



**Brighton & Hove
City Council**

**COUNCIL
ADDENDUM**

4.30PM, THURSDAY, 9 MAY 2013

COUNCIL CHAMBER, BRIGHTON TOWN HALL

ADDENDUM

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117. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.	1 - 2
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122. RESPONSE TO TRANS SCRUTINY PANEL RECOMMENDATIONS	7 - 10
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124. CODE OF CONDUCT FOR MEMBER/OFFICER RELATIONS & CODE OF CONDUCT FOR EMPLOYEES	11 - 40
Appendices 1 and 2 have been re-circulated for information in a clearer format to show the various proposed changes to the code of conduct (copies attached).	
125. AMENDMENTS TO THE CODE OF CONDUCT FOR MEMBERS	41 - 52
Appendices 1 and 2 have been re-circulated for information in a clearer format to show the various proposed changes to the code of conduct (copy attached).	
126. NOTICES OF MOTION.	53 – 60
The following amendments to the Notice of Motions listed in the agenda have been submitted:	
(b) Protests in Brighton and Hove. Proposed by Councillor Duncan (copy attached).	
(c) Public Service Delivery and Staff Mutuels. Proposed by Councillor Mitchell (copy attached).	
(c) Public Service Delivery and Staff Mutuels. Proposed by Councillor Rufus (copy attached).	
(d) Independent Commission on Whole Person Care. Proposed by Councillor Jarrett (copy attached).	
(e) Government 'Land Transfer Scheme'. Proposed by Councillor Pissaridou (copy attached).	

WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed for questions submitted by a member of the public who either lives or works in the area of the authority at each ordinary meeting of the Council.

Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion.

The following three written questions have been received from members of the public.

(a) Mr Jenner

"With the pressure on budgets and reduction in some area of funding please can you tell me if the total level of funding from grants and commissioned / contracted work with the community and voluntary sector has increased or decreased in 2013/14 as compared with the last financial year 2012/ 2013 and the previous year 2011/12?"

This includes all funding across all departments including, housing, children's services, adult social care, leisure and sport."

Councillor Littman, Deputy Chair (Finance) of the Policy & Resources Committee, will reply.

(b) Ms Sharp

"Please can you confirm that you have considered the difference in the housing stock between Brunswick and Adelaide ward and Zone 2 of Central Hove and recognise that recycling rates could be lowered as a result of the communal recycling proposal?"

Councillor West, Chair of the Environment & Sustainability Committee will reply.

(c) Mr Tomlins

"The behaviour of council officers and departments should not be regulated by a 'what we can get away with' approach. There are codes of practise that all council officers should follow. I have made serious allegations of malpractice among council departments and officers who have managed my dismissal as a teacher from a local authority school.

Why have I been actively prevented, until now, from registering any sort of complaint or protest about what I consider to be seriously unprofessional behaviour? This complete lack of accountability is surely against the values of an open, transparent and democratic authority.”

Councillor Littman, Deputy Chair (Finance) of the Policy & Resources Committee, will reply.

WRITTEN QUESTIONS FROM COUNCILLORS

The following questions listed on pages 51 - 52 of the agenda have been received from Councillors and will be taken as read along with the written answers listed below:

(a) Councillor G. Theobald

“Will Cllr Kitcat please explain why Brighton & Hove was the only Council in Sussex to ignore official advice from the College of Arms and not fly the Union flag at half mast on the city’s civic buildings on the day of Baroness Thatcher’s funeral?”

Reply from Councillor J. Kitcat, Leader of the Council.

“The Council has a protocol for the flying of flags from its buildings and as a consequence an annual programme is managed by the Premises Team. The protocol was determined by Policy & Resources Committee (2006) and has proved useful when determining the numerous requests made in this regard.

There remains some flexibility within the protocol, the ultimate arbiter being the Chief Executive. On this occasion, and following discussion with Group Leaders, it was deemed inappropriate to commemorate the funeral of Baroness Thatcher by flying flags at half mast.

The College of Arms, whose jurisdiction is predominately ceremonial and not binding, acted on guidance issued to them by Downing Street. The information posted on their website was not directly communicated to Local Authorities. Neither the College of Arms nor the LGA considered it official advice or instruction.

Local Authorities were able to determine how to commemorate the event, acting on precedent and appropriateness. The decision reflected the diversity of opinion throughout the city and enabled elected representatives to mark the passing of Baroness Thatcher as they felt appropriate.”

(b) Councillor Mitchell

“Given the local opposition to the Government’s decision to site the King’s Free School on a permanent basis on the Brighton, Hove and Sussex Sixth Form College playing field, will Councillor Shanks undertake to make public the following information:

Confirmation that documents have been received by the council in relation to site searches for new Secondary Schools in the city.

The publication of any such site search documents and the council's response to their individual proposals.

Council conducted site searches in relation to the provision of new Secondary Schools in the city with accompanying evaluations."

Reply from Councillor Shanks, Chair of the Children & Young People Committee.

"Specific site searches to identify potential sites for the King's CE Free School have been commissioned by the Education Funding Agency (EFA) and as such it has been necessary to consult the EFA on the response to this question.

The EFA has confirmed that it has received a number of direct requests for information about site searches, and in response to these requests it has prepared a summary paper which includes all the sites that were considered. The EFA has removed comments on any short listing of sites and has stated that this is because until temporary and/or permanent sites are secured they may need to look at these other options and also because potentially some of these sites may be suitable for other Free School applications in the future. The EFA maintains that therefore disclosure of this information is commercially sensitive.

The EFA has shared this site search paper with the Head Teacher/Principal and Chair of Governors of Cardinal Newman Catholic School, Stanford Junior School and BHASVIC, and has authorised the Council to make it more widely available.

Officers were invited to comment on the site searches in draft. Specifically in relation to the Old Shoreham Road playing fields site, we commented:

- The site is well used by Cardinal Newman Catholic School (CNCS) and forms an integral part of the school facilities: without this area of land the school would find it impossible to deliver the sports and PE curriculum to its 2,200 pupils
- The land is covered by a joint user agreement between CNCS, Brighton Hove and Sussex Sixth Form College (BHASVIC) and Stanford Junior School, who all make use of the playing field: building on this site would deprive Stanford Junior School of its only access to outside green space and would make it very difficult for BHASVIC to deliver any PE curriculum at all
- Planning Policy protects the loss of urban open space (and this includes school playing fields) and over the last 15 years it has become much more difficult to secure planning consent for development on school playing fields
- The site has previously been proposed as a possible site for a school development but the proposal was submitted to Public Inquiry owing to the strength of local feeling and the planning inspector upheld that the site was not suitable for the development of a secondary school
- it is considered unlikely that planning consent could be secured for this site and even if this was possible the process would be likely to be lengthy

Officers have subsequently advised the EFA of the current application for the playing fields to be given village green status.

The EFA has concluded that despite the challenges this site presents it offers the most suitable solution to the search for a permanent site for the King's CE Free School. The EFA's lead officer has met with senior staff and governors of CNCS, BHASVIC and Stanford Junior to set out the proposals and to identify the issues these present for the schools and college. He has asked them to provide full information about their use of the field. It will be for the EFA to demonstrate to the schools and college how their needs may continue to be met at the same time as developing a new school on the site.

The local authority is required to cooperate with the EFA in the development of plans for new schools. Part of this role is to advise EFA of the issues and challenges relating to proposed sites, as our officers are doing in this case.

The Council has not as yet conducted its own site searches in relation to the potential need for a new secondary school. The School Organisation Plan sets out the likely need for new secondary school places later in this decade, as the most immediate need for new places is met by the opening of the King's CE Free School."

Council

9 May 2013

Agenda Item 122

Brighton & Hove City Council

Subject:	Response to Trans Scrutiny Panel Recommendations - Extract from the Proceedings of the Policy & Resources Committee Meeting held on the 2 May 2013		
Date of Meeting:	9 May 2013		
Report of:	Monitoring Officer		
Contact Officer:	Name: Mark Wall	Tel: 29-1006	
	E-mail: mark.wall@brighton-hove.gov.uk		
Wards Affected:	All		

FOR GENERAL RELEASE***Action Required of Council:***

To receive the item referred from the Policy & Resources Committee for information:

Recommendation:

That the Council be recommended to note the response to the Trans Scrutiny Panel's recommendations.

POLICY & RESOURCES COMMITTEE**4.00 pm 2 May 2013****COUNCIL CHAMBER, HOVE TOWN HALL****DRAFT MINUTES**

Present: Councillor J Kitcat (Chair) Councillors Littman (Deputy Chair), G Theobald (Opposition Spokesperson), Mitchell (Opposition Spokesperson), Hamilton, Mac Cafferty, A Norman, K Norman, Shanks and West.

PART ONE**187. RESPONSE TO TRANS SCRUTINY PANEL RECOMMENDATIONS**

187.1 The Assistant Chief Executive introduced the report which detailed the Executive's response to the Scrutiny Panel's recommendations following its review of the challenges and inequalities faced by transgender people in the city. She noted that

there had been a thorough review and the Panel's report had been published in January. She stated that the response to the recommendations which cut across all areas both within and outside of the council, was to accept all the recommendations in principal and she noted that a number had already been taken forward, whilst others required discussions with partner organisations.

