

Meeting: Standards Committee
Rottingdean Parish Council
Brighton & Hove City Council

Date: 12 June 2007
02 July 2007
12 July 2007

Report of: Director of Strategy & Governance as
Monitoring Officer

Subject: Adopting new local Codes of Conduct

Wards affected: All

1 Purpose of the Report and Policy context

- 1.1 In 2002 both Brighton & Hove City Council (“the Council”) and Rottingdean Parish Council (“the Parish Council”) adopted local Codes of Conduct (“local Codes”) for their Members, incorporating the requirements of the national model Code of Conduct.
- 1.2 The Government has recently made an Order prescribing a new national model Code of Conduct. The local Codes of both Councils must be revised to take account of this by 1 October 2007. This report provides the Committee with information on which to base its recommendations for revised local Codes to (a) the Council meeting on 12 July 2007 and (b) Rottingdean Parish Council meeting on 02 July 2007.

2 Recommendations to Brighton & Hove City Council

- 2.1 That the Standards Committee recommends to the Council:
- 2.1.1 That the Council adopts as its local Code of Conduct taking effect on Sunday 30 September 2007 all the mandatory provisions of the national model Code of Conduct set out in the Local Authorities (Model Code of Conduct) Order 2007 applicable to the Council together with the following non-mandatory provision:
- a provision for Members to make voluntary declarations of membership of private clubs;
- as shown in the draft local Code at **Appendix 2** of this report.

- 2.1.2 That the Monitoring Officer is instructed to issue the local Code, as approved, to all Council Members.
- 2.1.3 That the Monitoring Officer is authorised to issue, and update as necessary in the future, (a) such amended form(s) as he considers appropriate for declaration by Council Members of interests, gifts and hospitality and (b) the associated explanatory note at item 5.2 of the Council's constitution.
- 2.1.4 That on the adoption of the Local Code taking effect on 30 September all Council Members are requested to return forthwith to the Monitoring Officer for the public register their completed declarations of interests, gifts and hospitality on the amended form(s).
- 2.1.5 That all Council Members are encouraged to complete the voluntary declaration of their membership of private clubs.
- 2.1.6 That the Monitoring Officer is instructed to take all further ancillary action necessary to comply with the requirements of Part III of the Local Government Act 2000 in respect of the adoption of the local Code, including advertising the adoption of the local Code, making it publicly available and sending a copy to the Standards Board for England.

3 Recommendations to Rottingdean Parish Council

- 3.1 That the Standards Committee recommends to Rottingdean Parish Council:
- 3.1.1 That the Parish Council adopts as its local Code of Conduct taking effect on 30 September 2007 all the mandatory provisions of the national model Code of Conduct set out in the Local Authorities (Model Code of Conduct) Order 2007 applicable to the Parish Council together with the following non-mandatory provision:
- incorporation of paragraph 12(2) of the national model Code of Conduct (which is not mandatory for parish councils) enabling Parish Council Members with a personal and prejudicial interest to address meetings in circumstances where the public have the same right;
- as shown in the draft local Code at **Appendix 3** of this report
- 3.1.2 That the Parish Council Clerk is instructed to issue the local Code, as approved, to all Parish Council Members.
- 3.1.3 That the Parish Council Clerk is authorised to issue such amended form(s) as are agreed with the Monitoring Officer for declaration by Parish Council Members of interests, gifts and hospitality.

3.1.4 That on the adoption of the Local Code taking effect on 30 September all Parish Council Members are requested to return forthwith to the Monitoring Officer (through the Parish Council Clerk) for the public register their completed declarations of interests, gifts and hospitality on the amended form(s).

3.1.5 That the Parish Council Clerk, working with the Monitoring Officer, is instructed to take all further ancillary action necessary to comply with the requirements of Part III of the local Government Act 2000 in respect of the adoption of the local Code, including advertising the adoption of the local Code, making it publicly available and sending a copy to the Standards Board for England.

