



ADUR & WORTHING  
C O U N C I L S

23 March 2021

<b>Joint Governance Sub-Committee</b>	
<b>Date:</b>	<b>31 March 2021</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Remote Meeting via Zoom</b>

**Committee Membership:**

**Adur District Council:** Councillors; Kevin Boram, Ann Bridges and Debs Stainforth

**Worthing Borough Council:** Councillors; Roy Barraclough, Rebecca Cooper and Steve Wills

**Agenda**

**Part A**

**1. Election of a Chairman**

To elect a Chairman for the duration of the meeting.

**2. Declarations of Interest**

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

**3. Procedure for the Meeting (Pages 1 - 4)**

To agree the procedure for the meeting, a copy of the proposed procedure is attached as item 3.

**4. Alleged Breach of the Code of Conduct by Councillor Crouch (Pages 5 - 20)**

To consider a report by the Monitoring Officer, item 4.

**5. Exclusion of Press and Public**

In the opinion of the Proper Officer the press and public should be excluded from the meeting for consideration of item 5. Therefore the meeting is asked to consider passing the following resolution:

'that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting from the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A to the Act indicated against the item'

**Part B Exempt Reports - Not for Publication**

**6. Alleged Breach of the Code of Conduct by Councillor Crouch (Pages 21 - 66)**

To consider an exempt report by the Monitoring Officer, item 6.

**Recording of this meeting**

The Council will be live streaming the meeting, including public question time. A recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Neil Terry Democratic Services Lead 01903 221073 <a href="mailto:neil.terry@adur-worthing.gov.uk">neil.terry@adur-worthing.gov.uk</a>	Maria Memoli Head of Legal Services and Monitoring Officer 01903 221119 <a href="mailto:maria.memoli@adur-worthing.gov.uk">maria.memoli@adur-worthing.gov.uk</a>

The agenda and reports are available on the Councils website, please visit [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)



## ADUR & WORTHING COUNCILS

Joint Governance Sub-Committee  
31 March 2021  
Agenda Item 3

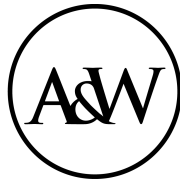
### **Joint Governance Sub-Committee – Procedure for Hearing**

1. Chairperson to introduce everyone.
2. Chairperson to explain procedure.
3. The Sub-Committee to consider whether the press and public should be excluded from all or part of the meeting under s110(4)(b) Local Government Act 1972. Should Members wish to exclude the press and public due to exempt information, having considered the public interest test, they would need to vote upon such a motion and reach a resolution.
4. The Investigator to outline the facts of the complaint and summary of the investigation.
5. Members to ascertain from the Subject Member whether the facts and the allegation of a breach of the Code is admitted. If a breach of the Code is admitted, the Committee may consider it is not necessary to hear evidence from witnesses and move straight to paragraph 21 below.
6. Investigating Officer to call First Witness; if appropriate
  - Investigator to ask questions of First Witness;
  - Subject Member (or representative) to ask any relevant questions of Witness, through the Chairperson;
  - Sub-Committee Members to ask any relevant questions of the Witness.
7. The Investigator to call each other witness, if appropriate for the Council in turn and follow the same procedure at paragraph 6 above.
8. Subject Member (or representative) to ask questions of the Investigator, through the Chairperson.
9. Sub-Committee Members to ask questions of the Investigator