- 187.2 The Executive Director for Finance & Resources stated that she had been designated as the Equalities Champion for the Leadership Team and would be responsible for championing aspects of the recommendations and supporting the trans community.
- 187.3 Councillor Mac Cafferty as Chair of the Scrutiny Panel stated that he wished to thank his fellow Panel Members for their support and receiving all the evidence that was submitted, some of which was heart-breaking. He believed that the Panel's recommendations would go a long way to improving the understanding of the trans community and their needs and he hoped would see an impact in the delivery of services to that community. He also hoped that all other agencies would take on board their responsibilities and that this would lead to improved relations. He also hoped that further reports would be made to the Overview & Scrutiny Committee on how matters had been taken forward and what changes had been made.
- 187.4 Councillor A. Norman welcomed the report and stated that the review was a clear example of how well the scrutiny process worked. She hoped that the recommendations would be taken forward and that the trans community would be able to see a change in the delivery of services.
- 187.5 Councillor Mitchell stated that it was an excellent piece of work and that she wished to pay tribute to the Scrutiny Panel and to those that came to give evidence, as well as the Scrutiny Team who supported the review. She also welcomed the involvement of the Executive Director which she felt was important and hoped that update reports would be brought to the scrutiny committee in due course.
- 187.6 The Chair noted the comments and stated that he wished to thank the Scrutiny Panel and that the report would be shared with the Local Government Association so that other authorities could learn from it and take action as necessary. He then put the recommendations to the vote.

187.7 RESOLVED:

- (1) That the excellent process undertaken by the scrutiny team, assisted by the communities and equality team, to produce the Trans Equality Scrutiny Report be noted;
- (2) That the scrutiny report be welcomed and the significance of its findings be noted;
- (3) That the recommendations relevant to the city council be accepted and the responses to the individual recommendations as detailed in appendix 1 to the report be agreed;

- (4) That those recommendations that are for either other or all public sector organisations or third sector partners be noted, and it be agreed that the council would work in partnership to implement these recommendations; and
- (5) That the Trans Equality Report and the committee report be shared with the Local Government Association and other appropriate local government peer groups/forums.

187.8 RESOLVED TO RECOMMEND: That the Council be recommended to note the response to the Trans Scrutiny Panel's recommendations.

PART 8.7 CODE OF CONDUCT FOR MEMBER/OFFICER RELATIONS

1. Introduction

- (a) An effective and productive working relationship between Members and officers is critical to the successful operation of the Council's business. This code deals with the Member/officer interface in general terms and then refers to the working relationship between Members and Chief Officers, senior officers and other officers who formally advise the Council.
- (b) Excellent working relationships between Members and officers are required both to deliver high quality services to local people and to maintain public confidence in the machinery of local government in Brighton & Hove.
- (c) For the purposes of this Code, Chief Officer means the Chief Executive, the Executive Directors of Finance and Resources, Adult Services, Childrens' Services -and of Environment, Development and Housing as well as, the Director of Public Health, the Monitoring Officer and Head of Law, and the Assistant Chief Executive.
- (d) For the purposes of this Code, Deputy Chief Officer means ~~a Lead Commissioner, Head of a Delivery Unit, Head of Financial Services, Head of IGT, Head of City Services, Head of Human Resources, Head of Property and Design and Heads of Units in the Chief Executive's and Cultural Services~~ Officers who report to Chief Officers other than clerical staff.

2. Values

The manner in which members and officers interact should at all times be consistent with the council's organisational values, which are as follows:

- **Respect:** Embrace diversity with kindness and consideration and recognise the value of everyone. (See also paragraph 3 below)
- **Collaboration:** Work together and contribute to the creation of helpful and successful teams and partnerships across the council and beyond
- **Efficiency:** Work in a way that makes the best and most sustainable use of our resources, always looking at alternative ways of getting stuff done and asking, 'How can I improve that?'
- **Openness:** Share and communicate with honesty about our service and self, whenever appropriate. Accept where we have to change in order to improve

- **Creativity**: Have ideas that challenge the ‘tried and tested’, use evidence of what works, listen to feedback and come up with different solutions
- **Customer Focus**: Adopt our ‘Customer Promise’ to colleagues, partners, members and customers. We will be easy to reach, be clear and treat you with respect, listen and act to get things done

3. Mutual Respect and Courtesy

- (a) Respect is one of the Council’s organisational values. For the effective conduct of the Council’s business there must be mutual respect and courtesy in all meetings and contacts, both formal and informal, between Members and officers. The basic tenets of common courtesy apply in both formal and informal settings. This plays an important part in safeguarding the Council’s reputation and the regard in which it is held by members of the public.
- (b) It is important that both Members and officers remember their respective obligations to enhance the Council’s reputation and do what they can to avoid criticism of Members or officers in public. The quality of the interface between the two is vital in ensuring that the highest ethical standards permeate the Council in both its private and public dealings.
- (c) Members should be aware that officers are constrained in the response they may make to public comment from Members and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces Members’ proper right and duty to criticise the reports, actions and work of a department or section of the Council where they believe such criticism is merited. If Members believe they have reason to criticise the work of an individual junior officer, the proper approach should be through the senior manager of the section or Chief Officer of the relevant department. Equally where officers feel they have good cause to criticise a Member, an approach by the relevant Chief Officer to that Member’s party whip, group leader or convenor is a sensible first step.

4. Roles and Responsibilities

- (a) All Members have responsibilities towards the Council, effectively as trustees. No decisions on behalf of the Council can be taken by individual Members in law, but because the Council is organised into political groups certain Members will exert more influence and direction than others, namely the leadership of the largest group(s) and opposition groups. Committee/Sub-Committee Chairs will also exert influence and may provide guidance within the area covered

by their Committees/Sub-Committees. The role of Committee/Sub-Committee Chairs is recognised in law for procedural purposes, for example chairing, ~~conducting~~ meetings or exercising a casting vote. Whilst chairs of committees in practice, liaise regularly ~~ing~~ with senior officers on significant matters and may be able to influence Officer decisions by expressing their views, by law they ~~cannot~~ ~~cannot~~ make each individual decisions on behalf of the Council. There is therefore no “chair’s decision” as such except on procedural matters regarding the Committee or Sub-Committee they chair.

- (b) Members are responsible to the electorate and may serve until their term of office expires or until it is ended before that, for whatsoever reason. Officers are employed by, and are responsible to, the Council. Their job is to give advice to Members and the Council and to carry out the Council’s work under the direction and control of the Council, its Committees and Sub-Committees and the management of the Chief Executive and the relevant Chief Officers.
- (c) Officers are employed to advise the Council and to implement its decisions. Officer advice must be full and impartial and should include all relevant options. It must not seek to second-guess the decisions of Members, for example by excluding presumed unpalatable options, and must be clear and professional at all times. Members should respect officers’ political neutrality at all times. But Members are entitled to reject officer advice and to give effect to their lawful policies even if these are clearly at variance with the views of officers. It is by this means that the largest group(s) are able to implement the policies for which they regard themselves as responsible to the electorate and the opposition groups are able to challenge them and put forward their own policies.

45. Political Activity

- (a) Senior officers, except those specially exempted, cannot be local authority Members or MPs, nor can they “speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”. Such officers are nevertheless able to engage in such activity to “such extent as is necessary for the proper performance of their duties”. (Sections 1-2 of the Local Government and Housing Act 1989 and Local Government Officers (Political Restrictions) Regulations 1990.
- (b) Officers are employed by the Council not by Committees/Sub-Committees or individual Members and are subject to the

application of the Council's employment policies and procedures including the Council's Code of Conduct for Officers.

- (c) National conditions of service provide that officers cannot be required to advise any political group of the Council, either as to the work of the group or as to the work of the Council. ~~N~~, neither can they be required to attend any meetings of any political group. Nonetheless it is common practice for party groups to give preliminary consideration to matters of Council business and officers may properly be called upon to support and contribute to such deliberations.
- (d) Normally, only the Chief Officer will be expected to attend meetings, write reports or carry out other work relating to Council business (including technical assistance in drafting Notices of Motion) for a party political group. Subject to the Chief Officer's discretion, other senior officers may be invited to attend meetings, provide information, write reports and draft Notices of Motion, or carry out other work relating to Council business for party political groups. However, neither the Chief Officer nor any other officer can be instructed to do so nor can they be instructed to carry out any party political work. This provision covers meetings of or reports to a party political group or meetings designated for one party only. It is, of course, open to any Committee or any Sub-Committee to require reports from Chief Officers on matters within their terms of reference.
- (e) Officers must respect the confidentiality of any party group discussions at which they are present and should not relay the contents of any such discussions to another party group.
- (f) ~~The Council recognises the need principle in (d) above does not deny the necessity~~ for regular liaison contact on matters affecting the Council between ~~Chief Officers, other~~ senior officers and the leadership of political groups, and on matters affecting committee functions, ~~between Chief Officers, other s~~ senior officers and Committee/Sub-Committee Chairs and party spokespersons. This is vital to the workings of the Council, especially during times where there is no overall political control. The Chief Executive convenes and chairs meetings of the Leaders Group regularly to discuss matters of common interest.

56. Contact between Members and Officers

- (a) Regular contact between Members and senior officers is necessary to ensure the efficient working of the Council. In this context, it is the responsibility of Chief Officers to identify within each department the senior officers who should have regular contact with Members and this will depend upon the nature of the service they provide and the nature of the Member contact envisaged.

However, Members should always bring major concerns about issues affecting a department directly to the attention of the Chief Officer concerned.

