

# CODE OF CONDUCT FOR MEMBERS

## Introduction

This Code of Conduct covers elected members and co-opted members (together referred to in this Code as 'Member' or 'Members' as appropriate) of Brighton & Hove City Council whenever they are acting as a member or representative of the council or when they claim to act or give the impression of acting as a representative of the council.

It does not apply when the Member is acting in a private capacity.

When carrying out their public role, Members must adhere to the seven principles of public life – selflessness, integrity, objectivity, accountability, openness, honesty, and leadership, as defined in Appendix C.

This Code of Conduct should be read alongside the Council's corporate values – respect, collaboration, efficiency, openness, creativity, and customer focus, as defined in Appendix D.

When applying and interpreting this Code of Conduct, Members should have regard to the following policies and documents (as amended from time to time):

- (a) Council Procedure Rules
- (b) Arrangements regarding the Register of Members' Interests
- (c) Practice Note – Use of Council Facilities
- (d) Protocol for Members regarding planning applications
- (e) Code of Conduct for Member/Officer Relations
- (f) Guidance on use of social media
- (g) Guidance on confidentiality
- (h) Anti-fraud and Corruption Strategy
- (i) Whistleblowing Policy

## Behaviour

- 1.1. Members must behave in such a way that a reasonable person would regard as respectful.
- 1.2. Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 1.3. Members must not act in a way which a reasonable person would regard as bullying or intimidatory.
- 1.4. Members must not seek to improperly confer an advantage or disadvantage on any person.

- 1.5. Members must not do anything which may cause the council to breach any of its equality duties (in particular as set out in the Equality Act 2010).
- 1.6. Members must only use the resources of the council in accordance with the Practice Note on Publicity and the Use of Council Facilities [*insert hyperlink to Practice Note*].
- 1.7. Members must not disclose information which is confidential or where disclosure is prohibited by law.
- 1.8. Members must not refuse or fail to –
  - (i) co-operate with official council investigations into alleged unauthorised disclosures of confidential information (irrespective of which Member may have made such alleged unauthorised disclosures); or
  - (ii) provide full access to all material that, in the view of the investigating officer, may be relevant to such an investigation.
- 1.9. Members must respect the impartiality of officers and not act in a way that a reasonable person would regard as bringing an officer's impartiality into question.
- 1.10 When reaching decisions on any matter, Members must have regard to any relevant advice provided to them by the council's—
  - (i) chief finance officer;
  - (ii) monitoring officer; or
  - (iii) chief executive and head of paid servicewhere that officer is acting pursuant to his or her statutory duties.
- 1.11 Where, following a complaint that a Member has breached this Code of Conduct, and the complainant and the Member complained of consent to resolve the matter informally by a particular means, the Member must co-operate and comply with the agreed method of resolution.

## Registration of interests

- 2.1. Within 28 days of this Code being adopted by the council, or the Member's election or the co-opted member's appointment (where that is later), Members must register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
- 2.2. Upon the re-election of a Member, or the re-appointment of a co-opted member, Members must within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
- 2.3. Members must register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
- 2.4. Members need not register any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if made public, could lead to the Member or a person connected with the Member being subject to violence or intimidation.

2.5 Members may provide written notification to the Monitoring Officer of their membership of any private club and of any subsequent change or addition to their membership.

## **Declaration of interests at meetings**

### **A. Disclosable Pecuniary Interests**

N.B. It is a criminal offence to fail to notify the Monitoring Officer of a disclosable pecuniary interest (as defined in Appendix A), to take part in discussion or votes at meetings, or to take a decision where you have a disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the Monitoring Officer in connection with the registration and/or declaration of interests.

3.1. Where a matter arises at a meeting which relates to an interest in Appendix A, Members–

- (i) must declare their interest;
- (ii) may not participate in a discussion or vote on the matter;
- (iii) must, in accordance with council procedure rule 25.4, leave the room where the meeting is held, while any discussion or voting takes place.

### **B. Other declarable interests**

3.2 Where a matter arises at a meeting which relates to or affects an interest in Appendix B or a financial interest of the Member, their spouse or civil partner, a person whom they are living as husband or wife, or a person with whom they are living as if they are civil partners (and it is not a Disclosable Pecuniary Interest), Members must declare the interest.

3.3 Where the matter affects the declarable interest under paragraph 3.2 more than the majority of people in the area affected by the matter, and a reasonable member of the public would think the Member's judgement of the public interest would be adversely affected by the interest, the Member–

- (i) must declare the interest at the relevant time;
- (ii) may not participate in a discussion or vote on the matter;
- (iii) must leave the room where the meeting is held, while any discussion or voting takes place.

### **C. Dispensations**

3.4 Where a matter arises at a meeting which is a sensitive interest as defined under paragraph 2.4, Members do not have to declare the nature of their interest but must follow the rules regarding non-participation.

3.5 On a written request made to the council's Monitoring Officer, the council may – on the advice of the Monitoring Officer following consultation, where reasonably practicable, with

the Independent Person or Chair of Audit & Standards Committee – grant a Member a dispensation to participate in a discussion and/or vote on a matter at a meeting where they would otherwise not be allowed to if the council believes that the number of Members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the council’s area to allow the Member to take part or it is otherwise appropriate to grant a dispensation.

- 3.6 Members are not required to register or declare an interest that is shared with ordinary members of the public living or working in the area (such as the payment of, or liability to pay, council tax, or having bins collected) or that arises simply from being a Member (such as Members’ allowances); or where the interest is otherwise de minimis.
- 3.7 Accordingly, no Member will need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax reduction schemes, because it is a decision affecting the generality of the public in the council’s area, rather than one or more individual Members.

## **Appendix A – Disclosable Pecuniary Interests**

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

N.B. Interests listed in this Appendix are those of the Member; or those of their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they are civil partners), where the Member is aware that their partner has the interest.

Employment, office, trade, profession or vocation	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 the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).
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 – <ul style="list-style-type: none"> <li>(a) under which goods or services are to be provided or works are to be executed; and</li> <li>(b) which has not been fully discharged.</li> </ul>

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 the member's knowledge) - (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where –  (a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and  (b) either - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **Appendix B – Other Interests**

1. Any body of which the Member is in a position of general control or management.
2. Any gifts or hospitality worth more than an estimated value of £50, which the Member has accepted by virtue of his or her office.

## **Appendix C – the Seven Principles of Public Life**

Selflessness	Members should act solely in terms of the public interest.
Integrity	Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any

interests and relationships.

**Objectivity** Members must act and take decisions impartially, fairly, and on merit, using the best evidence and without discrimination or bias.

**Accountability** Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness** Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

**Honesty** Members should be truthful.

**Leadership** Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

#### **Appendix D – the Council’s Corporate Values**

**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; listen proactively to feedback from constituents and others

**Customer Focus** Do your part to help the council deliver its ‘Customer Promise’ to colleagues, partners and customers; the council aims to listen, to be easy to reach, to be clear, to treat everyone with respect, and to get things done.