10. Subject Member (or representative) to outline their defence to the allegation that they have breached the Code of Conduct.
11. Subject Member (or representative) to call First Witness; if appropriate
  - Subject Member (or representative) to ask questions of First Witness
  - Investigating Officer to ask any relevant questions of Witness, through the Chairperson
  - Sub-Committee Members to ask any relevant questions of the Witness.
12. Subject Member (or their representative) to call each other Witness if appropriate for the Subject Member in turn and follow the same procedure at paragraph 11 above.
13. Investigating Officer to ask questions of the Subject Member
14. Sub-Committee Members to ask questions of the Subject Member.
15. Investigating Officer to be offered opportunity of final comment.
16. Subject Member (or representative) to be offered opportunity of final comment.
17. The Sub-Committee shall retire to deliberate upon whether a breach of the Code is proven or not. The Sub-Committee may seek the assistance of the Legal Advisor or the Independent Person, or both.
18. The Sub-Committee will reconvene and if appropriate , the Independent Person's views will be sought and will be given with the Legal Advisor, the Investigator, Subject Member and any press and public present (unless excluded).
19. The Sub-Committee will reconvene to take a vote in public, deliver their decision as to whether a breach of the Code is proven or not proven, and provide reasons.
20. If it is determined that there is no breach of the Code of Conduct, the matter will be dismissed, and the meeting closed.
21. If a breach has been determined by the Sub-Committee, the Legal Advisor will outline the possible sanctions available.
22. The Investigating Officer has the opportunity to make representations to the Sub-Committee relating to mitigating or aggravating features and appropriate sanctions.
23. The Subject Member (or his representative) then has an opportunity to address the Sub-Committee on mitigation and sanctions.

24. The Sub-Committee will then retire into private session, to come to a decision about sanctions. The Sub-Committee may call upon the assistance of the Legal Advisor or Independent Person if necessary.
25. All parties will reconvene. The views of the Independent Person (and the Parish Representative if appropriate) will be sought and given in the meeting.
26. The decision in respect of sanctions to be imposed, together with reasons, will then be announced in the meeting by the Chairperson of the Sub-Committee.
27. The decision of the Sub-Committee will be confirmed in writing within 5 working days.

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ADUR & WORTHING  
COUNCILS

Joint Governance Committee  
31 March 2021  
Agenda Item 4

Ward(s) Affected: n/a

## **Alleged breach of the Code of Conduct by Councillor Crouch**

### **Report by the Monitoring Officer**

#### **Executive Summary**

##### **1.0 Purpose**

- 1.1. To hear and determine a complaint from a Complainant about the conduct of a Councillor, which it is alleged was in breach of the Worthing Borough Council Code of Conduct for Members.
- 1.2. Having heard and determined the matter, to either dismiss the complaint if no breach is found by the Sub-Committee, or if a breach is upheld, to hear any representations as to mitigation and consider any further action that should be taken, or sanction imposed, upon the Subject Councillor.

##### **2.0 Recommendations**

- 2.1. The Joint Governance Sub-Committee is recommended to determine the complaint that the Subject Councillor has breached the Worthing Borough Council Code of Conduct and resolve either that a breach is proven or not proven.
- 2.2. Should the Joint Governance Sub-Committee determine that the Subject Councillor has breached the Worthing Borough Council Code of Conduct, they are recommended to determine any further action that should be taken, including any sanction to be imposed.

### **3.0 Context**

- 3.1. The Worthing Borough Council has a Code of Conduct for Members in compliance with its statutory obligation. The Code of Conduct was adopted on 19th February 2020 and is reproduced at Appendix 1 to this report.
- 3.2. The Code of Conduct is engaged and applies to all Members of Worthing Borough Council when they are conducting the business of Worthing Borough Council or acting in their capacity as a Worthing Borough Council Councillor.

### **4.0 Background**

- 4.1. On the 27th July 2020, the Monitoring officer received a complaint concerning the conduct of a Councillor.
- 4.2. The matter was considered by the Monitoring Officer and in accordance with the Council's arrangements for dealing with complaints, the Monitoring Officer consulted with the Council's Independent Person. It was agreed there was a potential breach of the Code of conduct and was sufficiently serious to merit further action and that an independent investigation should be undertaken.
- 4.3. Mr. Alex Oram of CH&I Associates was appointed to investigate the matter and his report is attached to the report in Part II of the agenda.
- 4.4. In summary the Independent Investigator found that there was a failure to comply with the Code of Conduct.

### **5.0 The Sub-Committee is asked to:**

- 5.1. Consider the recommendation set out within the Executive Summary.
- 5.2. Determine the complaint that the Subject Councillor has breached the Code of Conduct and resolve either that a breach is proven or not proven.
- 5.3. Should the Sub-Committee determine that the Subject Councillor has breached the Code, they are recommended to determine any further action that should be taken, including any sanction to be imposed.