- (b) Serious problems can arise if Members bypass appropriate lines of communication to Chief Officers and their senior officers and, for example, deal with more junior members of staff to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving Members of the formal, informed and accountable advice they have a right to expect from Chief Officers. It may also serve to undermine the formal accountability of staff to their line manager.
- (c) However, there are circumstances when Members may need direct contact with relatively junior staff, for example, with junior officers in a Housing District Offices when dealing with constituency casework presented by tenants and the contact is for the purpose of seeking factual information. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine but, wherever possible, appropriate Members should keep Chief Officers informed by copying them (at least initially) into correspondence, e-mails etc., and routing general enquiries through them.

67. Information for Members

- (a) It is important that officers keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the wards which Members represent. Ward Members should be informed about proposals which affect their area whether this concerns the declaration of a surplus property, a new traffic management scheme or a local planning application. Ward Members should also be invited to attend the opening of new Council buildings or road schemes or other similar ceremonies within their wards. It should also be borne in mind that Members who are not Members of a particular Committee/Sub-Committee may be able to attend and speak at meetings of Committees/Sub-Committees with the agreement of the Chair or person presiding at the meeting.
- (b) The unauthorised disclosure of information by Members, which they have gained as Members, when the information is confidential, is restricted likely to be a serious breach of the Members' Code of Conduct - (see part 8.1 of The Constitution). Members will have signed a declaration of their intention to abide by the Code of Conduct when they took office. Confidential information -It- should not, therefore, be made available by the Member concerned to the press or public nor should it be passed onto another Member who cannot demonstrate a similar "need to know." guidance on what constitutes confidential information at There is separate more

detailed guidance—“Guidance to Members and Officers regarding confidential information which can be accessed from the Wave.”—~~insert hyperlink~~ and also see paragraph 7 and Appendix 1 of this code regarding the “need to know”).

78. Access to Information

(a) In accordance with the corporate value of openness, the default position of the council on access to information, as regards Members, Officers and, indeed, the public at large, is one of openness and transparency. The other, complementary side to this coin is that information that is genuinely confidential must stay confidential.

(ba) Members have wide-ranging legal rights of access to documents in the possession or under the control of the Council and officers should implement requests for information from Members who need that information for the fulfilment of their duties as a Member.

(cb) Normally, officers will accept that Members do not ask for information without good reason and will not question the Member’s “need to know”. But in the words of relevant legal caselaw, a Member has no right to a “roving commission” and “mere curiosity or desire” is not sufficient. Nor, of course, can the Member exercise the right for some improper motive, e.g. to assist someone in litigation with the Council, its staff, suppliers or service users.

(de) In rare cases therefore a Chief Officer may apply the “need to know” test. The Member will need to show why the information is necessary to fulfil their Council duties. Further guidance on the “need to know” issues is set out in the Appendix 4 to this code. Where an officer considers that a Member has not established a “need to know” in support of a request for access to information and refuses to provide the information requested, the officer shall state the -reasons for doing so. Where the Member is dissatisfied with the outcome the matter shall be referred to the Monitoring Officer for a decision.

(ed) A Member asking for complex or bulky information should be flexible in his or her demands if compiling and reproducing the documentation results in significant cost to a department. The Member will normally be able to view relevant material and to copy individual documents and retain them but may not make use of such information for an improper purpose or one unrelated to the Member’s duties.

(f) Specific guidance on a Member’s rights of access to confidential Committee and Sub-committee reports is to be found at paragraph 10 of the Appendix to this code.

(ge) Members are reminded of their duty not to disclose confidential information which they have gained access to as Members (see ~~again paragraph 6(b) above~~ of this Code). To do so is not only a breach of this code but is also, ~~as stated above,~~ very likely to be a serious breach of the Code of Conduct for Members. If any Member believes that he or she may have justification for disclosing confidential information, he or she must first seek advice from an appropriate officer such as the Monitoring Officer, Chief Finance Officer or Chief Executive.

89. Preparation of Officer Reports for Committees/Sub-Committees

- (a) Officer reports to Committees and Sub-Committees should be written by the Chief Officer or other officer authorised by him or her. All sensitive officer reports shall be discussed with the relevant Committee/Sub-Committee Chair at one of the regular meetings held with the Chief Officer.
- (b) However, the draft officer report belongs to the officer concerned and even if the Chair or another Committee/Sub-Committee Member in exceptional circumstances is unhappy with its contents, it should not be amended by them save with the express approval of the Chief Officer. It is for the Chief Officer to determine when a draft officer report should be amended in the light of Members' views, taking advice from the Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate.

910. Correspondence

- (a) Frequently Members and officers correspond and, where it is appropriate to regard the correspondence as non-confidential, it may be copied by either the sender or the recipient to others, subject to the provisions of paragraphs 9(b) to (d) below and to the requirement that correspondence should be courteous and wide circulation of it should not be employed as a means of administering a public rebuke to a Council officer.
- (b) Officers should not copy correspondence with a Member of one party to a Member of another party without consent. This does not prevent officers or Members copying correspondence to each other about casework across ward or interest group boundaries. Nor does it preclude a Chief Officer from advising a Committee/Sub-Committee Chair in general terms of an issue raised with the Chief Officer in correspondence, or otherwise, with a Member.

- (c) Members and officers must treat as confidential any personal information protected from disclosure by the Data Protection Act unless the disclosure is permitted under the Act or by other legislation.
- (e) ~~(d)~~ Members should bear in mind that if they disclose any information which should have been regarded as confidential, this is very likely to be a serious breach of the Code of Conduct for Members, as mentioned at paragraph 7(~~ge~~) above.- If in doubt as to the status of the correspondence, the Member should check with the officer concerned before taking any steps to distribute it more widely.
- (f) Members and officers should be aware that their communications with each other on council business, unless such communications are covered by legal professional privilege and continue to be genuinely confidential in legal terms, or which might otherwise be exempt under the provisions of the Freedom of Information Act 2000-Act, may be liable to be disclosed to anyone making a request for information under the Act. The Freedom of Information Act 2000. Members and officers should only include in emails, for example, material that they would be comfortable to be associated with-with if it found its way into the public domain.

4011. Undue Pressure

- (a) Members need to be aware that it is easy for officers, particularly junior members of staff, to be overawed and feel at a disadvantage in their dealings with Members. Such feelings can be intensified where Members hold official and/or political office. Therefore, the usual point of contact for Members should be the relevant Chief Officer or Deputy Chief Officer.
- (b) A Member should not request an officer to do anything that she or he is not empowered to do, nor to cease any action which the officer is properly taking or proposes to take, nor to undertake work outside normal duties or outside normal hours, nor to provide information to which the Member is not entitled. Advice on the appropriateness of such requests is available from either the Chief Officer or the Monitoring Officer.
- (c) Similarly, an officer must neither seek to use undue influence on an individual Member to make a decision in their favour nor to raise personal matters to do with their job, nor make claims or allegations about other officers. The Council has formal procedures for consultation, grievance and discipline.

4112. Familiarity

~~11 September 2012~~
Version 1

- (a) Close personal familiarity between individual Members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, e.g. personal details. Such familiarity can also cause embarrassment to other Members and/or other officers and even give rise to suspicions of favouritism.
- (b) For the above reasons, it is evident that close personal familiarity should be avoided, and in any event must be declared both by the Member and the officer. Such declarations should be made by the officer to the officer's Chief Officer and by Members to the Chief Executive or Monitoring Officer.

4213. Officers and Overview and Scrutiny

- (a) Where an Overview and Scrutiny Committee exercises its powers to require officers to attend to answer questions or discuss issues it should also consider the seniority of officers it would be appropriate to require to appear before them, in order to ensure that more junior officers are not put under undue pressure. Guidelines on this matter are included in the Overview and Scrutiny Procedure Rules at Part 5 of the Constitution.
- (b) Overview and Scrutiny Committees should always bear in mind that when officers appear to answer questions their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may explain what the policies are, the justification and objectives of those policies as the decision makers see them, the extent to which those objectives may have been met, and how administrative factors may have affected both the choice of policy measures and the manner of their implementation. They may be asked to explain and justify advice they have given to Members prior to decisions being taken and/or decisions they themselves have taken under delegated authority.
- (c) As far as possible, officers should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. Any comment by officers on the Council's policies and decision makers' actions should always be consistent with the requirement for officers to be politically impartial.

4314. Redress and Breach of this Code

- (a) If a Member has a complaint about a junior or senior officer, it should be raised with the relevant Chief Officer. If the complaint concerns a Chief Officer it should be raised with the Chief Executive as Head of Paid Service. A complaint about the Chief

Executive should be raised with the Leader, who will consider whether the issue can be dealt with as part of routine liaison, supervision and appraisal, or should be referred for formal action in accordance with Council procedures and the statutory provisions governing disciplinary action against Local Authority Chief Executives. This does not however preclude a Member from making public, at a Council meeting or in another appropriate way, a concern about the manner in which a Council department has acted, or dealt with a constituent, or a service has performed generally. Nor does it prevent Members at meetings of Committees or Sub-Committees being critical of officer advice or action or of the quality of reports before them. But the manner of such criticism should have regard to the guidance in respect of mutual respect and courtesy at paragraph 2 of this Code.

