

# LONDON BOROUGH OF LEWISHAM

## MEMBER CODE OF CONDUCT

### 1. Introduction

- 1.1 This Code sets out the principles and standards of behaviour for all members of the London Borough of Lewisham, both elected and co-opted members. It is designed to demonstrate the Council's commitment to the highest standards of ethical behaviour. Certain minimum requirements are set out in law and these are all included in this Code. However, the Council has put in place some elements of this Code by exercising its own local discretion to do so. Those elements which the Council has included under this discretionary power are contained within text boxes below.
- 1.2 For the avoidance of doubt, when the term "members" is used in this Code, or any appendices or protocols under it, it means the Mayor, elected and co-opted members, including non-elected members of the Health and Wellbeing Board.

### 2 Principles

- 2.1 Members are required to comply with the following principles in their capacity as a member:-

- SELFLESSNESS
- INTEGRITY
- OBJECTIVITY
- ACCOUNTABILITY
- OPENNESS
- HONESTY
- LEADERSHIP

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| <ul style="list-style-type: none"><li>• INDEPENDENT JUDGEMENT</li><li>• RESPECT</li><li>• STEWARDSHIP</li></ul> |
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- 2.2 Accordingly the following requirements apply:-

- 1) Members must act solely in the public interest. They must never improperly confer an advantage or disadvantage on any person nor seek to do so. They must not act to gain financial or other benefit for themselves, their family, friends or close associates.
- 2) Members must not place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a member.

LBL requires that members must not act to place themselves in a position where their integrity might reasonably be questioned and should on all occasions avoid situations which may create the impression of improper behaviour

- 3) Members should make decisions on merit, including when awarding contracts, making appointments, or recommending individuals for rewards or benefits.
- 4) Members are accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their office.
- 5) Members should be as open as possible about their decisions and actions and those of the Council. They should be prepared to give reasons for those decisions and have regard to the advice of the Council's statutory officers before making any decision.
- 6) Members must act to ensure Council resources are used prudently. When using or authorising the use by others of Council resources, members must ensure that they are used only for legitimate Council purposes and not for any other purpose. In particular they must not be used improperly for political purposes (including party political purposes). Members must have regard to any applicable Local Authority Code on Publicity under the Local Government Act 1986.
- 7) Members must take account of the views of others, including their political groups, but must reach their own conclusions and act in accordance with those conclusions.
- 8) Members should promote equality and not discriminate unlawfully against any person, and treat all people with respect. Whilst it is acknowledged that political debate may at times be robust and forthright, and that the right of freedom of expression is essential to vibrant political discourse, members should ensure that their comments and behaviour do not overstep the line of acceptability. They should not bully any person. They should respect the impartiality and integrity of the Council's officers
- 9) Members should promote and support high standards of conduct in particular as characterised by the above requirements by leadership and example.

### **3 When does this Code apply?**

- 3.1 This Code applies at all times when members act in their capacity as member or claim to do so.

### **4 Personal interests**

4.1 There are three categories of personal interest.

- Disclosable pecuniary interest
- Other registerable interest
- Non registerable interest

*Disclosable pecuniary interest*

4.2 The definition of disclosable pecuniary interest is set out in regulation. It is as follows:-

**1 Employment, office, trade, profession or vacation**

*Any employment, office, trade, profession or vocation carried on by a relevant person\* for profit or gain.*

**2 Sponsorship**

*Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 months prior to the date of giving notice of interest for inclusion in the register in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the 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.*

**3 Contracts**

*Any contract which is made between a relevant person\* (or a firm in which they are a partner, or a body corporate in which they are a director or in the securities\*\* of which body corporate they have 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.*

**4 Land**

*Any beneficial interest in land which is within the borough.*

**5 Licences**

*Any licence (alone or jointly with others) to occupy land in the borough for a month or longer.*

**6 Corporate tenancies**

*Any tenancy where (to the Member's knowledge)—*

- (a) the landlord is the Council; and*
- (b) the tenant is a body in which the relevant person\* is a firm in which they are a partner, or a body corporate in which they are a director or in the securities\*\* of which body corporate they have a beneficial interest.*

## **7 Securities**

*Any beneficial interest in securities of a body where—*

- (a) that body (to the Member's knowledge) has a place of business or land in the borough; 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.*

*\* For the purposes of this paragraph 4.2, a “relevant person” is:-*

- (i) the Member, their 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.*

*\*\* For the purposes of this paragraph 4.2, “securities” means shares, debentures, debenture stock, loan stock, 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*

- 4.3 Members must within 28 days of taking office as a member, notify the Monitoring Officer of any disclosable pecuniary interest where the pecuniary interest is the interest of themselves, their spouse or civil partner (or is the interest of someone with whom the member lives as spouse or civil partner) for inclusion in the Register of Members' Interests.

