

Briefing re Proposed Amended Code of Conduct

1 Overview

Under the Localism Act the Council is required to “promote and maintain high standards of conduct by members and co-opted members”.

The only realistic way to do this is through an adopted Code of Conduct. SPC has an adopted Code which is enforced by HDC through its monitoring officer (“MO”) and its Standards Committee.

The current Code is one recommended by HDC some years ago and is used by most, but not all, parish councils in the District.

It is considered that the current Code requires amendment.

The aim is to address three issues:-

- a) To clarify the circumstances in which a councillor undertaking a public role is subject to the Code; and
- b) To make enforceable the Principles of Public Life contained in the Localism Act and in the existing Code.
- c) To adopt the most stringent penalties potentially available for breach.

At a meeting with the MO on 18 September - called by them to discuss the issues below - the Chairman and Vice-Chairman received confirmation that it is permissible for SPC to adopt a Code to meet local circumstances and that SPC is not obliged to use the standard code used by most councils within the District.

There was also discussion about enforcement and in particular that SPC could adopt stronger potential sanctions than HDC might choose.

2 Perceived need to address the three issues

- a) Need for greater clarity of when a councillor is subject to the Code.
 - i) Under the old council a councillor physically assaulted another in the debating chamber after the meeting had closed. A Code complaint failed because it was decided by HDC that the councillor was not acting as a councillor at the time. This is a decision which it is considered likely to be thought by most right-thinking people as an unacceptable one.

ii). It is considered likely that most right-thinking people would expect a councillor undertaking the public role of hosting and moderating a website which relates to commentary concerning the council on which he or she serves should be subject to the provisions of the Code concerning such matters as not bullying, being truthful, showing respect, not undermining public confidence in the Council, etc.

b) To make enforceable the Principles of Public Life.

The HDC Monitoring Officer has confirmed that under the present Code, breaches of the Principles of Public Life are not enforceable in themselves. It is considered likely that most right-thinking people would expect that the Principles which are set out in the Localism Act would be enforceable in themselves. These Principles are:-

(i) selflessness;

(ii) integrity;

(iii) objectivity;

(iv) accountability;

(v) openness;

(vi) honesty;

(vii) leadership.

c) Enforcement.

Prior to the Localism Act, there was a Standards Board for England which had enforcement powers. The Act abolished the Board in favour of allowing councils to make their own arrangements. The Act failed to provide for any enforcement provisions and so any enforcement is currently very limited. There has been much criticism of the “lack of teeth” in a recent HMG consultation. It seems likely that there will be legislation to address this problem but there is no sign of that in the near future.

In the meantime, the potential sanctions are set out in the draft amended Code. The MO informed us that HDC councillors have little appetite for using publicity as a sanction for code breaches, apparently preferring to use internal party discipline. As there are no conventional parties at parish council level it is considered that party discipline should not be relied on and accordingly that adverse publicity should be specifically adopted as a potential sanction.

3 Proposed Amended Code

A draft amended Code is annexed as Schedule 1.

Apart from minor drafting amendments, the draft is the same as the current Code but with three substantive amendments intended to address the issues above.

1 Paragraphs 2.1 and 2.2 have deeming provisions as to when a councillor acting in a public-facing role will be deemed to be acting as a councillor and so will be subject to the Code.

2 Paragraph 18 has a provision to make the Principles of Public Life enforceable in themselves.

3 Paragraph 19 sets out the potential sanctions for breach of the Code

Cllr Paul Campbell. Vice-Chairman of SPC

16 October 2019

NB Draft Code follows below

STEYNING PARISH COUNCIL CODE OF MEMBERS' CONDUCT

Part 1 General provisions

Introduction and interpretation

This Code of Members' Conduct ('The Code') is made under section 27(2) of the Localism Act 2011 ~~and was adopted by Steyning Parish Council on 2nd July 2012.~~

1(1) ~~This~~The Code applies to ~~you as a member of~~ all Steyning Parish Council ("SPC") councillors.

1(2) ~~You should read this~~ The Code ~~together with~~ incorporates the General Principles of Public Life referred to in section 28(1) of the Localism Act 2011 and set out in Part 5 of ~~this the~~ Code

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

1(4) In ~~this the~~ Code—'meeting' means any meeting of—

(a) ~~the authority~~ SPC;

b) any of ~~the authority's~~ SPC's committees, sub-committees, joint committees or joint sub-committees;

(c) members' formal or informal meetings with other members and/or with officers relating to the business of ~~the authority~~ SPC.

