

PART 8 – CODES AND PROTOCOLS
(SECTION 2 – MEMBERS CODE OF CONDUCT)

Part 8 is set out in eight sections as follows:

- SECTION 1** – The Principles behind the Members' Code of Conduct
- SECTION 2** – Members' Code of Conduct
- SECTION 3** – Member/Officer Relations
- SECTION 4** – Preparatory Meetings of the Cabinet
- SECTION 5** – Call-in of Prosecutions
- SECTION 6** – Planning Local Code of Conduct for Members and Officers
- SECTION 7** – Petitions
- SECTION 8** – Protocol on the Filming and Recording of Council Meetings

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PART 8 – CODES AND PROTOCOLS
SECTION 2 – MEMBERS CODE OF CONDUCT

1. SCOPE

1.1 This Code of Conduct applies to you whenever you are acting in your capacity as a member, or co-opted member, of the authority, including:

- at formal meetings of the authority
- when acting as a representative of the authority
- in taking any decision as a Cabinet Member or a Ward Councillor
- in discharging your functions as a Ward Councillor
- when corresponding with the authority other than in a private capacity.

1.2 In this Code “meeting” means any meeting organised by or on behalf of the authority including:

- any meeting of the Council, or a Committee, Sub-Committee, Working Group, Working Party or Panel constituted by the Council
- any meeting of the Cabinet and any Committee of the Cabinet
- any briefing by officers
- any site visit.

1.3 This Code is based on the principles set out in Section 1 of Part 8 of this Constitution.

1.4 Any allegations received by the authority that you have failed to comply with this Code will be dealt with under the Local Assessment Procedure.

2. GENERAL CONDUCT

2.1 As a member of Arun District Council, I agree to sign up to the local Members’ Code of Conduct and that my conduct will in particular address the statutory principles of the Code by:

1. Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
2. Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
3. Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents’ casework, the interests of the district of Arun or the good governance of the authority in a proper manner.
4. Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of this authority.

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5. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
6. Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
7. Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
8. Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources.
9. Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
10. Always treating people with respect, including the organisations and public I engage with and those I work alongside.
11. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

3. REGISTER OF INTERESTS

- 3.1 Within 28 days of this Code being adopted by the Council, or your election (if later), you must register with the Monitoring Officer any interests that fall under any of the descriptions listed in Appendices A and B of this Code.
- 3.2 You must ensure that your Register of Interests is kept up to date and must notify the Monitoring Officer in writing within 28 days of becoming aware of any change in any of the descriptions listed in Appendices A and B of this Code.

4. DISCLOSABLE PECUNIARY INTERESTS

- 4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary State, as set out at Appendix A to this Code, and either:
 - a) it is an interest of yours; or
 - b) it is an interest of:
 - (i) your spouse of civil partner; or
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you were civil partners and you are aware that other person has the interest.

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4.2 You must:

4.2.1 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a “sensitive interest” you need only declare the existence of the interest but not the detail;

4.2.2 where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not:

- (i) participate, or participate further, in any discussion of the matter at the meeting;
- (ii) remain in the meeting whilst the matter is being debated;
- (iii) participate in any vote taken on the matter at the meeting;

unless you have obtained a dispensation from the Monitoring Officer.

5. PERSONAL INTERESTS

5.1 You have a personal interest in any business of the authority if it is of a description specified in Appendix B to this Code.

5.2 You have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a ‘relevant person’ to a greater extent than the majority of other council tax payers, ratepayers or residents of your ward affected by the decision; or it relates to or is likely to affect any interests you have registered as a disclosable pecuniary interest.

5.3 A ‘relevant person’ is:

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

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

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

5.3.4 anybody of a type described in Appendix B.

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- 5.4 Where you have a personal interest under paragraphs 5.3.3 or 5.3.4, you must make a verbal declaration of the existence and nature of any personal interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a “sensitive interest”, you need only declare the existence of the interest but not the detail.
- 5.5 Where you have a personal interest under paragraph 5.3.1 and 5.3.2, you need only disclose to the meeting the existence and nature of the interest when you address the meeting on that business.
- 5.6 Having disclosed a personal interest and providing it is not a prejudicial interest, you may still continue to participate and vote on the matter at that meeting.
- 5.7 Where you have a personal interest and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

6. PREJUDICIAL INTERESTS

- 6.1 Where you have a personal interest in any business of the authority, you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest (unless the matter falls within one of the exempt categories referred to at paragraph 9) and where that business:
- 6.1.1 affects your financial position or the financial position of a person or body defined as a ‘relevant person’; or
- 6.1.2 relates to the determining of any approval, consent licence, permission or registration in relation to you or any person or body defined as a ‘relevant person’.
- 6.2 Where you have a prejudicial interest:
- 6.2.1 you must make a verbal declaration of the existence and nature of any such interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent.
- 6.2.2 you must not:
- (i) participate, or participate further, in any discussion of the matter at the meeting;

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- (ii) remain in the meeting whilst the matter is being debated;
- (iii) participate in any vote taken on the matter at the meeting;

unless you have obtained a dispensation from the Monitoring Officer.

- 6.3 The only exception is that you may attend a meeting for the purpose of making representations, answering questions or giving evidence relating to the business being considered, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise. You must leave the meeting immediately after making the representations, answering questions or giving questions.
- 6.4 Where, as a Cabinet Member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by yourself, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

7. SENSITIVE INTERESTS

- 7.1 Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, you should share your concerns with the Monitoring Officer. If the Monitoring Officer agrees, he/she will not include details of the interest in the Register of Interests, but may state that you have registered an interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

8. EXEMPT CATEGORIES

- 8.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the authority in respect of:
- 8.1.1 housing – where you are a tenant of the authority provided that those functions do not relate particularly to your tenancy or lease;
 - 8.1.2 an allowance, payment or indemnity given to Members;
 - 8.1.3 any ceremonial honour given to Members; and
 - 8.1.4 setting council tax or a precept under the Local Government Finance Act 1992.

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9. CRIMINAL SANCTIONS RELATING TO DISCLOSABLE PECUNIARY INTERESTS

9.1 It is a criminal offence to:

9.1.1 fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;

9.1.2 fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;

9.1.3 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;

9.1.4 participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest (including taking a decision as a Cabinet Member acting alone);

9.1.5 fail to notify the Monitoring Officer within 28 days of the interest if you are a Cabinet Member discharging a function acting alone and have a disclosable pecuniary interest in such a matter; and

9.1.6 knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

9.2 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 a maximum of 5 years.

10. OVERVIEW SELECT COMMITTEE

10.1 You also have a prejudicial interest in any business before the Overview Select Committee of the authority (or of a sub-committee of this committee) where:

a) that business relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the 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 Cabinet, committee, sub-committee, joint committee or joint sub-committee and you were present when that decision was made or action was taken.

10.2 In such cases, you may only attend a meeting of the Overview Select Committee for the purpose of answering questions or giving evidence relating to the business. You must leave the meeting immediately after making representations, answering questions or giving evidence.

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11. GIFTS AND HOSPITALITY

- 11.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the authority.
- 11.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.