4 Information/Background

4.1 The Standards Committee (“the Committee”) is responsible under Part III of the Local Government Act 2000 (“the Act”), for advising the Council and the Parish Council on the adoption of a local Code for each of these Councils and for assisting their Members (including any co-opted Members with voting rights) to observe their respective Codes.

4.2 In 2002, the Committee issued a report similar to this which assisted the Council and the Parish Council in adopting their current local Codes on 21 March 2002 (the Council) and 25 March 2002 (the Parish Council). As required under the Act, both Councils adopted local Codes containing all the relevant mandatory provisions contained in the Local Authorities (Model Code of Conduct) (England) Order 2001.

4.3 At that time, both Councils accepted the guidance of the Standards Board that in adopting local Codes either no or only minimal changes be made to the national model. The only change of any significance was the addition, in the Council’s local Code, of a provision for Members to make voluntary declarations of membership of private clubs. Human rights arguments precluded a provision for compulsory declarations.

4.4 The national model Code of Conduct has been reviewed by the Government and the Local Authorities (Model Code of Conduct) Order 2007, bringing into effect a new national model Code, has recently been made. This report sets out all the necessary information and proposes the necessary actions to enable revised local Codes to be formally adopted, based on the new national model Code.

4.5 The Councils are required by the Act to adopt new local Codes within six months of the making of the Order containing the new national model Code. The Order was made on 2 April 2007 and therefore a new local Code must be adopted by 1 October 2007.

- 4.6 Under the previous Order made in 2001, distinction was made between different types of authority and between authorities operating or not operating executive arrangements. Entirely separate, but very similar, model Codes were prescribed covering these different cases. The 2007 Order only prescribes one national model Code, with appropriate minor exemptions from the mandatory provisions for different types of authority and those not operating executive arrangements.
- 4.7 Except where there are exemptions relevant to the the Council or the Parish Council, the provisions of the new national model Code are mandatory provisions. The Code continues to provide a set of rules which Members must observe while carrying out their duties.
- 4.8 There are many aspects of the new national model Code which are the same as before. There have been some relaxations, as a result of experience and legal rulings since the implementation of the original model. Whilst a number of these were welcomed as proposals by the Committee when it commented during the consultation stages, some were seen as less desirable. The changes do not necessarily make some parts of the Code simpler or easier to interpret and they are not all in line with the proposals on which the Government consulted in February / March 2007.
- 4.9 In summary, the main changes in the new national model Code that affect the Councils are that the Code:
- is written in gender neutral language [*The Councils adapted the previous model so that it became gender neutral – this will not be necessary now.*];
 - applies to a Member’s conduct in his/her private capacity only in restricted circumstances and where the conduct has also resulted in a criminal conviction [*This application to private life is also dependent on a change to the Act which is going through Parliament at present.*];
 - specifically covers bullying;
 - amends the unlawful discrimination provisions;
 - includes a form of public interest defence which, subject to qualifications, extends the circumstances in which disclosure of confidential information may not be a breach of the Code;
 - requires a personal interest to be declared where the business relates to the interests of any person from whom a Member has received gifts or hospitality, for a period of 3 years from receipt;
 - for the Council (but not the Parish Council) relaxes one aspect of the personal interest test – previously only personal interests shared with most of the people in the City as a whole were exempt from declaration, but now interests shared with most people in a ward/electoral division will not have to be declared;

- no longer requires certain personal interests (e.g. connected with other public bodies) to be declared unless and until the Member concerned addresses the meeting on the relevant item;
- no longer requires a declaration of a prejudicial interest where (a) the financial position of the Member or any connected person or body is unaffected or (b) unless there is an application for consent etc by the Member or any connected person or body - this is much more widely drawn than in the draft regulations;
- permits a Member with a prejudicial interest to speak (but then leave the meeting) in circumstances where the public also have the right to address the meeting;
- permits a Member to request that sensitive information (i.e. which could create a serious risk that the Member or someone living with him/her may be subjected to violence or intimidation) be omitted from the register of interests, if the monitoring officer agrees.