'member' includes a co-opted ~~member~~ councillor and an appointed ~~member~~ councillor;

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

1(5) References to the ~~authority's~~ SPC's chief finance officer shall be read as references to the person appointed by the parish council under the Local Government Act 1972 section 151 who has responsibility for the administration of its financial affairs, ~~namely its Responsible Financial Officer who will generally be the Clerk.~~

1(6) References to ~~the authority's~~ SPC's monitoring officer and ~~the authority's~~ SPC's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of Horsham District Council ("HDC") which has functions in relation to ~~the parish council~~ SPC for which it is responsible under sections 28(9) and 29(4) of the Localism Act 2011.

Scope

2(1) Subject to sub-paragraphs (2) and (3), you must comply with ~~this the~~ Code whenever you—

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

or (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly. ~~NB Any disclaimer by you or on your behalf purporting that you are acting in a personal capacity when in fact you are, or~~

are deemed to be, acting in your official capacity will be null and of no effect – see also sub-paragraph 2(2) below.

2(2) ~~This~~ Subject to subclauses i, ii and iii below, the Code does not have effect in relation to your conduct other than where it is in your official capacity.

- i) For the purposes of the Code (but not for any other purposes and in particular not for the purposes of any indemnity) it will be deemed that an SPC councillor posting on, hosting, or moderating any social media site or website relating to any comment or information concerning any business of SPC or its councillors, whether or not the information is already in the public domain, is doing so in their official capacity and so such posting, hosting, or moderating is subject to the Code.
- ii) The same deeming provision applies to any other method of making such comment or providing such information
- iii) Whenever an SPC councillor is within the Steyning Centre or its environs he or she will be deemed to be present in their official capacity and so their conduct is subject to the Code

2(3) 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~~ SPC's code of conduct, except and in so far as it conflicts with any other lawful obligations to which that other body may be subject.

2(4) It is a criminal offence, without reasonable excuse,

(a) to fail to notify the ~~authority's monitoring officer~~ SPC's Clerk of a disclosable pecuniary interest (as defined in paragraph 13(1) of ~~this~~ the Code ,

(b) to fail to disclose such an interest at a meeting (where it not registered or notified),

(c) to fail to notify the ~~monitoring officer~~ SPC's Clerk of such an interest that is not on the register that you have disclosed at a meeting ,

(d) to take part in discussions or votes at meetings with such an interest ; or

(e) to take a decision where you have a disclosable pecuniary interest.

It is also an offence to knowingly or recklessly provide false or misleading information ~~to the Monitoring Officer~~ SPC's Clerk concerning any disclosable pecuniary interest

2(5)Any written allegation received by ~~the authority's~~ SPC's Clerk or HDC's monitoring officer that you have failed to comply with ~~this~~ the Code will be dealt with by ~~the authority's~~ HDC's monitoring officer or standards committee 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; and

(b) what action to take in relation to you.

General obligations

3(1) You must treat others with respect.

3(2) You must not—

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in 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~~ the Code; 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's~~ SPC; or
- (b) prevent another person from gaining access to information to which that person is entitled by law

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

6 You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of ~~your authority~~ SPC —
 - (i) act in accordance with ~~your authority's~~ SPC's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

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) ~~the authority's chief finance officer~~ SPC's Responsible Finance Officer; or
- (b) ~~the authority's HDC's monitoring officer~~, where that officer is acting pursuant to his or her statutory duties.

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

Part 2 Personal and Prejudicial Interests

Personal interests

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

- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) the interests of any person from whom
 - a) you have received a gift or hospitality with an estimated value of at least £50; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of ~~—(i) in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or (ii) in all other cases)~~ other council tax payers, ratepayers or inhabitants of ~~your authority's~~ SPC's area.

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

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of Personal interests

9(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest described in paragraph 8 above in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

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

9(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)~~(a)(iii)(a)~~, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

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

9(5) Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

~~9(6) This sub-paragraph does not apply to your authority.~~

~~9(7) This sub-paragraph does not apply to your authority.~~

Prejudicial interest generally

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

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

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

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

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

~~(i) this sub-paragraph does not apply to your authority;~~

~~(ii) this sub-paragraph does not apply to your authority;~~

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

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

(iii) any ceremonial honour given to members; and

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

10(3) The determining of any approval, consent, licence, permission or registration as referred to in paragraph 10(2)(b) shall include the amendment, modification or variation of any such approval, consent, licence, permission or registration of any condition, limitation or term to which it is subject or the revoking of any approval, consent, licence, permission or registration.