## *Other registerable interest*

- 4.4 Members must also within 28 days of taking office as a member, notify the Monitoring Officer of such further interests as LB Lewisham has decided should be included in the register

*Membership or position of control or management in:-*

- *Any body to which you were appointed or nominated by the Council*
- *Any body exercising functions of a public nature (described below) or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party*

*Any person from whom you have received a gift or hospitality with an estimated value of at least £25*

*There is no definitive list of bodies exercising functions of a public nature, but those bodies which:-*

- *carry out a public service, or*
- *take the place of local/central government (including through outsourcing); or*
- *carry out a function under legislation or in pursuit of a statutory power; or*
- *can be judicially reviewed,*

*are likely to be bodies carrying out functions of a public nature. They include bodies such as government agencies, other councils, health bodies, council owned companies, ALMOs, school governing bodies.*

- 4.5 LBL requires all members to ensure that their entries on the Register of Members' Interests are kept up to date annually and that they notify the Monitoring Officer of any change to their interests within 28 days of the change arising

## **5. Declaration of interests**

*Disclosable pecuniary interest*

- 5.1 By law, Members with a disclosable pecuniary interest may not participate in any discussion of, vote on, or discharge any function relating to any matter in which the member has such an interest, unless a dispensation has been granted under Section 33 Localism Act 2011.

## **5. Declaration of Interests**

*Disclosable pecuniary interest*

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5.2 In Lewisham decisions relating to dispensation may only be taken by the Standards Committee which will decide each case on its merits.

5.3 The law requires that if a member has a disclosable pecuniary interest which is not entered on the Register of Members' Interests, then the member must disclose the interest to any meeting of the Council at which they are present where they have a disclosable interest in any matter being considered at that meeting. However this shall not apply if the interest is a 'sensitive interest' (see para 5.4 below.) Following any such disclosure the law requires that members update their entry in the Register of Members' Interests within 28 days of the date of disclosure. In this context the law defines a meeting as a meeting of the Council, or any committee, sub-committee or joint committee of it.

5.4 A 'sensitive interest' is an interest the disclosure of which the member and Monitoring Officer have agreed could lead to the member or a person connected with them being subject to violence or intimidation

*Other registerable interests*

5.5 Members must also comply with such other provisions as the Council may require in relation to declarations of interest. The provisions which the Council has decided to include in this Code in relation to the declaration of interests are set out in paragraphs 5.6 to 5.11 below.

5.6 LBL requires that whenever a member has a registerable interest (pecuniary or otherwise) in any matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not improperly seek to influence the decision in any way.

5.7 Where the member has a registerable interest which falls short of a disclosable pecuniary interest, the member must still declare the nature of that interest to the meeting at the earliest opportunity and in any event before the matter is considered, but unless paragraph 5.8 below applies, provided the member does so, they may stay in the room and participate in consideration of the matter and vote on it.

5.8 Where a member has an interest which under this Code would not be a disclosable pecuniary interest but would be registerable (and therefore

would not generally by law prevent participation in consideration of a matter in which the member has that interest,) the member must consider whether a reasonable member of the public in possession of all the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

*Non-registerable interests*

- 5.9 Occasions may arise where a matter under consideration would, or would be likely to, affect the wellbeing of the member, their family, friend or close associate(s) more than it would affect those in the local area generally, but which is not required to be included in the Register of Members' Interests (for example, a decision in relation to a school closure, where a member has a child at the school). In such matters, members must comply with paragraph 5 in its entirety as if the interest were a registerable one.
- 5.10 Decisions in relation to the declaration of interests are for the member's personal judgement. However members must consider not only whether they have an actual interest in a matter under discussion but should at all times seek to avoid the impression being created that their judgement of the public interest is or is likely to be impaired by their personal interests.
- 5.11 The provisions of this paragraph 5 apply not only to meetings but to circumstances where a member makes a decision alone.

## **6. ACCESS TO INFORMATION**

- 6.1 Members must not disclose confidential information given to them in the course of their duties without the consent of the person entitled to give it unless:-
- (a) there is a legal requirement to disclose the information, or
  - (b) the disclosure is to a third person for the purpose of obtaining professional advice and the third party agrees not to disclose it, or
  - (c) the disclosure is reasonable, in the public interest, made in good faith and made in accordance with the Council's reasonable requirements.
- 6.2 Conversely, members must not prevent access to information to which another is entitled by law.

## **7. GIFTS AND HOSPITALITY**

The Council maintains a Register of Gifts and Hospitality in which all members must register gifts and hospitality received from any party of £25 or over. Members must also register the identity of the party whom they believe to be the source of the hospitality or gift. Members must also record in this register any gift or hospitality offered to them but not accepted if it exceeds £25. This register will be publicly available on the Council's website.

## **8 PROTOCOLS**

From time to time, the Council may put in place protocols which clarify this Code of Conduct and will be used to interpret it. Members must comply with any such protocols in place from time to time. There are attached to this Code 5 such protocols:-

- (1) Member and Officer relations
- (2) Member Use of IT
- (3) Planning and Lobbying
- (4) Local Authority Code on Publicity
- (5) Guidance Code for Members on Outside Bodies

## **9 UNDERTAKING TO COMPLY**

LBL requires that all members sign an undertaking within two months of being elected to abide by this Code of Conduct. Failure to do so will itself amount to a breach.

## **10 SANCTIONS**

Members are reminded that breach of any of the statutory requirements relating to the registration and declaration of interests may result in prosecution. Breach of the provisions introduced locally by the Council will be dealt with in accordance with the Council's procedure for handling allegations of breach of this Code

*Members in need of advice about the application of this Code should contact the Head of Law and Monitoring Officer, Kath Nicholson on extension 47648*