



ADUR & WORTHING  
COUNCILS

Joint Governance Committee  
28 January 2020  
Agenda Item 13

Ward(s) Affected: All

**Review of the Code of Conduct for Members**

**Report by the Monitoring Officer**

**Executive Summary**

**1. Purpose**

- 1.1 To consider proposed revisions to the Adur District Council and Worthing Borough Council Code of Conduct for Members.

**2. Recommendations**

- 2.1 The Joint Governance Committee is recommended to consider the proposed revised Code of Conduct for Members attached to this report as Appendix 1 and to recommend its adoption to both Adur District Council and Worthing Borough Council.

### **3. Context**

- 3.1 Both Councils have adopted a Code of Conduct for Members which forms part of the Constitution, and has been formally adopted. It has not been reviewed since its adoption in 2015, and should be regularly reviewed to ensure it is fit for purpose and meets the Council's statutory obligations of upholding high standards of conduct by Members.
- 3.2 The Code of Conduct has been reviewed, taking into account the recommendations made in 2019 by the Committee on Standards in Public Life. That body is the guardian of local government standards and is responsible for promoting the seven principles of public life based on the Nolan principles. The Committee undertook an examination of local government standards in 2019 and their report 'Local Government Ethical Standards' was published last year and a summary of their findings was reported to the Joint Governance Committee at their meeting on 26th November 2019.
- 3.3 It should be noted that many of the more significant recommendations made by the Committee on Standards in Public Life would require legislative changes to implement them. The Councils cannot therefore consider the adoption of such recommendations at this stage and must await any amendments to the primary legislation should that be forthcoming.
- 3.4 Adur District Council and Worthing Borough Council currently have their own Codes of Conduct for Members and it is proposed that this continues, rather than adopting a joint code. The revised and recommended Codes can be found attached to this report at Appendix 1. The currently adopted Codes, together with proposed revisions marked as track changes, can be found at Appendix 2 to this report.

### **4. Issues for consideration**

In summary the following amendments to the existing Code of Conduct are being recommended by your Officers:

- 4.1 The wording relating to the scope of the Code has been amended for clarity i.e. to ensure that it is absolutely clear that the Code applies when acting as a Councillor, but also when giving the impression of acting, or holding oneself out as so acting, as a Councillor.

- 4.2 The general obligations in respect of conduct have been expanded to include not only failing to treat others with respect, but also not engaging in conduct which amounts to harassment, intimidation or bullying, in line with the recommendation from the Committee for Standards in Public Life.
- 4.3 The general obligations have been expanded to include a provision for compliance with the Officer / Member Protocol on Relationships within the Council.
- 4.4 The general obligations have been expanded to include a provision about complying with the Constitution for completeness.
- 4.5 The general obligations have been expanded to include a provision about compliance with the Council's Social Media Policy in line with the recommendations from the Committee on Standards in Public Life.
- 4.6 The different types of Member's interests have been amended for simplification from disclosable pecuniary, personal and pecuniary to disclosable pecuniary, personal and prejudicial, to avoid confusion.
- 4.7 The category of individuals to whom disclosable pecuniary interests apply has been amended to include close associates and relevant persons of the Member, to ensure consistency between the different types of interests with the aim of simplifying the obligations.
- 4.8 The rules relating to disclosure have been simplified to ensure consistency between each of the different types of interests.
- 4.9 The Code now makes it clear that interests arising in either Adur District Council or Worthing Borough Council are relevant regardless of which Authority the Councillor is a Member of, due to the high level of joint working that the Councils are engaged in.
- 4.10 The provisions relating to gifts and hospitality have been amended from a value of zero to a value of £50 or totalling £100 in a year from one source in line with the recommendation from the Committee for Standards in Public Life.
- 4.11 An annual review provision has been included in line with the audit recommendations.

- 4.12 A training requirement has been included and it is recommended that all Members attend training on the Code of Conduct within a year of becoming a Councillor and at least every 3 years thereafter.

## **5. Engagement and Communication**

- 5.1 Consultation has been undertaken with the Chairpersons and Vice Chairpersons of the Joint Governance Committee, with Legal and Democratic Services colleagues and with the Director for Communities.

## **6. Financial Implications**

- 6.1 There are no financial implications arising from this report.

## **7. Legal Implications**

- 7.1 Section 27 Localism Act 2011 imposes a duty on a Local Authority to promote and maintain high standards of conduct by Members and Co-opted Members of the Authority. Section 27(2) obliges the Councils to adopt a code dealing with the conduct that is expected of Members and Co-opted Members of the Authority.
- 7.2 Paragraph 5.13 of the Councils' Constitutions deals with the Terms of Reference of the Joint Governance Committee and provides that whilst the promulgation of the Code of Conduct is within the remit of the Committee, the adoption and revision of the local code is a matter reserved to full Council.