~~11 Paragraph 11 does not apply to your authority.~~

Effect of prejudicial interests on participation

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

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting unless you have obtained a dispensation from your authority;

~~(b) this sub-paragraph does not apply to your authority;~~

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

12(2) Where you have a prejudicial interest in any business of your authority, which is not a Disclosable Pecuniary Interest as described in Paragraph 13 of ~~this the~~ Code and defined in section 30 of the Localism Act 2011, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 Disclosable Pecuniary Interests

Disclosable Pecuniary Interests

13(1) Subject to sub-paragraphs (2) and (3) you have a Disclosable Pecuniary Interest in any business of your authority (as defined by section 30 of the Localism Act 2011) in relation to you or your partner where it relates to or is likely to affect any of the matters within the descriptions set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 SI 2012/1464.

13(2) In sub-paragraph (1) your partner means

- (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 were civil partners.

13(3) In sub-paragraph (2) any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

13(4) A list of the descriptions of Disclosable Pecuniary Interests referred to in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations is set out in Part 6 of ~~this the~~ Code

13(5) There are criminal offences in relation to action you may take or fail to take concerning Disclosable Pecuniary Interests which are outlined in paragraph 2(4) of this the Code and more particularly defined in section 34 of the Localism Act 2011.

Disclosure of Disclosable Pecuniary Interests

14(1) Subject to sub-paragraph (2) where you have a Disclosable Pecuniary Interest in any business of your authority and you attend a meeting of your authority at which the business is considered you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.

14(2) Where you have a Disclosable Pecuniary Interest in any business of your authority you need only disclose to the meeting the existence and nature of the interest if the interest is not already registered on your register of member's interests

14(3) If the Disclosable Pecuniary Interest is not already on your register of member's interests or the subject of a pending notification to the ~~monitoring officer~~ Clerk and is disclosed to the meeting you must notify the ~~monitoring officer~~ Clerk of the interest within 28 days of disclosure to the meeting.

Effect of Disclosable Pecuniary Interests on participation

15(1) Where you have a Disclosable Pecuniary Interest in any business of your authority:

- (a) you must not participate or participate further in any discussions of the matter at a meeting; or
- (b) participate in any vote or further vote taken on the matter at the meeting; and
- (c) must withdraw from the room or chamber where the meeting considering the matter is being held unless you have received a dispensation from ~~the authority~~ SPC

15(2) You may participate in any business of ~~your authority~~ SPC that relates to the functions of your authority in respect of:

- (a) housing, where you are a tenant of ~~your authority~~ SPC provided that those functions do not relate particularly to your tenancy or lease;{
- b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) any allowance, payment or indemnity given to members;
- (e) any ceremonial honour given to members; and(
- f) setting council tax or a precept under the Local Government Finance Act 1992.

Part 4 Registration of Members' Interests

Registration of members' interests

16(1) Subject to paragraph 17, you must, within 28 days of—

- (a) ~~this the~~ Code being adopted by or applied to ~~your authority~~ SPC; or
- (b) your election or appointment to office (where that is later) register in ~~your authority's~~ SPC's register of members' interests (maintained under section 29 of the Localism Act 2011) details of
 - (i) your personal interests where they fall within a category mentioned in paragraph 8(1)(a); and
 - (ii) your disclosable pecuniary interests where they fall within a category mentioned in paragraph 13, by providing written notification to ~~your authority's monitoring officer~~ SPC's Clerk

16(2) Subject to paragraph 17, you must, within 28 days of becoming aware of any new personal interest or Disclosable Pecuniary Interest or change to any personal interest or Disclosable Pecuniary Interest registered under paragraph (1), register details of that new personal interest or Disclosable Pecuniary Interest or change by providing written notification to ~~your authority's monitoring officer~~ SPC's Clerk.

16(3) You must within 28 days (beginning with the date of the disclosure at the meeting) provide written notification to ~~your authority's monitoring officer~~ SPC's Clerk of any Disclosable Pecuniary Interests disclosed at a meeting which is not already on the register or the subject of a pending notification.

16(4) Any interests notified to ~~the authority's monitoring officer~~ SPC's Clerk will be included on the register of member's interests.

16(5) A copy of the register of member's interests will be available for public inspection and will be published on ~~the authority's~~ SPC's website and may be published on HDC's website.

Sensitive information

17(1) Where you consider that the information relating to any of your interests is sensitive information, and ~~your authority's~~ HDC's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 16.

17(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~~ HDC's monitoring officer and SPC's Clerk asking that the information be included in ~~your authority's~~ SPC's register of members' interests.

