

CODE OF CONDUCT FOR MEMBERS

Introduction

This Code of Conduct covers all 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. The Independent Persons who are appointed to the Council’s Audit and Standards Committee are also expected to abide by this Code in terms of the standards of behaviour they observe and by voluntarily declaring any interests they have in any matter under discussion at any meeting.

The requirements outlined in this Code regarding the Declaration of Interests at Meetings apply to formal meetings of the Council, its committees and sub committees and its joint committees and sub committees. Members are however encouraged to voluntarily declare at all meetings, both formal and informal, any facts which they consider may be relevant to the perception of their decision-making, this although they are not required to do so.

The Code does not apply when Members are acting or appearing in the perception of a reasonable person to be acting in a purely 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 BC.

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 CD.

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 exempt from publication or where disclosure is prohibited by law.
- 1.8. Members must not refuse or fail to –
 - (i) co-operate with official council investigations of any description, including those into alleged breaches of this Code unauthorised disclosures of confidential information (irrespective of which Member may have made such alleged unauthorised disclosures); and/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~~ notify with the Monitoring Officer of their Disclosable Pecuniary Interests which ~~interests which~~ fall within the categories set out in Appendixes A. They must also notify the Monitoring Officer of those of their Other Interests which must be entered on the Register of Interests pursuant to para 3.2 of this Code 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-notify~~ register ~~notify with~~ the Monitoring Officer of all of their registrable any interests which fall within the categories of Disclosable Pecuniary Interests and Other ~~declarable~~ interests, defined in ~~in~~ Appendixes A and para 3.2 below B, whether previously registered or not.
- 2.3. Members must ~~register with~~ notify the Monitoring Officer of any change to their registrable interests and/or of any new new registrable interests as defined by ~~in~~ Appendixes A and para 3.2 B within 28 days of becoming aware of the relevant interest.
- 2.4. ~~While members must need not notify the Monitoring Officer of all of~~ register a their registrable interests, ny interest which the Monitoring Officer may agree not to make public any interest which s/he 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 made subject ~~ed~~ to violence or intimidation.
- 2.5 In the interests of being seen to take decisions in an open and transparent manner and in accordance with the principle of Openness which forms one of the Seven Principles of Public Life (see Appendix B G), Members may voluntarily provide written notification to the Monitoring Officer of their membership _____ _____ _____ of any private club, society or organisation (and of any subsequent change or addition to their membership).
- 2.6 Similarly members may request that facts be minuted at any meeting where they consider that their circumstances affect their relationship to the issue under debate, although they are not compulsorily required to declare them as disclosable pecuniary interests or Other Interests under this Code.
- 2.7 While members may choose to make voluntary declarations to assist in ensuring transparency, paragraphs 2.5 and 2.6 , ~~This section is are not not however~~ to be read as creating any additional obligations on any member to disclose voluntarily any matter which they are not otherwise obliged to declare under the terms of this Code. -

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 of the Council, one of its committees or sub committees (or at a joint committee or sub committee), 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, or 'Other Interests'

3.2 Members may have an interest in a matter under consideration even where they do not have a Disclosable Pecuniary Interest. These other declarable interests are known as 'Other Interests' and may be subject to paras 2.1 to 2.4 inclusive in which case they must be notified:

Other Interests which must be notified to the Monitoring Officer:

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

Other Interests which need not be notified (but must be declared):

3. Any interest of a financial nature of the Member, their 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 which is not a Disclosable Pecuniary Interest.

~~Where a matter arises at a meeting which relates to or affects either an interest in as defined in Appendix B or~~

~~— any 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 that interest at the meeting.~~

3.3 Where a matter arises at a meeting which relates to or affects any Other Interest then (whether or not it is a compulsorily notifiable interest) the Member must declare that interest at the meeting.

3.4 Where the Member has either an Other Interest interest as defined above in Appendix B or a matter affects the declarable interest as described in under paragraph 3.2 and then they must in addition consider whether¹):

- a) their interest is affected by the matter under consideration more than the interests of the majority of people in the area affected by the matter, and if so, whether b) a reasonable member of the public would think the Member's judgement of the public interest would be adversely affected by the interest.

If the answer to a) and b) above is yes then, the Member—

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

3.5 Where the Member has an Other Interest pursuant to para 3.2 but they are permitted to continue participating in decision-making once they have declared it pursuant to para 3.3 then they will have a declarable **non-prejudicial interest**. Where they are not permitted to participate in decision-making either as a result of an Other Interest or because they have a Disclosable Pecuniary Interest then their interest will be a **prejudicial interest**

3.64—Where a matter arises at a meeting which relates to a sensitive interest defined under paragraph 2.4, Members are not required to disclose the nature of their interest. However they must nonetheless disclose the fact that they have a disclosable pecuniary interest and must follow the rules regarding non-participation.

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.~~

3.75 On a written request made to the council's Monitoring Officer, usually preferably in advance of the meeting, the Monitoring Officer may council may— on the— advice of the Monitoring Officer following consultation, where reasonably practicable, with either one of the Independent Persons or the 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 Monitoring Officer council believes 1) that the

number of Members

—otherwise prohibited from taking part in the meeting would be so great a proportion of the relevant body as to impede the transaction of the business; or 2) considers that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote; or 3) considers that it is in the interests of the inhabitants in the council's area to allow the Member to take part; or 4) considers that it is otherwise appropriate to grant a dispensation.

3.86 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.

3.97 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:-

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3.810 It is at all times the responsibility of each individual member to monitor whether they have any disclosed or as yet undisclosed interests in matters under consideration and to declare these same where necessary. ~~Where such an interest does exist, it is for the member to determine whether their interest affects them more than the majority of people or local arrangements for council tax reduction schemes, because it is a decision affecting the generality of the public in the council's area and to assess how a reasonable member of the public would view their capacity to judge the public interest before making the decision regarding whether to continue participating in decision-making., rather than one or more individual Members.~~

Appendix A – Disclosable Pecuniary Interests

The interests defined by regulations made under section 30(3) of the Localism Act 2011 are 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

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(other than from Brighton & Hove City Council) made or provided in the 12 month period preceding notification of this pecuniary interest 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.

Contracts

Any contract which is made between you or other relevant persons* (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.

*A “relevant person” is your 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 they were a civil partner.

** A “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 a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union.

See ‘Securities’ below for definition of ‘securities’.

Land

Any beneficial interest in land which is within the area of the relevant authority.

“Land” excludes 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.

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" (see ** under 'Contracts' for definition) .
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. *"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. See 'Land' in left column for definition of 'land'.

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.~~
- ~~3. Any interest of a financial nature of the Member, their 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 which is not a Disclosable Pecuniary Interest.~~

Appendix BC – the Seven Principles of Public Life

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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 **CD** – 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.

