (b) school meals or school transport and travelling expenses, provided the matter does not relate to a particular school or child;
- (c) statutory sick pay;
- (d) an allowance, payment or indemnity given to members;
- (e) any ceremonial honour given to members; and
- (f) setting Council tax or a precept.

26 Paragraph 23 does not apply where the matter relates to the interests of a person from whom you have received a gift or hospitality more than three years before the date of the meeting.

### **Sensitive interests**

27 Where the nature of your interest is such that you and the monitoring officer consider that disclosure of the details could lead to you, or a person connected with you, being subject to violence or intimidation:

- (a) you need not disclose your interest at a meeting but merely the fact that you have an interest in the matter concerned; and
- (b) copies of the register that are made available for inspection, and any published version of the register, will not include details of your interest (but may state that you have an interest the details of which are withheld under this paragraph).



## **Dispensations**<sup>4</sup>

- 28 The Standards Committee, or Chief Executive in cases of urgency, may grant a dispensation if, after having had regard to all relevant circumstances, it:
- (a) considers that without the dispensation the number of persons prohibited 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;
  - (b) considers 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;

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<sup>4</sup>

See the dispensation request form in Annex 2

## Annex I

### **Close association**

In deciding whether you may have a close association with someone who is likely to be affected by a decision, you should consider the following guidance.

#### **Guidance**

You have a close association with someone who you are in either regular or irregular contact with over a period of time.

This would be more than an acquaintance - someone who a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them because of your connection with them.

It may be a friend, a colleague, a business associate or someone who you know through general social contacts.

You should consider the following questions when deciding whether a close association exists:

- How often do you meet?
- Where do you meet?
- Do you regularly attend the same social events?
- Do you know each other's families?
- Do you visit one another's homes?
- Do you have regular business dealings?
- Do you work for or are involved with the same organisation?
- Are you close or connected in other ways?

This is not an exhaustive list. It is the cumulative evidence of these factors and others like them that will establish a close association.

## Annex 2

### DISPENSATION REQUEST

*If you need any help completing this form please contact the Head of Law and Governance or Deputy Head of Democratic Services*

Your name	
The meeting, agenda item number and report title for which you seek a dispensation	
Details of your interest in that matter	
Date of the meeting or the period (up to 4 years) for which you are seeking a dispensation	
Are you seeking a dispensation to take part in any discussion	Yes / No
Are you seeking a dispensation to take part in any vote	Yes / No
<b>REASON(S) FOR DISPENSATION</b>	
Without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business (the Chief Executive may grant a dispensation in these circumstances)	
Without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote	

Signed:

Dated:

<p><b>DECISION:</b></p> <p>Dispensation Given: YES/NO      LENGTH OF DISPENSATION: .....</p> <p>Date: .....</p> <p>Signed: ..... Chief Executive/Chair, Standards Committee</p>
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