## **6.0 Engagement and Communication**

- 6.1. The Monitoring Officer has regularly consulted with the Council's Independent Person throughout this matter.

## **7.0 Financial Implications**

- 7.1. There are no financial implications arising from this report. Costs were incurred in commissioning an investigator's report but this was within budget.

## **8.0 Legal Implications**

- 8.1. The Localism Act 2011 introduced new processes for maintaining high standards of conduct and ethics in Local Government.
- 8.2. Section 27 Localism Act 2011 places local authorities under a duty to promote and maintain high standards of conduct amongst their Members.
- 8.3. Section 27 Localism Act 2011 required local authorities to adopt a code of conduct. Worthing Borough Council has adopted a Code of Conduct which forms part of its Constitution.
- 8.4. Section 28 Localism Act 2011 requires that local authorities have in place arrangements for investigating allegations of breaches of the Code and Adur & Worthing Councils have adopted Standards Procedure Rules which govern the procedure for investigating such allegations; they form part of each Council's Constitution.
- 8.5. Section 28(7) provides that a local authority's arrangements must include the appointment of at least one Independent Person whose views must be sought, and taken into account, by the Authority before it makes a decision on an allegation that it has decided to investigate. The Joint Governance Sub-Committee is therefore statutorily obliged to take account of the views of the Independent Person present at the hearing.

## **Background Papers**

Worthing Borough Council Constitution

Extract of Localism Act 2011 - Sections 27 and 28

### **Officer Contact Details:-**

Maria Memoli

Head of Legal Services & Monitoring Officer

01903 221119

[Maria.memoli@adur-worthing.gov.uk](mailto:Maria.memoli@adur-worthing.gov.uk)

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## THE CODE OF CONDUCT FOR MEMBERS

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### 1.0 INTRODUCTION

- 1.1 Each Member is a representative of Adur District Council or Worthing Borough Council and the public will view that Member as such, and therefore, a Member's actions impact upon the Council as a whole and its reputation; a Member's actions can have both positive and negative impacts on the Councils.
- 1.2 This Code of Conduct is based upon the 'Nolan Principles: The Seven Principles of Public Life' and also encompasses the legislative framework of the Localism Act 2011.

### 2.0 INTERPRETATION

In this Code:

- 2.1 'Meeting' means any meeting of:

- The Full Council;
- The Executive of the Council;
- Any Committee, Sub-Committee, Joint Committee of the Council; and
- Any other meeting involving Members and/or Officers and/or the public,

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members.

- 2.2 'Member' includes:

- a Co-opted Member;
- an Elected Member;
- an appointed Member; and
- an Independent Person.

### 3.0 SCOPE OF THE CODE OF CONDUCT

- 3.1 This Code applies to all Members of Adur District Council and all Members of Worthing Borough Council.
- 3.2 It is each individual Member's responsibility to comply with the provisions of this Code.

### 3.3 The Code applies whenever a Member:

- Conducts the business of Adur District Council or Worthing Borough Council; or
- Acts, claims to act or gives the impression they are acting as a representative of Adur District Council or Worthing Borough Council; or
- Acts, claims to act or gives the impression they are acting in their official capacity as a Member of Adur District Council or Worthing Borough Council.

### 3.4 Where a Member acts as a representative of Adur District Council or Worthing Borough Council:

- on any other body, they must, when acting for that other body, comply with Adur District Council or Worthing Borough Council's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## 4.0 GENERAL OBLIGATIONS AS TO CONDUCT

### 4.1 All Members must act in accordance with the Nolan Principles: the Seven Principles of Public Life:

- 4.1.1 **Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- 4.1.2 **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- 4.1.3 **Objectivity:** In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- 4.1.4 **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- 4.1.5 **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