4.10 The Standards Board for England has published guidance in relation to the new national model Code. Copies of the guidance will be supplied to the Committee and in due course to all Council and Parish Council Members. There will need to be Member training, concentrating on the changes from the original Code and the Standards Board are planning to produce a range of training aids including a DVD in July.

5 Options for the Councils to consider

- 5.1 The Councils must adopt new local Codes within six months of the making of the order containing the new national model Code (i.e. by 1 October 2007). Their local Codes must include all the mandatory provisions of the national model Code which are applicable to them and these cannot be altered.
- 5.2 The Councils may either pass resolutions to adopt the relevant parts of the national model Code in its entirety as it applies to them without additions – the national model Code thereby becoming the local Code – or they may adopt local Codes with additional provisions as long as they are consistent with the national model Code.
- 5.3 If the Councils do not adopt new local Codes within six months from 2 April 2007, the new national model Code will automatically apply to all Members at the end of that period and will continue to apply until the Councils adopt their own local Codes.
- 5.4 It is proposed that the new local Codes for both Councils be adopted to come into effect on **Sunday 30 September 2007**, in order to give enough time for preparation of the associated paperwork and more importantly for all Members to receive training.

- 5.5 The Standards Board of England, in the guidance which it issued when the first national model Code was prescribed, suggested that a wide range of different local Codes may cause confusion to local people and those who serve on more than one authority. For example, a number of Brighton & Hove Members appointed to the East Sussex Fire Authority will have an additional local Code to observe. The Standards Board also believed that members should all be judged to the same standards and therefore recommended that authorities should not adopt additional provisions in local Codes.
- 5.6 Similar advice has been published this time. Adoption of the national model Code unamended will, as they put it, “give certainty to members and the public as to what standards are expected, ensure consistency throughout England and minimise the risk of your authority adopting additional provisions which are unenforceable.” They also recommend adopting the ten general principles of good conduct as a non-enforceable preamble or annex to local Codes to remind members and the public of the principles underlying the Code – both Councils already do this in their current local Codes.
- 5.7 Any authority which wants to include additional provisions must ensure that they are consistent with the national model Code and not be in breach of other legislation. However seeking to add additional provisions where the model Code makes reference to a particular requirement may well be seen by the Standards Board as being inconsistent with requirements in the national model Code. Where extra provisions are properly incorporated into a local Code any breach of them by Members could be the subject of a complaint to the Standards Board.
- 5.8 When the Councils considered their current local Codes in 2002, the only additions they made to the national model Code were as follows:-
- made the local Codes gender neutral [*not necessary this time*];
 - added some introductory words which were not actually part of the formal Codes but explained how they operated and included the 10 general principles of public life [*still desirable this time*];
 - in the Council’s case, (a) incorporated some overview and scrutiny provisions that otherwise would have not applied even though the Council had overview and scrutiny committees [*not necessary this time*] and (b) added that Members could voluntarily provide written notification of their membership of any private club (as this was not covered by the Code) [*could be included again this time if the Council wishes*].
- 5.9 It is proposed that the Councils be recommended to adopt a similar approach now. Accordingly, the draft local Codes attached as **Appendices 2 and 3** of this report and recommended for adoption are

the national model Code. Removed from them are only the non-relevant provisions relating to other types of authority. The only suggested additions are:-

- similar suitable introductory words which are not formally part of the Codes;
- for the Council, the provision that Members can voluntarily provide written notification of their membership of any private club [paragraph 15], but the Committee may wish to consider whether it is still appropriate to include this;
- for the Parish Council, incorporation of paragraph 12(2) of the national model Code (which is not mandatory for parish councils) enabling Parish Council Members with a personal and prejudicial interest to address meetings in circumstances where the public have the same right. The Standards Board has indicated that it would be appropriate for parish councils to include this provision which they can then use if and when they grant public rights of address.