- (b) If a Member considers that he or she has not been treated with proper respect or courtesy by an officer or that an officer is otherwise in breach of this Code, the Member may raise it with the officer's line manager or Chief Officer without delay if the Member fails to resolve it through direct discussions with the officer. A Member may raise the issue with the Chief Executive, after discussion with the relevant Chief Officer. If the issue still remains unresolved, appropriate disciplinary action may be taken against the officer.
- (c) If an officer has similar concerns about a Member, the officer should raise the matter with his or her line manager or Chief Officer as appropriate without delay, especially if the officer does not feel able to discuss it with the Member concerned. In such circumstances the Chief Officer will take such action as is appropriate either by approaching the individual Member and/or party group leader. The Chief Officer will inform the Chief Executive and the Monitoring Officer if the party group leader or a Committee/Sub-committee Chair becomes involved, or in any other case where that is appropriate.
- (d) If an officer is concerned that another officer is in breach of this Code, or if a Member is concerned that another Member is in breach of this Code, he or she should raise the issue directly with either their line manager or Chief Officer or with their party group leader. Similar redress may be sought as in the previous paragraph.

4415. Conclusion

- (a) Mutual understanding, openness and basic respect are the greatest safeguards of the integrity and reputation of the Council, its Members and officers.

- (b) If Members or officers have any concerns about the content of this Code, or wish any interpretation or advice upon its contents, they should contact in the first instance the Monitoring Officer or the Chief Executive.

APPENDIX 4 - Access to Information – the “need to know”

1. The courts have given guidance on the circumstances in which a Member seeking information from an officer can be presumed to have a “need to know”.
2. Members are presumed to have a good reason for access to all written material relating to a function controlled by a Committee on which they serve. Also, a Member of a Committee would have a good reason for access to papers relating to the business of a Sub-Committee of that Committee.
3. A Member with a legitimate concern in a matter in which she or he is representing a constituent or other person or organisation may be able to demonstrate a “need to know” in relation to papers relevant to that matter, even if the Member concerned is not on the relevant Committee/Sub-Committee.
4. However, even where a Member is a Member of a Committee/Sub-Committee and wishes to see papers relating to the work of that Committee or a Sub-Committee of it, there will not be an automatic right of access to papers if the Member’s interest springs from something other than the wish to pursue rights as a Member of that Committee/Sub-Committee.
5. Party leaders may be able to demonstrate a “need to know” in respect of written material relating to all Committees/Sub-Committees.
6. Notwithstanding that the information requested may come within the above categories, an officer may refuse a request to provide the information if she or he has cause to think that the information may have been requested for an improper purpose or is otherwise unreasonable or is of a personally sensitive nature.
7. In this context, the courts have been critical of a request by a Member for details of many contracts, and have ruled that a request for details of a Chief Officer’s attendance at the office amounted to harassment.
8. An officer in judging whether a Member requesting information has a right to it is entitled to know the reasons for wanting it, and in the absence of cogent reasons is entitled to refuse. Where an officer considers that a Member has not established a “need to know” in support of a request for access to information and refuses to provide the information requested, the officer shall state reasons for doing so.
9. Members are entitled to have enough information to be able to perform their functions properly and the Courts will protect this position. Members should however bear in mind that unreasonable requests or pressure for information may amount to a breach of the Code of Conduct for Members.

10. Access to Confidential Committee and Sub-Committee Reports

10.1 Members' rights of access to Committee and Sub-Committee reports are set out in paragraph 17 of the Access to Information Procedure Rules. Without prejudice to any rights that Members may have under those rules, this guidance or the law, the following practice and procedure should apply.

- (a) The Council's approach regarding access to Committee or Sub-Committee reports will be guided by the general principles of openness and transparency.
- (b) In the practical application of the principles, the Council will have regard to any legal duty of confidentiality and the need to be able to run its business as a responsible authority.
- (c) As far as possible, and to the extent that it is consistent with legal duties and good practice, the Council will endeavour to put as many of the reports as possible in the public part or, where this is not appropriate, to have an item in the open part that gives the public an indication of the nature of the issue.
- (d) As general rule the Chair of the Overview and Scrutiny Committee and all Group Leaders will be provided with copies of any part II reports to Committee or Sub-Committee meetings and there will be a presumption in favour Group Leaders and relevant Scrutiny Chair having access to part II reports.
- (e) In some cases, the matter under consideration may be such that it is necessary to limit the distribution of reports to Committee Members only or to restrict the copying, distribution, or retention of the reports by Members or Officers.
- (f) In exceptional cases, if the Chief Executive and the Monitoring Officer are of the opinion that significant legal, financial or commercial reasons exist, then the distribution of the reports may be restricted to the person/s making the decision. In coming to such a decision, the Chief Executive and the Monitoring Officer will have regard to the following:
 - Whether the distribution of confidential papers to persons outside the decision-makers would be likely to constitute a breach of any legal duty to which the Council is subject, whether such duty arises from legislation, court order, contractual duty or other express or implied legal obligation;

- Whether the disclosure of the information would be likely expose the Council to financial loss;
 - whether the disclosure of the information would be likely to have a detrimental effect on any commercial negotiations;
 - whether the report includes sensitive personal information the disclosure of which would expose the council to legal or reputational damage;
 - whether the report contains matters relating to labour relations or negotiations with trade unions and the disclosure of such information would be likely to compromise those negotiations.
- (g) steps taken to limit distribution or restrict the manner of use shall be proportionate to the perceived risk. Depending on the Chief Executive and the Monitoring Officer's assessment, any such measures may include, but are not limited to:
- Circulating the report to the decision makers only;
 - Collecting the reports at the conclusion of the meeting;
 - Making arrangements for relevant Members to read the report at a pre-arranged venue and not take the report away;
 - Restricting any copying of the report.
 - Marking reports
- (h) Where a restriction or limitation on distribution is imposed under the above provisions, the Chief Executive or the Monitoring Officer shall inform the Group Leaders and the Chair of the Overview and Scrutiny Committee.
- (i) The procedure to restrict circulation of reports or the manner of use shall be applied only in exceptional circumstances and the presumption remains that Group Leaders and the relevant scrutiny chair would be entitled see part II reports.
- (j) The above procedures are without prejudice to any right that Members may have to access information and documents under the common law principle of "need to know."

NB

This code has not been the subject of a thorough review. Only minimal changes have been proposed at this stage to reflect the organisational values and refer to the need to respect confidentiality. A further, more detailed, review may be undertaken at a later stage.

PART 8.8 CODE OF CONDUCT FOR EMPLOYEES (OFFICERS)

Please take time to read this Code and make sure that you understand it. If you are unclear or want to know something specific, talk to your manager or your human resources division.

Introduction.

You are employed by Brighton & Hove City Council and that means that you are a Local Government Officer. You and the services you provide are paid for by public money and therefore you are accountable to the public for your behaviour, actions and decisions. You must not only behave properly, you should also be seen to behave in a way that is beyond question.

The Council recognises that working in a public service is not easy. Every area is changing and it may be unclear to you what is acceptable and what is not. This Code is intended to explain your responsibilities and your rights as an officer.

As a council officer you are expected to achieve your personal best for our customers and for the city. To ensure that you understand what this means, the council has adopted six values that describe what you should aim to accomplish in the way you carry out your job. These are:

- **Respect:** Embrace diversity with kindness and consideration and recognise the value of everyone
- **Collaboration:** Work together and contribute to the creation of helpful and successful teams and partnerships across the council and beyond
- **Efficiency:** Work in a way that makes the best and most sustainable use of our resources, always looking at alternative ways of getting stuff done and asking, 'How can I improve that?'
- **Openness:** Share and communicate with honesty about our service and self, whenever appropriate. Accept where we have to change in order to improve
- **Creativity:** Have ideas that challenge the 'tried and tested', use evidence of what works, listen to feedback and come up with different solutions

- **Customer Focus:** Adopt our 'Customer Promise' to colleagues, partners, members and customers. We will be easy to reach, be clear and treat you with respect, listen and act to get things done

This Code of Conduct underpins these six organisational values by setting out ~~deals only with~~ in more detail the detail the standard of behaviour expected of you as an officer whilst you are carrying out your duties. There are other Codes which are important for you to understand and which you should read alongside this one:

The Code of Conduct for Member–Officer Relations

This deals with the relationship between you and Members of the Council (Councillors)

The Code of Conduct for Members

A local code setting out standards of conduct and behaviour for Members of the Council

The Whistleblowing Policy

This sets out a procedure for you to report actions, wrongdoings or serious failures

The Complaints Procedure

A procedure for members of the public to complain about services or actions of the Council

The Anti-fraud and Corruption Strategy

The Council's commitment to fighting fraud and corruption whether attempted from outside or inside the Council.

The Acceptable Use of ICT Policy

A policy which sets the parameters for the appropriate work and personal use of Information and Communications Technology.