- 4.1.6 **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- 4.1.7 **Leadership:** Holders of public office should promote and support these principles by leadership and example.
- 4.2 A Member must treat others with respect and not engage in conduct which amounts to harassment, intimidation or bullying.
- 4.3 A Member must not conduct themselves in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of Members.
- 4.4 A Member must ensure that they are aware of and comply with the requirements that the Bribery Act 2010 places on a Member and on the Council as a whole.
- 4.5 A Member must not disclose the information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
- 4.5.1 they have the consent of a person authorised to give it; or
  - 4.5.2 they are required by law to do so; or
  - 4.5.3 the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - 4.5.4 the disclosure is:
    - (a) reasonable and in the public interest; and
    - (b) made in good faith and in compliance with the reasonable requirements of the Council; and
    - (c) the Member consulted the Monitoring Officer prior to its release.
- 4.6 A Member must not prevent another person from gaining access to information to which that person is entitled by law.
- 4.7 A Member must not conduct themselves in a manner which is contrary to the Council's duty under the equalities legislation.
- 4.8 When using, or authorising the use by others, of the resources of Adur District Council or Worthing Borough Council, a Member must:
- 4.8.1 act in accordance with the Council's reasonable requirements, procedures, policy and Constitution, including the requirements of the Council's Internet and Email Policy; and
  - 4.8.2 make sure that such resources are not used improperly for political purposes (including party political purposes); and

- 4.8.3 have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986, and the Protocol on the Pre-Election period.
- 4.9 A Member must comply with the provisions of the adopted Adur District Council and Worthing Borough Council Protocol for Relationships within the Council.
- 4.10 A Member must comply with the provisions of the formally adopted Constitution of the Council of which they are a Member.
- 4.11 A Member must comply with the provisions of the Adur District Council and Worthing Borough Council Social Media Policy.
- 4.12 A Member must not do anything that brings the Council into disrepute.

## **5.0 OBLIGATIONS AS TO INTERESTS**

All Members must comply with their obligations in respect of any interests in accordance with this Code; failure to do so will amount to a breach of the Code.

### **5.1 Scope**

All interests, including those set out at 5.2, 5.3 & 5.4 below, relate to the interests of:

5.1.1 a Member; or

5.1.2 the partner of a Member, which includes:

- spouse or civil partner; or
- 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; or

5.1.3 a person who is a relevant person to a Member, which includes:

- a member of the Member's immediate family (child, parent, grandparent, sibling); or
- any person with whom the Member has a close association; or
- any person or body who employs or has appointed the Member, a member of their immediate family or any person with whom they have a close association; or
- any Firm in which the Member, a member of their immediate family or any person with whom they have a close association are a Partner, or any Company of which they are Directors; or
- any person or body in whom the Member, a member of their immediate family or any person with whom they have a close association, have a beneficial interest in a class of securities exceeding the nominal value of £25,000 or 1% of the total of that class of securities.

5.1.4 Obligations relating to interests of those other than the Member themselves, for example family or relevant persons, only apply where the Member is aware or ought reasonably to be aware of the existence of the interest.

5.1.5 Members obligations in respect of interests apply to those that arise in either the Borough of Worthing or the District of Adur regardless of whether the Member is a Member of Adur District Council or Worthing Borough Council.

## **5.2 Disclosable Pecuniary Interests**

Disclosable Pecuniary Interests (DPI's) and their application are governed by the Localism Act 2011. Interests which fall within these provisions are reproduced at Appendix 1 to this Code.

## **5.3 Personal Interests**

5.3.1 A Member has a personal interest in any business of the Council:

- (a) Where that business relates to, or is likely to affect, any body of which they are a Member or in a position of general control or management and to which they are appointed or nominated by the Council; or
- (b) Where that business relates to, or is likely to affect, any body of which they are a Member or in a position of general control or management that exercises functions of a public nature, is directed to charitable purposes or one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union).
- (c) Where a decision in relation to that business might reasonably be regarded as affecting their wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, rate payers or inhabitants of the Ward affected by the decision.

## **5.4 Prejudicial Interests**

5.4.1 Where a Member has a personal interest in any business of the Council, they 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 the Member's judgement of the public interest and where that business:

- (a) affects the Member's financial position or the financial position of a member of their immediate family or any person with whom they have a close association; or

- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to them or a member of their immediate family or any person with whom they have a close association.