17(3) In ~~this the~~ Code, 'sensitive information' means information whose availability for inspection by the public could lead to you or a person connected with you being subject to violence or intimidation.

17(4) The published register may state you have a personal or disclosable pecuniary interest details of which have been withheld under section 32(2) of the Localism Act 2011.

Part 5 THE GENERAL PRINCIPLES OF PUBLIC LIFE

18 The general principles governing your conduct under section 28(1) of the Localism Act 2011 are set out below **and are enforceable per se as a breach of the Code:**

1. Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2. Integrity

Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

3. Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

4. Accountability

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.

5. Openness

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.

6. Honesty

Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour.

7. Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Part 6 – Sanctions

19 If it is determined that you have breached the Code then SPC may impose any lawful Common Law sanction which may include one or more of the following:-

- Your suspension from committee(s) for such reasonable period as SPC may decide
- Publicity which may include information on the SPC website and/or a press release
- A requirement to apologise either privately or publicly
- Training
- Exclusion from the Steyning Centre and its environs for such reasonable period as SPC may determine save for the purpose of attending a Council meeting.

Part 6 7 The categories of Disclosable Pecuniary Interests under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

.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:

Interest description

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 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 (including a lease or tenancy) 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~~ 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 ~~M's~~ 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.

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” 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;“

~~M” means a member of a relevant authority;~~

“member” means an SPC councillor and includes a co-opted member;

“relevant authority” means ~~the authority of which M is a member~~ SPC;

“relevant period” means the period of 12 months ending with the day on which ~~M~~ the member gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means ~~M~~ a member 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.

EXPLANATORY NOTE-(This note is not part of the Code)

The code of members’ conduct sets out the conduct that is expected of members and co-opted members of ~~the authority~~ SPC

Paragraph 1 of the Code provides that the Code applies to any member of the authority and that it is the personal responsibility of each member to comply with the Code

Paragraph 2 of the Code provides that the Code applies whenever a member is acting in his or her official capacity.

Provisions are made as to when it is deemed that the member is acting in an official capacity and so is subject to the Code.

Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority’s code, unless he or she is subject to another relevant authority’s code, or unless (in relation to any other body) it conflicts with any other legal obligations. There are also criminal offences in relation to the disclosure of pecuniary interests which are outlined in paragraph 2.

Paragraph 3 of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimidate persons involved in code of conduct cases.

Paragraph 4 of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 5 of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

Paragraph 6 of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority’s resources, he or she must act in accordance with the authority’s reasonable requirements, must not

permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

Paragraph 7 of the Code provides that a member must have regard to advice given by the ~~SPC chief~~ Responsible Finance Officer and ~~HDC~~ monitoring officer and must give reasons for decisions made.

Paragraph 8 of the Code provides a list of matters which constitute a personal interest.

Paragraph 9 of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

Paragraph 10 of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgement of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

~~Paragraph 11 does not apply to your authority.~~

Paragraph 12 of the Code provides that a member with a prejudicial interest must, unless, for example, he or she is making representations and members of the public are also allowed to make representations on that matter, or he or she has obtained a dispensation, withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

Paragraph 13 of the Code provides details of matters which constitute a disclosable pecuniary interest. Further definition is provided in Part 6 of ~~this the~~ Code .

Paragraph 14 of the Code provides that generally a member with a disclosable pecuniary interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered. Exceptions apply where the interest is already registered.

Paragraph 15 of the Code provides that a member with a disclosable pecuniary interest must not participate in any discussion or participate in any vote on the matter and must withdraw from the meeting considering the matter.

Paragraph 16 of the Code provides that a member must notify the monitoring officer of his or her personal interests and disclosable pecuniary interests and any change to those interests must also be notified. Separate notification is required to the monitoring officer where a disclosable pecuniary interest is disclosed at a meeting which is not already on the register or subject to a pending notification.

Paragraph 17 of the Code provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public could lead to the member or a person connected with the member being subject to violence or intimidation. ~~*means the member should consult the Clerk before taking a decision on whether or not to disclose confidential information~~

NB Part 5 sets out the Principles of Public Life which should at all relevant times govern the councillor while acting as such. These are also enforceable under the Code if breached.

Part 6 sets out the potential sanctions in the event of a breach of the Code being established. These could include one or more of

- Suspension from committee(s)
- Publicity
- A requirement to apologise
- Training
- Exclusion from the Steyning Centre and its environs save for the purpose of attending a Full Council meeting.