The Social Networking Policy for Employees

A policy which governs the use of social media in both the work and personal use contexts

Scope

This Code of Conduct applies to you if you are an employee of Brighton & Hove City Council, whether employed on a permanent, temporary or casual basis, or if you are an officer holder. All officers must follow this Code. Deliberate breaches of the Code will be treated as a disciplinary offence. In some cases a breach of the Code may result in criminal prosecution. This code contains the following:

Section 1	Basic principles/ <u>d</u> definitions
Section 2	Political neutrality/activity/restricted posts
Section 3	Council policies and legal requirements
Section 4	Outside commitments/ <u>W</u> working <u>t</u> Time <u>D</u> irective/ <u>d</u> declaration of interests
Section 5	Membership of closed organisations
Section 6	Tendering/dealing with contractors
Section 7	Using your position in the council
Section 8	Corruption, fraud and dishonesty
Section 9	Use of council facilities/resources
Section 10	Use of <u>ic</u> computers
Section 11	Inventions/patents/copyright etc/conferences
Section 12	Appointing staff/discipline & grievance
Section 13	Gifts/ <u>h</u> ospitality
Section 14	<u>H</u> ospitality/ <u>S</u> ponsorship
Section 15	<u>S</u> ponsorship, <u>g</u> iving or <u>r</u> eceiving
Section 16	Information, <u>o</u> penness and <u>c</u> onfidentiality
Section 17	Financial resources/regulations
Section 18	Role of the Monitoring Officer
Section 19	Raising concerns
Section 20	Responding to complaints
Section 21	Useful information

Basic principles & definitions

The basic principles on which this Code is built are that:

- you, your family or your friends must not gain financial or other benefits from the decisions or actions you take whilst working for the Council
- you must make decisions, choose purchases and award contracts on merit and in the best interests of the Council
- you will not accept money or other benefits from individuals or organisations that may, or may be seen to, influence your decisions
- you should always declare any interests you have outside work that relate to your work for the Council. You must always think how your actions would look to the residents of Brighton & Hove.

Would they be seen to be in the best interests of the public?
Would you be able to explain your role?

- 1.2 If you are at all uncertain, you should be guided by the key principle that even if your actions, decisions or behaviour are proper, you are still sure that you are above suspicion and any appearance of improper conduct.
- 1.3 If you are unsure what is expected, you can raise the matter with your manager, Executive Director, the Chief Executive, the Head of Human Resources & Organisational Development, the Council's Monitoring Officer or the Head of Audit & Business Risk. (A list of contact numbers is given at the back of this Code.)

Definitions

- 1.4 Throughout this Code there are references to partners, close friends, relatives, close personal relationships.
- 1.5 All of these are in the context of you having a loyalty to another person that is in conflict with the job or action in which you are involved for the Council.
- 1.6 There is no formal definition of 'close personal friend' or whether partner includes ex-partners with whom you are still friends.
- 1.7 It is your responsibility to act openly, honestly and without bias. You must assess if a relationship may cause you to act or be seen to act inappropriately.
- 1.8 This Code is not an exclusive or definitive list.

2. Political neutrality

- 2.1 As an officer you work for the Council as a whole and not just the majority (or leading) group. Although most staff will have very little direct contact with Councillors, some staff will be asked to give advice to individuals or to Committees. This must always be done in a politically neutral way and you must be prepared to explain your advice to all political groups. You should also bear in mind that you may be called to account for your advice, for example to an overview and scrutiny committee.
- 2.2 Once a policy has been approved through the Committee or Full Council stages as appropriate, it is a lawful policy of the whole Council and must be adopted by you, regardless of your beliefs. You must not allow your personal or political opinions to interfere with your work. If you believe that a policy is unlawful, you should contact your Executive Director or the Monitoring Officer.

- 2.3 If you are asked by a Councillor to provide assistance on a matter that you feel is clearly political, or which does not have a clear link with the work of the Council, you should seek the advice of your Director or the Monitoring Officer.
- 2.4 If you are asked to attend any meetings of any political group of the Council, you should consult your Director before accepting the invitation.
- ~~2.5 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the political neutrality standards set out in paragraphs 2.1 to 2.4 above, although all other parts of this Code still apply to them.~~

Political activity

- 2.6 You are not eligible to stand for office as a Councillor of Brighton & Hove City Council, but you may stand for office of another Council providing you are not in a politically restricted post (see paragraph below).

Politically restricted posts

- 2.7 Some officers, normally those in more senior positions, are in posts where political activity is restricted through the Local Government and Housing Act 1989. This Act prevents them from taking part in certain political activities outside their work. If this applies, you should have been informed in writing, although it may be included in your statement of terms and conditions of employment. You should, if this is the case, have been informed of the rules for claiming exemption. If you are not sure about your position, you should contact your manager or Human Resources.
- 2.8 The political activities which are restricted for these officers include:
- standing as a Member of Parliament, Member of the European Parliament or a Councillor in any local authority (other than a Parish Council)
 - holding office in a political party at any level, (except in limited roles concerned only with the internal membership of the party)
 - canvassing at elections
 - speaking in public or publishing any written or artistic work which appears to be intended to influence public support for a political party.
- 2.9 You need to be aware of your position in terms of political activity. If you are not sure whether an activity is subject to 'political activity restrictions', you should seek advice from your Executive Director or, Head of Human Resources & Organisational Development, who will consult the Monitoring Officer if necessary.

- 2.10 Violation of the statutory rules is a breach of contract and liable for investigation under the Council's Disciplinary Procedure.

3. Council policies and legal requirements

- 3.1 As a Council officer, you must know the legal or statutory requirements of your job, and work within this framework at all times.
- 3.2 All members of the local community, service users and officers have the right to be treated fairly and impartially. As a Council officer you must comply with all Council policies relating to equalities issues and the requirements of the law.

4. Outside commitments/ Working Time Directive and declaration of interests

- 4.1 Your first work commitment is to the Council. If your job is graded at Scale SO1 (or its equivalent) or above, you should not engage in any other business or take up an additional appointment without written permission from your manager. If you are allowed to undertake work outside the Council, you must not use the Council's facilities for that work.
- 4.2 The Council is required to take all reasonable steps to ensure that workers do not exceed the maximum hours per week. The statutory maximum hours per week [as laid down by the Working Time Directive] is an average 48 hours over a 17 week period, extended in certain circumstances to a 26 or 52 week period. Whatever your grade or position the Council has a responsibility to ensure that you do not exceed the statutory maximum hours per week. If you have, at the time of appointment, or subsequently obtain, other employment you should declare this to your immediate manager. Normally, the Council will not seek to prevent you from working more than the statutory maximum but it will want you to confirm, in writing, that this your choice.
- 4.3 In addition to the statutory maximum, if you are above school leaving age but under 18 years and working a total of 4.5 hours per day or more you are required to have a 30 minute break during that time. This applies whether you work only for the Council or for several different employers. If you are a young person with more than one job which adds up to 4.5 hours per day or more you should also inform your manager.
- 4.4 If you are 18 years of age or over, you are entitled to have a 20 minute break for every working shift lasting 6 hours or more per day.

Declaration of personal / business interests: conflict of interests

- 4.5 You must declare to your manager any financial and non-financial interests that you consider could bring you into conflict with the Council's interests. Conflict may occur where the Council has entered into (or is going to enter into) a contract in which you, your partner or a relative has a financial interest. You may have a financial interest if, for example, you could:
- receive money or goods
 - have value added to a property
 - benefit from an increase in share value.
- 4.6 If you have shares in a privatised utility, such as British Gas, with which the Council will have dealings, you will not normally need to declare this involvement. It is ultimately a question of degree. You would be expected to declare any large shareholdings you may have in a company coming into contact with the Council.
- 4.7 A conflict of interest may also arise when you have a direct interest in the outcome of a Council decision. If this is the case, in order to protect yourself from any appearance of improper conduct you should inform your manager immediately that you are aware of the situation.
- 4.8 Conflicts of interest may occur in a number of circumstances. You should, for example, declare your involvement with an organisation which is grant aided by the Council if you have any part in the grant process.
- 4.9 You should also declare any involvement with an organisation or pressure group which may seek to influence the Council's policies.
- 4.10 If you are not sure whether you should declare such an interest and wish to discuss the matter in confidence, the Monitoring Officer or Head of Human Resources & Organisational Development can offer advice.
- 4.11 Although you can be offered advice about declaring interests, it is ultimately your responsibility: if you are not sure, then it is always best to declare an interest. Declared interests are kept on registers of interests. It is important to remember that declaring an interest does not imply that you may act improperly, but that it could protect you from claims or the potential appearance of impropriety.

Note: The form on which declarations of interest should be made can be found on the Council's intranet.

5. Membership of non-open / closed organisations

- 5.1 You must declare in the registers of interests membership of any organisation not open to the public without formal membership and commitment of allegiance, and that has secrecy about rules or membership or conduct. This includes membership of organisations such as the freemasons. Declaration of such membership is required in order to avoid allegations of conflict between an officer's job and their personal interests and allegiances.

6. Tendering / dealing with contractors

- 6.1 Orders and contracts must be awarded on merit by fair competition against other tenders and in accordance with the Council's Standing Orders. You must not show favouritism to any contractor. You must also make sure that no special favour is shown to current or recent former employers, officers or their partners, close relatives or associates in awarding contracts.
- 6.2 If you are involved in the tendering process and deal with contractors, you must be clear about the need for separation of client and contractor roles. You must also make sure that, if you are privy to confidential information on tenders or costs for either internal or external contractors, you do not disclose such information to any unauthorised party or organisation.
- 6.3 If, as part of your job, you are involved with or supervise contractors, and you have any kind of personal or other relationship with a contractor or potential contractor, the law states that you must disclose this relationship. Any such relationships should be disclosed to your manager and entered in the register of interests.

7. Using your position in the Council

- 7.1 You are entitled to expect fair and reasonable treatment by your colleagues, managers and Councillors. If you feel that you have been unfairly treated, discriminated against or harassed, you ~~are entitled to make use of the Council's Grievance Procedure.~~ have the right to raise a complaint with the council.
- 7.2 In the same way, you are required to treat your colleagues and staff fairly. Not only is it a criminal offence to harass another person on any grounds, it is also a disciplinary offence in the Council.
- 7.3 You should not cause any person harassment, alarm or distress by using threatening, abusive or insulting language or disorderly behaviour, or by displaying any writing or signs, drawings, posters etc. which are threatening, abusive or insulting.