6 Once the Local Codes have been adopted

- 6.1 Once adopted, the Councils must publish a notice in one or more local newspapers saying that new local Codes have been adopted and that they are available for public inspection. The Local Government Act 2000 requires that if an authority has its own newspaper and publishes a notice in that paper, it must also publish a notice in another local paper.
- 6.2 The Councils must also send copies of the adopted local Codes to the Standards Board.
- 6.3 Once the Councils have adopted the new local Codes, all the Members are bound by the relevant Code. The undertakings they have already given to observe the local Codes when they were elected still apply and do not need to be renewed.
- 6.4 However, as the registers of interests will not be in the same form under the new local Codes, it will be necessary for all Members to renew their declarations of interests within 28 days of the new local Codes being adopted.

7 Consultation

- 7.1 The Chair of the Committee and relevant officers of the Council have been consulted in relation to the report as it affects the Council.
- 7.2 The Parish Council has agreed that their Member who represents them on the Committee liaise over the adoption of the new local Code and he has been consulted.

- 7.3 He confirms that the Parish Council will wish to adopt all the provisions of the new national model Code which are mandatory for Parish Councils with only one voluntary addition which is mentioned further in section 5 of this report:-
- incorporation of paragraph 12(2) of the national model Code of Conduct (which is not mandatory for parish councils) enabling Parish Council Members with a personal and prejudicial interest to address meetings in circumstances where the public have the same right.
- 7.4 It is therefore proposed that the Standards Committee endorse these views and make the recommendations to the Parish Council contained at Section 3 of this report.
- 7.5 The Parish Council at its meeting on 2 July 2007 will then consider those recommendations and, if satisfied, will resolve to adopt the draft Code at **Appendix 3** as its local Code. It is proposed that resolves the new local Code should come into effect on Sunday 30 September 2007, to co-incide with the date on which it is proposed that the Council's new local Code should come into force.

Meeting/Date	Standards Committee, 12 June 2007 Rottingdean Parish Council, 02 July 2007 Brighton & Hove City Council, 12 July 2007	
Report of	Director of Strategy & Governance as Monitoring Officer	
Subject	Adopting new local Codes of Conduct	
Wards affected	All	
Financial implications		
There will be some costs incurred in the adopting new local Codes including the cost of placing the notices in the local paper and producing new documentation. Any external training which is considered desirable is also likely to require expenditure. Such costs can be met from the Committee's budget. <i>Finance Officer consulted: Catherine Vaughan Date: 22/05/07</i>		
Legal implications		
The legal implications have been referred to in the body of this report and the proposals comply with the requirements of the Local Government Act 2000. Human Rights Act 1998 considerations have been taken into account in the preparation of this report and there are no particular issues which it is considered need to be specifically drawn to the attention of Members in connection with the report's proposals. <i>Lawyer consulted: John Heys Date: 14/05/07</i>		
Corporate/Citywide implications	Risk assessment	
The new local Codes will apply respectively to all Members (including co-opted Members with voting rights) of the Council and all members of the Parish Council. The Codes respectively regulate behaviour in relation to all Council and Parish Council matters.	No formal risk assessment has been carried out in connection with this report.	
Sustainability implications	Equalities implications	
There are no direct sustainability implications arising from this report.	The Codes contain requirements for Members not to do anything that may cause the Councils to breach their statutory duties under equalities laws, so that discriminatory behaviour by Members can be dealt with.	
Implications for the prevention of crime and disorder		
Members who observe the Codes will be complying with the law. A breach of any provision of either of the Codes is seldom likely to be a criminal offence but could result in penalties, including suspension and disqualification from serving as a councillor.		
Background papers		
No unpublished background papers have been relied upon to a material extent in writing this report.		
[Guidance and other publications of the Standards Board are available on their website – www.standardsboard.co.uk . Government legislation is available on the Office of Public Information website – www.opsi.gov.uk . The Council agendas and reports for the relevant Standards Committee and Council meetings in 2002 can be seen on application to Democratic Services, ext 1065, Penny Jennings.]		