## **Background Papers**

- Adur District Council Constitution
- Worthing Borough Council Constitution
- Localism Act 2011
- Report to Joint Strategic Committee 26th November 2019 titled 'Standards in Public Life'

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## **Sustainability & Risk Assessment**

### **1. Economic**

Matter considered and no issues identified.

### **2. Social**

#### **2.1 Social Value**

Having strong arrangements in place around Member conduct increases public confidence in the democratic process.

#### **2.2 Equality Issues**

Matter considered and no issues identified.

#### **2.3 Community Safety Issues (Section 17)**

Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

Matter considered and no issues identified.

### **3. Environmental**

Matter considered and no issues identified.

### **4. Governance**

Failure to uphold high standards of conduct and ethics among Members and/or to fail to deal with allegations of misconduct can lead to reputational damage and a lack of confidence in the democratic process.

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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.

## **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 changes 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 within their first 12 months of appointment and at least every 3 years thereafter.



## 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>

	<p>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.</p>
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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.

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## THE CODE OF CONDUCT FOR MEMBERS

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### 1.0 INTRODUCTION

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- an Elected Member;
- an appointed Member; and
- an Independent Person.

### 3.0 SCOPE OF THE CODE OF CONDUCT

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- 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.

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- 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.

## **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 changes 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 within their first 12 months of appointment and at least every 3 years thereafter.

## 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>

	<p>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.</p>
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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.

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## THE CODE OF CONDUCT FOR MEMBERS

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### 1.0 INTRODUCTION

- ~~1.1 This Code applies to every Member of Adur District Council and every Member of Worthing Borough Council, when that Member acts in their role as a Member. It is each Member's responsibility to comply with the provisions of this Code.~~
- 1.12 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.
- 1.23 This Code of Conduct is based upon the 'Nolan Principles:— The Seven Principles of Public Life', ~~which are set out at paragraph 2.0,~~ and also encompasses the legislative framework of the Localism Act 2011, ~~where provision is made by the Secretary of State for criminal sanctions to apply in certain circumstances.~~

### ~~2.0 THE NOLAN PRINCIPLES: SEVEN PRINCIPLES OF PUBLIC LIFE~~

- ~~2.1 **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.~~
- ~~2.2 **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.~~
- ~~2.3 **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.~~
- ~~2.4 **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.~~
- ~~2.5 **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.~~

~~2.6 — **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.~~

~~2.7 — **Leadership:** Holders of public office should promote and support these principles by leadership and example.~~

## **32.0 INTERPRETATION**

In this Code -

**32.1** '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.

**32.2** 'Member' includes:

- ~~a Co-opted Member (voting and non-voting);~~
- ~~an Elected Member; and~~
- ~~an appointed Member; and~~
- an Independent Person.

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## **43.0 SCOPE AND GENERAL OBLIGATIONS OF THE CODE OF CONDUCT**

### **4.1 — Scope**

**3.1** ~~4.1.1~~ This Code applies to all Members of Adur District Council and all Members of Worthing Borough Council.

**3.2** ~~4.1.2~~ It is each individual Member's responsibility to comply with the provisions of this Code.

**3.3** ~~4.1.3~~ 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

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- 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~~ ~~4.1.4~~ 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.

#### ~~4.02~~ ~~General Obligations~~ **GENERAL OBLIGATIONS AS TO CONDUCT**

~~4.2.1~~ ~~When acting as a Member of Adur District Council or Worthing Borough Council a Member must:~~

~~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.

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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) — A Member must Treat others with respect and not engage in conduct which amounts to harassment, intimidation or bullying;~~

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~~4.3 (b) — 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;~~

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~~4.4 (c) — 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;~~

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~~4.5 (d) — 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:~~

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~~4.5.1(i) — they have the consent of a person authorised to give it;~~

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~~4.5.2(ii) — they are required by law to do so;~~

~~4.5.3(iii) — 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~~

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~~4.5.4(iv) — the disclosure is:~~

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~~(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) they have consulted the Monitoring Officer prior to its release.~~

~~4.6 (e) — A Member must Not prevent another person from gaining access to information to which that person is entitled by law;~~

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~~4.7 (f) — A Member must Not conduct themselves in a manner which is contrary to the Council's duty under the equalities legislation.~~

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~~4.8 4.2.2 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(a) — 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(b) — Make sure that such resources are not used improperly for political purposes (including party political purposes); and~~

~~4.8.3(c) — 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.~~

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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.

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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.