7.4 You are also entitled to be treated with respect by clients, service users and members of the public. If you feel that their behaviour is unreasonable in the circumstances, you are entitled to terminate the contact, providing that you do so without further antagonising the situation and that you give notice of your intention. You must always report such actions to your manager and make a record of the incident.

7.5 It is your responsibility to act reasonably and fairly.

8. Corruption

8.1 It is important that you are aware that it is a serious criminal offence for you to corruptly receive or give any gift, loan, fee, reward or advantage for doing (or not doing) anything or showing favour or disfavour to any person in the course of your work with the Council.

8.2 Under the Bribery Act 2010 it is an offence to request, agree to receive or accept a financial or other advantage intending that a relevant function or activity should be performed improperly as a result.

9. Use of Council facilities

9.1 You should only use Council facilities [such as accommodation, transport, stationery, postal service, ~~ict~~computers etc.] provided by the Council for your use in your duties as an officer to carry out those duties and for no other purpose. In exceptional circumstances your manager may give you permission to use Council facilities but you should always obtain this authority prior to use.

9.2 Telephones, both static and mobile, can be used for short urgent calls, for example in an emergency or to book a doctor's appointment. Telephones should not be used to give or receive personal calls which are not urgent.

9.3 The cost of any personal call made on a Council mobile phone must be repaid, regardless of whether it is within the agreed 'free time'. (To avoid mobile phones becoming a personal taxable benefit, you should repay the cost plus 5 %.)

10. Use of ICTcomputers

10.1 There is a separate policy on the use of computers, email and internet facilities and you should refer to this policy for the rules governing acceptable use.

11. Inventions / patents / copyright / publication of work / conferences

- 11.1 If you have invented or written something at work then as a general rule it belongs to your employer if:
- it has been written/made in the course of your normal duties
 - it has been made/written in the course of your duties and might reasonably be expected as part of your duties.
- 11.2 You must also make sure that you do not breach the copyright held by others so that if you wish to copy the work of others you should seek their permission and acknowledge the source.

Conferences

- 11.3 You may be invited to address conferences or make presentations about your area of work. If you are asked to address a conference or make a presentation you must consult your manager before you accept the request, as there may be some occasions when the Council would not wish to be officially associated with the organising body. You must not personally accept fees for such work, but you may accept expenses and/or the ability to attend the full conference. There may be exceptions whereby your own time and resources are being used and you can be paid for the work. You should nonetheless seek your Executive Director's advice before accepting a fee, and should refer to the "Outside commitments/Working Time Directive and declaration of interests" section of this Code (section 4).

12. Appointing staff / discipline and grievance

- 12.1 If you are involved in making appointments you must make sure these are made on merit against an agreed person specification and in accordance with the Council's recruitment policy and procedures.
- 12.2 It is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, you must not be involved in an appointment if you are related to an applicant, or have a personal relationship with them outside work.
- 12.3 It is also important that there is no suggestion of collusion among panel members. You should not be a member of a panel which includes your partner or someone with whom you have a close personal relationship.
- 12.4 You must not canvass on behalf of an applicant.
- 12.5 Similarly, you must not be involved in decisions relating to discipline capability, grievance procedures, pay adjustments or promotion for any other officer who is a relative, partner or close friend.

13. Gifts

13.1 You must, at all times, avoid any occasion for suspicion and any appearance of improper conduct. Any gift, reward or benefit offered to you as a Council officer should generally be refused. You should report any offers of expensive gifts to your Head of Service, Executive Director or the Monitoring Officer. Gifts offered to you (whether or not you accept them) are to be recorded by you in the register as follows:-

(a) If the gift is of a nominal value of £25 or less, you have discretion as to whether or not to record the gift. Thus, for example, you would not normally record being given gifts mentioned in category (a) in paragraph 12.2 below, but it would probably be appropriate to record gifts in categories (b) and (c) even if worth less than £25.

(b) If the gift is of a nominal value of more than £25 you must record it.

Note 1: If your department or team has special rules about accepting / refusing gifts, you must also comply with those rules.

Note 2: The form on which gifts and hospitality should be registered can be found on the Council's intranet.

13.2 Gifts may only be accepted if they are:

(a) small and of modest value or of a promotional or advertising nature, e.g. calendars, diaries, pens and other similar articles (see also below)

(b) small gifts offered during official authorised hospitality, e.g. gifts on the conclusion of any courtesy visit of a type normally given by that organisation

(c) small gifts given by service users or clients. Where appropriate, such gifts should be shared between teams.

13.3 Gifts that are not acceptable must be declined or returned.

13.4 It is very important that any gifts or other promotional material (pens, calendars, diaries) which carry names or logos should not be used or displayed in public areas. This is to avoid unintentional promotion or endorsement of such products or services.

14. Hospitality

14.1 You may receive hospitality from other Councils, organisations or individuals as part of your work. You should avoid being personally entertained by those who want, or are likely to want, something from you or the Council. When hospitality is offered, you need to consider

how this may be perceived by others. Hospitality must not be accepted from any parties concerned in a contract during the tendering period.

14.2 When considering offers of hospitality you should consider whether:

- the invitation comes from an organisation likely to benefit from the Council
- the organisation is seeking a contract with the Council, or already has a contract with the Council
- the hospitality is part of a conference, seminar etc. or is more of a social function
- the scale and location of the hospitality is relative to the event
- the event takes place outside normal working hours
- it is being offered on a frequent basis
- it is being offered just to you or to others as well.

14.3 All offers of hospitality, whether or not accepted, are to be recorded in the register of gifts and hospitality as follows:

(a) You do not need to record any hospitality which is an integral part of a conference or seminar and is being offered to all delegates.

(b) Otherwise, if the hospitality is

- (i) of a nominal value of £25 or less, you have a discretion as to whether or not to record the hospitality. It is suggested that you should record it unless it falls within the three acceptable categories mentioned at paragraph 12.8 below;
- (ii) of a nominal value of more than £25 you must record it.

14.4 After consideration, you may wish to decline the hospitality. You may refer to this Code when you decline hospitality, and you should record in the register what was offered and refused by you. If the individual or organisation later comes under investigation, it will be important to know all the offers that were made, not just those accepted.

Note 1: If your department or team has special rules about accepting / refusing hospitality, you must also comply with those rules.

Note 2: The form on which gifts and hospitality should be registered can be found on the Council's intranet.

14.5 Below are some broad guidelines on what is generally acceptable and unacceptable.

14.5.1 **Acceptable**

- modest working refreshments or meals provided that their purpose is to continue the work underway in the meeting
- attendance in an official capacity at functions to which invitations have been sent to other local authorities

- attendance in an official capacity at functions arranged by local public service bodies and other public authorities.

14.5.2 **Unacceptable**

- holidays or weekends away
- the use of a company flat or suite
- lunch with a developer who is applying for planning permission
- tickets to theatre, concerts or sporting events which are offered to you to influence your decisions in the Council and which you would not attend in an official capacity.

15. **Sponsorship, giving or receiving**

15.1 When an outside organisation wishes to sponsor activity, or is being asked to sponsor a Council activity, the basic conventions covering acceptance of gifts or hospitality apply. You must take particular care when dealing with suppliers or contractors or potential suppliers or contractors.

15.2 Where the Council wishes to sponsor an event or activity, then you, your partner, spouse or relative must not directly benefit from this sponsorship. If you think you may have some benefit from sponsorship, you must advise your manager before the sponsorship is agreed. This could protect you from potential allegations of favouritism or bias. Similarly, where the Council (through sponsorship, grant aid, financial or other means) gives support in the community, you must make sure that you give impartial advice and that there is no conflict of interest involved.

16. **Information, and openness and confidentiality**

16.1 Brighton & Hove City Council wants to ensure that it operates openly: this means that information should generally be available to the public. However, you should be aware that certain types of information are confidential and which must remain confidential (even after you or the person concerned has left employment with the Council). Such types of information include:

- personal information given in confidence
- information that might compromise the right of commercial confidentiality
- information that if disclosed might prejudice enforcement action
- information that the Authority is not allowed or required by law to disclose (e.g. under data protection legislation)
- information relating to the prevention, investigation or prosecution of a crime
- information that is defamatory

- information that appears in the confidential part of committee or council reports – Part 2 papers, often printed on pink paper
- ~~□ requests for information that are unreasonable because of their volume or complexity.~~

This list is not exhaustive

- 16.2 You should never pass on information, confidential or otherwise, for personal or financial benefit.
- 16.3 You should be clear about the scope of information to which you have access and the constraints and freedoms applicable.
- 16.4 If you are in any doubt about whether information is confidential or not you should consult your line manager or the council's Monitoring Officer.

17. Use of financial resources / financial regulations

- 17.1 You must make sure that you use the public funds for which you are responsible in a responsible and lawful manner and in accordance with the Council's Contract Standing Orders, Financial Regulations and Anti-fraud and Corruption Policies. If you feel there is evidence of financial impropriety, fraud or corruption you should contact the Head of Audit & Business Risk immediately.

18. The role of the Monitoring Officer

- 18.1 The Monitoring Officer is responsible for making sure that Councillors and officers act with propriety and within the law. He/she has a statutory responsibility to produce a report to full Council in the event of any possible illegality, maladministration or injustice coming to his / her attention. The Monitoring Officer in Brighton & Hove City Council is the Head of ~~Law~~Legal & Democratic Services.