## **5.5 Notification**

- 5.5.1 Within 28 days of their election or appointment to office (whichever is the later), each Member must notify the Monitoring Officer, in writing, of any disclosable pecuniary interests, personal interests or prejudicial interests they may have, for inclusion in the Register of Interests.
- 5.5.2 A Member must, within 28 days of becoming aware of any new interest or change of any interest, notify the Monitoring Officer, in writing, of the details of that new interest or change.

## **5.6 Register of Interests**

- 5.6.1 Any interests notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection during normal office hours and will be published on the Council's website.

## **5.7 Sensitive Interests**

- 5.7.1 Where a Member considers that disclosure of the details of a disclosable pecuniary, personal or prejudicial interest, on a copy of the Register made available for inspection and published, could lead to them, or a person connected with them, being subjected to violence or intimidation, they should make application in writing to the Monitoring Officer for the interest to be determined as being a sensitive interest.
- 5.7.2 Where a Member has an interest which has been determined as being sensitive, copies of the Register that are available for inspection and any published version of the Register will exclude details of the interest, but state that the Member has an interest, the details of which are withheld.
- 5.7.3 Where the interest is a disclosable pecuniary interest the details will be withheld under Section 32(2) of the Localism Act 2011, and where a personal or prejudicial interest the details will be withheld at the Monitoring Officer's discretion.

## **5.8 Disclosure**

- 5.8.1 Subject to paragraph 5.8.2 below, if a Member is present at a meeting and has a disclosable pecuniary interest, a personal interest or a prejudicial interest, in any matter to be considered at that meeting, the Member must disclose to the meeting the existence and nature of that interest at the commencement of the meeting, or immediately the interest becomes apparent (whichever is the sooner).

- 5.8.2 Where a Member is present at a meeting and has a disclosable pecuniary, personal or prejudicial interest which has been determined as being sensitive in accordance with paragraph 5.7 above, in any matter to be considered at that meeting, the Member must disclose to the meeting the existence of the interest must not the nature of it.

## **5.9 Participation**

- 5.9.1 Subject to paragraphs 5.9.2 and 5.9.3 below, if a Member is present at a Meeting and has a disclosable pecuniary interest or a prejudicial interest in any matter to be considered or being considered at the meeting:

- (a) the Member may not participate in any discussion of the matter at the meeting; and
- (b) the Member may not participate in any vote taken on the matter at the meeting.
- (c) the Member is required to leave the room where the meeting is held while any discussion or voting takes place.

- 5.9.2 Where a Member has a disclosable pecuniary interest or a prejudicial interest in any business of the Councils, they may attend that 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, and the Member leaves the room where the meeting is held immediately after making representations, answering questions or giving evidence, prior to any debate, discussion or vote on the matter.

- 5.9.3 Paragraph 5.9.1 above does not apply where a Member is present at a meeting and has a prejudicial interest in the business being considered at that meeting, where the business relates to the functions of the Council in respect of:

- (a) Housing, where they are a tenant of your Council, provided that those functions do not relate particularly to their tenancy or lease;
- (b) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where they are in receipt of, or are entitled to, the receipt of such pay;
- (c) An allowance, payment or indemnity given to Members;
- (d) Any ceremonial honour given to Members; and
- (e) Setting Council Tax or a precept under the Local Government Finance Act 1992.

5.9.4 Where an Individual Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest or prejudicial interest in a matter being dealt with or to be dealt with by him/her, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, nor seek to improperly influence any decision about the matter. Where a Member has a personal interest in any business of the Council and they have made an Executive Decision in relation to that business, they must ensure that any written statement of that decision records the existence and nature of that interest.

## **5.10 Dispensations**

The Monitoring Officer may grant a Member a dispensation, but only in limited circumstances, to enable them to participate and vote on a matter in which they have a disclosable pecuniary interest. Applications for dispensations should be made to the Monitoring Officer in writing at least 10 working days before any anticipated involvement in a decision in connection with which the Member has an interest.

## **5.11 Offences**

5.11.1 It is a criminal offence, in accordance with the Localism Act 2011 to:

- (a) Fail to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of a Member's 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 they have disclosed to a meeting;
- (d) Participate in any discussion or vote on a matter in which a Member has a disclosable pecuniary interest;
- (e) As an Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest; and
- (f) 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.