Contact Officer

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PROPOSED CODE OF CONDUCT FOR MEMBERS OF BRIGHTON & HOVE CITY COUNCIL

BRIGHTON & HOVE CITY COUNCIL

CODE OF CONDUCT FOR MEMBERS

INTRODUCTION

The Text of the Code

This code has been prepared and adopted by Brighton & Hove City Council (“the authority”) in accordance with Section 51 of the Local Government Act 2000. The text of the code follows this introduction and is in 3 parts: 1 General Provisions; 2 Interests and 3 Registration of Members’ Interests. All text printed in ordinary type comprises the mandatory provisions prescribed by the Secretary of State under Section 50 of the Local Government Act 2000. Any text underlined comprises additional or variant text approved by the authority. Any text in italics comprises comments and informal guidance only and is not part of the authority’s code.

The authority’s code applies to you if you are an elected Member of the authority or a co-opted Member with voting rights.

The Undertaking

You must sign a formal undertaking to observe the authority’s code. If you fail to do so, you will not be able to act as member of the authority.

Sanctions for Breach of the Code

Any person may make a written complaint to the Standards Board for England that you have acted in breach of the code. Investigation of any such complaint may lead to sanctions being applied to you by a Case Tribunal or, where the Secretary of State provides by regulations, by a panel of the authority’s Standards Committee. It should be noted that a Case Tribunal has power to order you to be suspended or partially suspended from the authority for a period not exceeding one year, or to be disqualified from being a member of the authority for a period not exceeding five years.

Observing the Code

You should make sure that you are familiar with the requirements of the code, including any guidance issued by the Standards Board for England and the Authority’s standards committee. It is your responsibility to make sure that you

comply with the code. You should regularly review your personal circumstances with this in mind, particularly when those circumstances change. If in any doubt, you should seek advice from the authority's monitoring officer or from your own legal adviser. (The Standards Board for England is unable to give guidance on specific cases.) In the end, however, the decision and the responsibility are yours in each case.

Documents forming part of the constitution issued by the authority which include some particularly relevant guidance on, or requirements relating to, conduct, are:-

- *Part 4.1 - Procedure Rules*
- *Part 5.1b - Practice Note – Use of Council Facilities*
- *Part 5.2 - Arrangements regarding the register of Members' Interests*
- *Part 5.4 - Protocol for Members regarding Planning Applications*
- *Part 5.6 - Code of Conduct for Member/Officer relations*
- *Part 5.8 - Anti-Fraud and Corruption Strategy*
- *Part 5.9 - Whistleblowing policy*
- *Part 5.11 - Full Inclusive Council Policy*

You should familiarise themselves with all the above documents.

Main Provisions of the Code

You should note that:

- *The code must be observed when you are acting in an official capacity, defined in Paragraph 2. There are some circumstances, also mentioned in paragraph 2, where the code will apply at other times if you are convicted of a criminal offence.*
- *Any personal interest (defined in Paragraph 8) in a matter under consideration must usually be disclosed by you at meetings where the matter is being considered, but there are some limited exceptions, mentioned in Paragraphs 9(2) to 9(5).*
- *You may have a personal interest through your family or any person with whom you have a close association.*
- *Any personal interest which is also a prejudicial interest (defined in Paragraph 10) in a matter under consideration must be disclosed by you at meetings where the matter is being considered and you must withdraw from the meeting, except in the limited circumstances set out in Paragraph 12(2).*
- *To determine whether you have a prejudicial interest, you should
(1) bear in mind the ten principles of public life (set out below)*

- (2) consider how the public would judge you if you were to participate in discussing and/or deciding the relevant matter and*
- (3) apply the provisions in Paragraphs 10 and 11 of the code.*

- *You must keep up to date the information held on the Register of Interests maintained by the Monitoring Officer and give due notification of any gift or hospitality received as failure to do so will automatically be a breach of the code even though the circumstances may not seem important.*
- *There is provision in the code for you to make a voluntary declaration of your membership of private clubs.*

The Ten General Principles of Public Life

The ten general principles are the fundamental values which, by virtue of the relevant Authorities (General principles) Order 2001, underpin the code. You should therefore read them in conjunction with the code, even though they are not directly part of the code.