19. Raising concerns

- 19.1 The Council takes any malpractice seriously and is committed to taking action when such practices are drawn to its attention. Examples of malpractice include bribery, fraud, corruption, gross negligence, risks to public safety or where capability is impaired by alcohol or drugs. There may be occasions when such practices are hidden or covered up and need to be drawn to the attention of the Council.
- 19.2 To make it easier for you to raise your concerns the Council has a procedure which allows you to raise your concern confidentially and, if necessary, outside your department. This is the Whistleblowing Policy and you can find this on the Council's intranet.

- 19.3 If you feel that you cannot raise your concerns within the Council, then you can contact the charity Public Concern at Work (Tel. 020 404 6609), which is a registered charity independent of Brighton & Hove City Council whose services are free and strictly confidential.

20. Responding to complaints

- 20.1 Brighton & Hove City Council is committed to being open with its service users and to treating their complaints fairly. Information about the Council's complaints procedures is included in the Council's series of leaflets "Complaints, compliments, comments and suggestions" which are available at main Council reception points or from the Council's Standards and Complaints Team. This Team can also give you guidance on how to handle complaints.

21. Useful information ~~/who's who~~

- 21.1 Whistleblowing Policy - available from the Head of Human Resources & Organisational Development or Internal Audit
 Equalities & Inclusion Policy - available from the Head of Human Resources & Organisational Development
 Anti-fraud and Corruption Strategy - available from Internal Audit
 Contract Standing Orders - available from Head of Procurement
 Code of Conduct for Member–Officer Relations – available from the Head of Law~~Legal & Democratic Services~~
 Code of Conduct for Members – available from the Head of Law~~Legal & Democratic Services~~

All these documents are also available on the Wave. Search for **constitution** in the **Library** and click open **Constitution – all documents**

Director of Finance	Tel. 29 7329
Head of Legal & Democratic Services	Tel 29 1500
Internal Audit (Head of Audit & Business Risk)	Tel. 29 1323
Head of Human Resources & Organisational Development	Tel. 29 1290
Head of Health and Safety	Tel.29 1305
Head of Strategy Finance & Procurement	Tel. 29 1240

PART 8.1 CODE OF CONDUCT FOR MEMBERS

INTRODUCTION

This code has been prepared and adopted by Brighton & Hove City Council (“the authority”) in accordance with Section 27 Localism Act 2011.

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

Any person may make a written complaint that you have acted in breach of the code. Investigation of any such complaint may lead to sanctions being applied to you.

You should make sure that you are familiar with the requirements of the code, including any guidance issued by the Authority’s Audit and Standards committee. It is your responsibility to make sure that you comply with the code. You should regularly review and update your register of Members’ Interests.

If in any doubt, you should seek advice from the authority’s monitoring officer or from your own legal adviser. In the end, however, the decision and the responsibility are yours in each case.

The Council’s Corporate Values

The Code of conduct should be read alongside six corporate values adopted by the Council. These are:

- **Respect:** Embrace diversity with kindness and consideration and recognise the value of everyone
- **Collaboration:** Work together to contribute to the creation of effective and successful decision making forums, working groups and partnerships across the council and beyond
- **Efficiency:** Work in a way that makes the best and most sustainable use of the council’s resources’
- **Openness:** Share and communicate with honesty about the council and its decisions and activities
- **Creativity:** Have ideas that challenge the ‘tried and tested’, use evidence of what works and listen pro-actively to feedback from constituents and others
- **Customer Focus:** Do your part to help the council deliver on its ‘Customer Promise’ to colleagues, partners and customers; the council aims to listen,

to be easy to reach, clear, treat everyone with respect and act to get things done

Other relevant policies and documents

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

- Part 3.2 – Council Procedure Rules
- Part 8.3 - Arrangements regarding the register of Members' Interests
- Part 8.2 - Practice Note – Use of Council Facilities
- Part 8.5 - Protocol for Members regarding Planning Applications
- Part 8.7 - Code of Conduct for Member/Officer relations
- Guidance on the use of social media
- Guidance on confidentiality
- Anti-Fraud and Corruption Strategy,
- Whistleblowing Policy

You should familiarise yourselves with the above documents.

BRIGHTON & HOVE CITY COUNCIL CODE OF CONDUCT FOR MEMBERS (Adopted 19 July 2012)

On their election or co-option to Brighton & Hove City Council, members are required to sign an undertaking to comply with the authority's Code of Conduct.

Part 1 – General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of the authority, when acting in that capacity.

(2) This Code is based upon seven principles fundamental to public service - set out below. You should have regard to these principles as they will help you to comply with the Code.

Principles fundamental to Public Service
<p>Selflessness 1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.</p>
<p>Integrity 2. Members should not place themselves in situations where integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the authority.</p>
<p>Objectivity 3. Members should make decisions in accordance with the law and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.</p>
<p>Accountability 4. Members should be 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 particular office.</p>
<p>Openness 5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.</p>
<p>Honesty 6. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.</p>
<p>Leadership 7. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.</p>

(3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

(4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the authority's monitoring officer.

(5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding:-

- (a) whether to take action in relation to you; and
- (b) what action to take.

(6) In this Code—

'authority' means Brighton & Hove City Council

'Code' means this Code of Conduct

'co-opted member' means a person who is not a member of the authority but who:-

- (a) is a member of any committee or sub-committee of the authority; **or**
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; **and**
- (c) who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

'meeting' means any meeting of -

- (a) the authority;
- (b) any of the authority's or its committees, sub-committees, joint committees, joint sub-committees, or area committees;

'member' includes a co-opted member.

'register of members' interests' means the authority's register of members' pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011.

Scope

2. (1) Subject to sub-paragraph (2), you must comply with this Code whenever you act in your capacity as a member or co-opted member of the authority.

(2) 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.

(2) You must not—

- (a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);
- (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;
- (b) prevent another person from gaining access to information to which that person is entitled by law.
- (c) refuse or fail -
 - (i) to cooperate with official council investigations into alleged unauthorised disclosures of confidential information, (whether or not such alleged unauthorised disclosures have been made by yourself or by another member); or

(ii) to provide full access to all material that in the view of the investigating officer may be relevant to such an investigation.

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;

(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;

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

(iii) champion the needs of all residents.

(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; or

(c) your authority's chief executive and head of paid service

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

(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

Disclosable pecuniary interests (“DPI”s)

NB It is a criminal offence to fail to notify the authority’s monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the authority’s monitoring officer).

8. Notification of disclosable pecuniary interests

(1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

(2) A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has 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.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's

	<p>knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) 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>(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.</p>

These descriptions on interests are subject to the following definitions;

'the Act' means the Localism Act 2011;

'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

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

'land' includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

'M' means the person M referred to in section 30 of the Act;

'member' includes a co-opted member;

'relevant authority' means the authority of which M is a member;

'relevant period' means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

'relevant person' means M or any other person referred to in section 30(3)(b) of the Act;

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

9. Register of interests

(1) Any interests notified to the Monitoring Officer will be included in the register of interests.

(2) A copy of the register will be available for public inspection and will be published on the authority's website.

10. Non participation in case of disclosable pecuniary interest

(1) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:-

(a) you may not participate in any discussion of the matter at the meeting;

(b) you may not participate in any vote taken on the matter at the meeting;

(c) ~~if the interest is not registered, you must disclose the interest to the meeting;~~

(d) ~~if the interest is registered, you may choose to disclose the interest to the meeting~~

(de) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Council Procedure Rule 27 requires you to leave the room where the meeting is held while any discussion or voting takes place.

11. Offences

(1) It is a criminal offence to:-

(a) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;

(b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;

(c) Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;

(d) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;

(e) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

(2) The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

12. Personal Other disclosable interests (“ODI”s)

(1) In addition to the disclosable pecuniary interests defined above, 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)

notify the Monitoring Officer in writing of the details of any interests, which are:-

(i) any body, organisation or association

(a) exercising functions of a public nature; or

(b) directed to charitable purposes;

~~(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);~~

~~and of which you are a member or in in a position of general control or management (such as trustee, secretary or chair;)~~

(ii) any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

~~(iii) any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.~~

(2) Where:

~~(a) you have another a disclosable other interest of a type described at subparagraph 12(i) or (ii) above in any business of your authority; or~~

~~(b) a decision in relation to a business of your authority might reasonably be regarded as affecting your well-being or the well-being or financial position of a “relevant” person (~~see definition of a relevant person at “(3)” below~~) 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; and~~

~~(c) you attend a meeting of your authority at which the business is considered;~~

~~(i) 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; and~~

~~(ii) If the interest is a prejudicial interest, while you may technically stay, participate and vote when that business is considered, you should consider how this might be viewed by others and you may choose to leave the room where the meeting is taking place~~

(iii) For the purposes of this code “prejudicial interest” means a personal interest which consists of a financial or property interest or an interest which is so significant that a reasonable person might consider as likely to prejudice your judgement of the public interest.

~~held while any discussion or voting takes place on that business.~~

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

(a) your spouse or civil partner;

(b) a person with whom you are living as husband and wife; or

(c) a person with whom you are living as if you are civil partners.

(4) Sub-paragraph (2) only applies where you are aware or ought reasonably to be aware of the existence of the ~~personal~~ interest.

(5) Where you have a disclosable interest but, by virtue of paragraph 14 below, sensitive information relating to it is not registered in the public version of your authority’s register of Members’ interests, you must indicate to the meeting that you have a disclosable interest, but need not disclose the sensitive information to the meeting.