5.11.2 The criminal penalties available to a Court are to impose a fine and disqualification from being a Councillor for up to 5 years.

## **6.0 INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES**

In any business before an Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee (or of a Sub-Committee or Panel of such a Committee), where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's Committees, Sub-Committees or Joint Committees; and
- (b) at the time the decision was made or action was taken, a Member was a Member of the Executive, Committee, Sub-Committee or Joint Committee mentioned in paragraph (a) and was present when that decision was made or action was taken,

that Member may only attend a meeting of the Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee for the purpose of answering questions or giving evidence relating to the business, and must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

## **7.0 PREDETERMINATION OR BIAS**

- 7.1 Where a Member has been involved in campaigning in their political role on an issue which does not impact on their personal and/or professional life, they should not be prohibited from participating in a decision in their political role as a Member. However, they must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- 7.2 When making a decision, a Member must consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
- 7.3 If a Member is not able to comply with paragraph 7.2 above, for example, because they have predetermined the decision or they are biased, they may not take part in the decision; they must leave the meeting room where the decision is being considered, not take part in the debate or vote, and not seek to improperly influence the decision in any way at all.

## **8.0 COMPLIANCE WITH CONSTITUTION, RULES, STANDARDS AND GUIDANCE**

Failure to comply with the requirements of the Council's Constitution or any rule, protocol, corporate standards or guidance issued pursuant to this Constitution shall be deemed to be a breach of this Code.

## **9.0 REGISTRATION OF GIFTS AND HOSPITALITY**

- 9.1 To preserve public confidence, Members are strongly encouraged not to accept any gifts from customers or contractors. It may constitute a serious criminal offence for a Member 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 their official capacity.
- 9.2 If a Member does accept any gift, hospitality or other benefit, by virtue of being a Member, with a value in excess of £50, or totalling £100 in any municipal year from a single source, they must comply with the Council's requirements to register and declare it, within 28 days of receipt. Such declaration and registration should be made to the Director for Communities for inclusion in the register held by Democratic Services Officers.
- 9.3 It is good practice for a Member to declare any offers of gifts, hospitality or other benefit, received, even if not accepted.

## **10. PUBLICATION, TRAINING AND REVIEW**

- 10.1 This Code of Conduct is formally adopted by both Adur District Council and Worthing Borough Council; it forms part of each Council's Constitution and is made available to the public via the Councils' website.
- 10.2 The Code of Conduct for Members will be reviewed on an annual basis by the Council's Monitoring Officer, when minor and consequential changes may be made under delegated authority. Any significant proposed change will be considered by the Council's Joint Governance Committee, who have standards and ethics within their terms of reference.
- 10.3 Annual training on the Code of Conduct for Members is provided and all Members must attend at least every 2 years.

## Disclosable Pecuniary Interests under the Localism Act 2011

Interests	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 Council) 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 Council: <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 Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Council for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): <ul style="list-style-type: none"> <li>(a) The landlord is the relevant Council; and</li> <li>(b) The tenant is a body in which the relevant person has a beneficial interest.</li> </ul>
Securities	Any beneficial interest in securities of a body where: <ul style="list-style-type: none"> <li>(a) That body (to M's knowledge) has a place of business or land in the area of the relevant Council; and</li> <li>(b) Either: <ul style="list-style-type: none"> <li>(i) The total nominal value of the securities exceeds £25,000 or 100<sup>th</sup> of the total issued share capital of that body; or</li> <li>(ii) If the share capital of that body is of more</li> </ul> </li> </ul>

	than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds 100 <sup>th</sup> of the total issue share capital of that class.
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These descriptions on interests are subject to the following definitions:

- (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;
- (b) 'Director': includes a member of the committee of management of an industrial and provident society;
- (c) '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;
- (d) 'M': means the Member;
- (e) 'Member': includes a Co-opted Member;
- (f) 'Relevant Council': means the Council of which M is a Member;
- (g) '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 Localism Act 2011;
- (h) 'Relevant Person': means M or any other person referred to in Section 30(3)(b) of the Localism Act 2011; and
- (i) 'Securities': means shares, debentures, debenture stock, loans, 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.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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