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

2. Honesty and Integrity - *You should not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.*

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

4. Accountability - *You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.*

5. Openness - *You should be as open as possible about your actions and those of your authority, and should be prepared to give reasons for those actions.*

6. Personal Judgement - *You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.*

7. Respect for Others - *You 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. You should respect the impartiality and integrity of the authority's statutory officers, and its other employees.*

8. Duty to Uphold the Law - *You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.*

9. Stewardship - *You should do whatever you are able to do to ensure that your authority uses its resources prudently and in accordance with the law.*

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

BRIGHTON & HOVE CITY COUNCIL
CODE OF CONDUCT FOR MEMBERS
(Adopted 30 September 2007)

Part 1 - General provisions

Introduction and interpretation

1(1) This Code applies to you as a member of an authority.

1(2) You should read this Code together with the general principles prescribed by the Secretary of State.

1(3) It is your responsibility to comply with the provisions of this Code.

1(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) any of the authority’s committees, sub-committees, joint committees, or joint sub-committees;

“member” includes a co-opted member and an appointed member.

Scope

2(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

2(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

2(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

2(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

2(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3(1) You must treat others with respect.

3(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4 You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- (i) you have 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 advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6 You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

7(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Personal interests

8(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) 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;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

8(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

9(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

9(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or

existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

9(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

9(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

10(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(iv) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11 You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by another of your authority's committees, sub-committees joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee; and

(b) you must not seek improperly to influence a decision about that business.

12(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 - Registration of Members' Interests

Registration of members' interests

13(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

13(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

14(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

14(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Voluntary Registration of Membership of Private Clubs

15. You may provide written notification to the authority's monitoring officer of your membership of any private club and of any subsequent change or addition to your membership.

PROPOSED CODE OF CONDUCT FOR MEMBERS OF ROTTINGDEAN PARISH COUNCIL

ROTTINGDEAN PARISH COUNCIL

CODE OF CONDUCT FOR MEMBERS

INTRODUCTION

This code has been prepared and adopted by Rottingdean Parish Council (“the authority”) in accordance with Section 51 of the Local Government Act 2000. The text of the code follows this introduction and is in 3 parts: 1 General Provisions; 2 Interests and 3 Registration of Members’ Interests. All text printed in ordinary type comprises the mandatory provisions prescribed by the Secretary of State under Section 50 of the Local Government Act 2000. Any text underlined comprises additional or variant text approved by the authority. Any text in italics comprises comments and informal guidance only and is not part of the authority’s code.

The standards committee for the authority is the Brighton & Hove City Council’s Standards Committee. One Member of the authority is a Member of this standards committee.

The authority’s code applies to you if you are an elected Member of the authority or a co-opted Member with voting rights

The Undertaking

You must sign a formal undertaking to observe the authority’s code. If you fail to do so, you will not be able to act as member of the authority

Sanctions for Breach of the Code

Any person may make a written complaint to the Standards Board for England that you have acted in breach of the code. Investigation of any such complaint may lead to sanctions being applied to you by a Case Tribunal or, where the Secretary of State provides by regulations, by a panel of the authority’s Standards Committee. It should be noted that a Case Tribunal has power to order you to be suspended or partially suspended from the authority for a period not exceeding one year, or to be disqualified from being a member of the authority for a period not exceeding five years

Observing the Code

You should make sure that you are familiar with the requirements of the code, including any guidance issued by the Standards Board for England and the Authority's standards committee. It is your responsibility to make sure that you comply with the code. You should regularly review your personal circumstances with this in mind, particularly when those circumstances change. If in any doubt, you should seek advice from the authority's Clerk, the monitoring officer of Brighton & Hove City Council or from your own legal adviser. (The Standards Board for England is unable to give guidance on specific cases.) In the end, however, the decision and the responsibility are yours in each case.