(6) For the avoidance of doubt nothing in this paragraph of this code requires a Member to register or declare a personal interest that is shared with ordinary Members of the public living or working in the area (such as having bins collected) or arises simply from being a Member of the Council (such as Members’ allowances) or is otherwise de minimis.

13. Interests arising in relation to overview and scrutiny

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,

You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

14. Sensitive information

(1) Where you consider that the information relating to any of your disclosable interests, whether these are disclosable pecuniary interests or personal interests, is sensitive information, and your authority’s monitoring officer agrees, the monitoring officer shall not include details of the interest on any

copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

(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 the register of members' interests.

(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

15. Dispensations

(1) The Audit and Standards committee, or any sub-committee of the Audit and Standards committee, or the Monitoring Officer, after consulting the Chair of the Audit and Standards Committee and the Independent Person may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions on participating in discussions and in voting, in cases described in the dispensation. Before requesting a dispensation, members should first seek a suitable substitute member to attend the meeting in his/her place.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the standards committee, its sub-committee, or the Monitoring Officer—

(a) considers that without the dispensation the number of persons prohibited by paragraphs 10 and/or 12 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;

(c) considers that granting the dispensation is in the interests of persons living in the authority's area; or

(d) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

16. Voluntary Registration of Membership of Private Clubs

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.

NOTICE OF MOTION**GREEN GROUP
AMENDMENT****PROTESTS IN BRIGHTON AND HOVE**

Insert new text in paragraphs one and three as shown in bold italics below and delete the text as struck through in paragraph one.

“This Council respects the right of individuals and groups to protest peacefully in the city. However, this right must be carefully balanced against a) the loss of trade for local businesses caused by protests, b) the cost to taxpayers of policing protests, and ***c) the rights of citizens to go about their lives free from fear and intimidation.*** This Council considers that the costs of the recent March for England (which for the Policing alone could amount to hundreds of thousands of pounds) ~~and associated counter-protests~~ were unacceptable.

Therefore, this Council resolves to request the Chief Executive to write to the Police and Crime Commissioner for Sussex and the city’s Chief Superintendent requesting that, together with the City Council and key partners, a wide-ranging review is carried out into how the negative impact of protests on the city’s residents, businesses and visitors can be minimised.

The Council further requests that this review should include giving strong consideration to locating marches and protests ***where there is a concern for public safety and public order*** away from the seafront and city centre locations where they do so much damage to local businesses ***and community cohesion.***”

Proposed by: Cllr Duncan

Seconded by: Cllr Jarrett

Supported by: Cllrs Bowden, Davey, Deane, J. Kitcat, Hawtree, Rufus, Jones, Kennedy, A Kitcat, Buckley, Littman, Mac Cafferty, Phillips, Powell, Sykes, Shanks, Wakefield and West.

NOTICE OF MOTION**JOINT LABOUR & CO-OPERATIVE AND GREEN GROUPS'
AMENDMENT****PUBLIC SERVICE DELIVERY AND STAFF-LED MUTUALS**

Delete paragraphs 3 and 4 as struck through and insert new paragraphs 3 and 4 as shown below in bold italics.

“This Council welcomes the Government’s support for, and promotion of, staff-led mutuals and other forms of co-operative service delivery across the public sector and notes that employees are one of the key groups eligible to submit expressions of interest under the ‘Community Right to Challenge’ in the Localism Act.

This Council notes that the Government’s Mutual’s Taskforce has found that the benefits of mutual and co-operative service delivery are wide ranging and include: (i) greater customer satisfaction; (ii) greater ability of staff to innovate and use their initiative; (iii) lower production costs and higher productivity; (iv) increased resilience; (v) job creation; and (vi) higher morale and motivation amongst staff. This Council, therefore, agrees with the cross-party Communities and Local Government Select Committee’s recent conclusion that more local authorities should be considering setting up mutuals and co-operatives¹.

~~Furthermore, this Council notes that there are a growing number of successful staff-led mutuals emerging in local government such as Project Salus in Kent, Aspire Sussex in West Sussex and Sunshine Care Community Interest Company in Rochdale.~~

~~Therefore, this Council resolves to request that the Chief Executive work with the Local Government Association and other relevant external organisations with a view to bringing a report to the Policy & Resources Committee in July, detailing options for piloting staff-led mutuals in particular service areas in consultation and agreement with staff.~~

The council also notes the significant concern amongst organisations working in the mutual, co-operative and social enterprise sectors that the word ‘mutual’ is being used in ways which do not meet the established definitions of the term – in particular with regard to the absolute requirement that mutuals must be majority owned by staff.

¹ <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmcomloc/112/112.pdf>

Therefore this council requests that the council's Policy Team undertakes an evaluation of staff-led mutuals currently in operation, working with expert organisations in the sector such as Co-ops Uk, Mutuo and the Employee Ownership Association, and seeking the views of staff representatives and trade unions as part of this work. Issues the report should examine include:

- ***The importance of mutual spin-offs being driven by the staff themselves rather than imposed***
- ***Success factors in the establishment of staff led mutual organisations.***
- ***How to ensure that the staff led mutuals continue to provide services in the long term, and avoid mutualisation becoming a step towards privatization***
- ***How to secure assets within the mutual organisations to ensure that they continue to contribute to the public benefit.***
- ***Establishing criteria for tendering and commissioning of existing externally provided services that favour mutual and co-operative organisations”***

Proposed by: Cllr Mitchell

Seconded by: Cllr Rufus

Supported by: Cllrs Morgan, Hamilton, Lepper, Fitch, Farrow, Robins, Pissaridou, Gilbey, Carden, Marsh and Wilson, J. Kitcat, Bowden, Davey, Deane, Duncan, Hawtree, Jarrett, Jones, Kennedy, A Kitcat, Buckley, Littman, Mac Cafferty, Phillips, Powell, Sykes, Shanks, Wakefield and West.

NOTICE OF MOTION**GREEN GROUP
AMENDMENT****INDEPENDENT COMMISSION ON WHOLE-PERSON CARE**

Insert wording in second, forth and sixth paragraphs as shown in bold italics and delete the text as struck through in the second, forth and sixth paragraphs.

“This council notes predictions from the Nuffield Trust which show, unless we improve the way services are delivered, growing social care needs will leave a shortfall of up to £29 billion a year by 2020 in NHS funding.

This council also notes the launch of an Independent Commission led by respected international expert and former Department of Health specialist Sir John Oldham OBE. ***We trust this Commission will be truly independent and non partisan with genuine cross-party involvement.*** The Commission will seek to find ways of integrating health and social care ~~under the NHS~~ to meet the challenge of an ageing population with rising needs for care and growing numbers of people with chronic illnesses like cancer, diabetes and dementia.

This council believes in the principle of organising services around the needs of patients, rather than patients around the needs of services, with teams of doctors, nurses, social workers and therapists all working together and care being arranged by a single person. Integrated care will lead to better outcomes and greater efficiency for the whole system.

This council supports a greater focus on preventing people getting ill and more care being provided directly in people’s homes so they avoid unnecessary hospital visits, and integrating social care services ~~within the NHS~~ ***between the NHS and local authorities.***

This council resolves to support the principle of “whole person care”.

This council requests the appropriate council committee, ~~if consulted by the Commission,~~ to make a positive contribution towards pursuing the goal of integrating health and social care ~~within the NHS~~ ***between the NHS and local authorities.***”

Proposed by: Cllr Jarrett

Seconded by: Cllr Bowden

Supported by: Duncan, Davey, Deane, J. Kitcat, Hawtree, Rufus, Jones, Kennedy, A Kitcat, Buckley, Littman, Mac Cafferty, Phillips, Powell, Sykes, Shanks, Wakefield and West.

NOTICE OF MOTION**LABOUR & CO-OPERATIVE GROUP
AMENDMENT****GOVERNMENT 'LAND TRANSFER SCHEME'**

Insert a new paragraph 5 as shown below in bold and italics:

“Recently the Department for Education identified the playing fields situated between BHASVIC and Cardinal Newman as the most suitable permanent location for the King's Free School. The recommendation takes advantage of recent legislation allowing the government to transfer council-owned land to an academy or free school. This transfer does not compensate the council for the loss of land.

This council notes that Government ministers and/or private consultants paid to source the cheapest location do not take into account the value of the land to the local community.

In keeping with the Olympic legacy, playing fields and green spaces need to be protected to encourage sports participation, teamwork and an appreciation of the local environment. Studies conducted by the Greenwich Teaching Primary Care Trust show a lack of access to green space is a main factor in predicting poor mental health and vitality.

This council believes that the government's 'Land Transfer Scheme' undermines councils, and obstructs the strategic delivery of new school places. We remain unconvinced of the necessity of a role for central government in deciding the locations for the local provision of maintained schools.

“It therefore supports the proposals contained in its policy document ‘One Nation Localism’ published by the Labour Party to resurrect local accountability within the schools system with recognition that there is a role for Local Authorities in the commissioning of new school provision to meet need and ensure access for all”

Therefore, this Council calls on the Government:

- To stop appropriating council-owned land without recompense or consideration of its value to the wider community;
- To instead reinstate councils' funding for building new schools;

- To allow local authorities to identify suitable sites for educational purposes and not have them imposed by central government.”

Proposed by: Cllr Pissaridou

Seconded by: Cllr Gilbey

Supported by: Cllrs Mitchell, Morgan, Carden, Lepper, Hamilton, Robins,
Wilson, Fitch, Farrow and Marsh.