Main Provisions of the Code

You should note that:

- *The code must be observed when you are acting in an official capacity, defined in Paragraph 2. There are some circumstances, also mentioned in paragraph 2, where the code will apply at other times if you are convicted of a criminal offence.*
- *Any personal interest (defined in Paragraph 8) in a matter under consideration must usually be disclosed by you at meetings where the matter is being considered, but there are some limited exceptions, mentioned in Paragraphs 9(2) to 9(5).*
- *You may have a personal interest through your family or any person with whom you have a close association.*
- *Any personal interest which is also a prejudicial interest (defined in Paragraph 10) in a matter under consideration must be disclosed by you at meetings where the matter is being considered and you must withdraw from the meeting, except in the limited circumstances set out in Paragraph 12(2).*
- *To determine whether you have a prejudicial interest, you should*
 - (4) bear in mind the ten principles of public life (set out below)*
 - (5) consider how the public would judge you if you were to participate in discussing and/or deciding the relevant matter and*
 - (6) apply the provisions in Paragraphs 10 and 11 of the code.*
- *You must keep up to date the information held on the Register of Interests maintained by the Monitoring Officer and give due notification of any gift or hospitality received as failure to do so will automatically be a breach of the code even though the circumstances may not seem important.*

The Ten General Principles of Public Life

The ten general principles are the fundamental values which, by virtue of the relevant Authorities (General principles) Order 2001, underpin the code. You should therefore read them in conjunction with the code, even though they are not directly part of the code.

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

2. Honesty and Integrity - *You should not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.*

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

4. Accountability - *You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.*

5. Openness - *You should be as open as possible about your actions and those of your authority, and should be prepared to give reasons for those actions.*

6. Personal Judgement - *You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.*

7. Respect for Others - *You 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. You should respect the impartiality and integrity of the authority's statutory officers, and its other employees.*

8. Duty to Uphold the Law - *You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.*

9. Stewardship - *You should do whatever you are able to do to ensure that your authority uses its resources prudently and in accordance with the law.*

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

ROTTINGDEAN PARISH COUNCIL

**CODE OF CONDUCT FOR MEMBERS
(Adopted 30 September 2007)**

Part 1 - General provisions

Introduction and interpretation

1(1) This Code applies to **you** as a member of an authority.

1(2) You should read this Code together with the general principles prescribed by the Secretary of State.

1(3) It is your responsibility to comply with the provisions of this Code.

1(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) any of the authority’s committees, sub-committees, joint committees, or joint sub-committees;

“member” includes a co-opted member and an appointed member.

1(5) References to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of Brighton & Hove City Council, which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

2(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

2(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

2(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

2(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3(1) You must treat others with respect.

3(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4 You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have 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 advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6 You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements; and

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes).

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

7 [Note for information – not part of the Code: This paragraph of the national model Code is not mandatory for parish councils and has not been included in the Code of Conduct.]

Part 2 – Interests

Personal interests

8(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) 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;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of your authority's area.

8(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

9(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

9(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or

existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

9(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

9(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

10(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(ii) an allowance, payment or indemnity given to members;

(iii) any ceremonial honour given to members; and

(iv) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11 *[Note for information – not part of the Code: This paragraph of the national model Code is not mandatory for parish councils and has not been included in the Code of Conduct]*

Effect of prejudicial interests on participation

12(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee; and

(b) you must not seek improperly to influence a decision about that business.

12(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 - Registration of Members' Interests

Registration of members' interests

13(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

13(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

14(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

14(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.