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## **5.0 ~~DISCLOSABLE PECUNIARY INTERESTS UNDER THE LOCALISM ACT 2011~~ 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:

- o spouse or civil partner; or
- o a person with whom they are living as husband or wife; or
- o a person with whom they are living as if they are civil partners; or

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

- o a member of the Member's immediate family (child, parent, grandparent, sibling); or
- o any person with whom the Member has a close association; or
- o 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
- o 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
- o 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.

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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.

### **5.1 Notification of Disclosable Pecuniary Interests**

~~5.1.1 Within 28 days of becoming a Member, each Member must notify the Monitoring Officer of any disclosable pecuniary interests they may have.~~

~~5.1.2 A 'disclosable pecuniary interest' is an interest of a Member or 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) within the description at Appendix 1 of this Code of Conduct.~~

## **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.

## **5.65.2 Register of Interests**

5.6.15.2.4 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 and will be published on the Councils' website.

## **5.75.3 Sensitive Interests**

5.7.15.3.4 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, then~~ 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 disclosable pecuniary interest, the details of which are withheld ~~under Section 32(2) of the Localism Act 2011.~~

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

## ~~5.4 Non-Participation in Case of Disclosable Pecuniary Interest~~

~~5.4.4~~

## 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 of Adur District Council or Worthing Borough Council or any Committee, Sub-Committee or Joint Committee of the Council and has a disclosable pecuniary interest or a prejudicial interest in any matter to be considered or being considered at the meeting:

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

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- ~~(c) If the interest is not registered, the Member must disclose the interest in the meeting; and~~
- ~~(d) If the interest is not registered and is not the subject of a pending notification, the Member must notify the Monitoring Officer of the interest within 28 days of the meeting.~~

~~5.4.2 In addition, the Member is required to leave the room where the meeting is held while any discussion or voting takes place.~~

~~5.4.3 Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by him/her, the Executive Member must:~~

- ~~(a) Notify the Monitoring Officer of the interest; and~~
- ~~(b) Not take any steps or further steps in the matter.~~

~~5.9.2~~ 5.4.4—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.~~

## **5.105-5      Dispensations**

~~5.5.1~~—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.

## **5.115.6 Offences**

~~5.11.15.6.1~~ 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.

~~5.11.25.6.2~~ The criminal penalties available to a €Court are to impose a fine ~~not exceeding level 5 on the standard scale (£5,000)~~ and disqualification from being a Councillor for up to 5 years.

## **6.0 INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES** **~~OTHER INTERESTS: PERSONAL AND PECUNIARY~~**

### **~~6.1~~—Notification of Other Interests**

~~6.1.1~~—In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011 as set out in Paragraph 5 above, a Member must, within 28 days of:

- ~~(a)~~—this Code being adopted by or applied to your Council; or
- ~~(b)~~—that Member's election or appointment to office (where that is later),



~~notify the Monitoring Officer in writing of the details of their other personal and pecuniary interests where they fall within the following descriptions, for inclusion in the Register of Interests.~~

~~6.1.2 A Member must, within 28 days of becoming aware of any new interest or change of any interest, notify the Monitoring Officer of the details of that new interest or change.~~

## ~~6.2 — Personal Interests~~

~~6.2.1 A Member has a personal interest in any business of the Council where that business:~~

~~(a) 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;~~

~~(b) relates to, or is likely to affect, any body:~~

~~(i) exercising functions of a public nature;~~

~~(ii) directed to charitable purposes; or~~

~~(iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union) of which they are a member or in a position of general control or management.~~

~~6.2.2 A Member also has a personal interest in any business of the Council 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.~~

~~6.2.3 A relevant person is:~~

~~(a) A member of their family or any person with whom they have a close association; or~~

~~(b) Any person or body who employs or has appointed such persons defined in paragraph 6.2.3(a) above, any firm in which such persons are a partner, or any company of which they are directors;~~

~~(c) Any person or body in whom such persons defined in paragraph 6.2.3(a) above, 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.~~

## ~~6.3 — Pecuniary Interests~~

~~6.3.1 Where a Member has a personal interest in any business of your Council, they also have a pecuniary 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 person or body described in paragraph 6.2.2 above; or~~

~~(b) relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 6.2.2 above.~~

#### ~~6.4 Disclosure and Non-Participation~~

~~6.4.1 Where a Member has a personal interest described in paragraph 6.2 above, which relates to themselves, in any business of the Council and where they are aware or ought reasonably to be aware of the existence of the personal interest and they attend a meeting of the Council at which the business is considered, they must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.~~

~~6.4.2 Where a Member has a personal interest in any business of their Authority which relates to or is likely to affect a relevant person as described in paragraph 6.2.2, they need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.~~

~~6.4.3 Where a Member has a personal interest, but by virtue of paragraph 6.6, sensitive information relating to it is not registered in their Council's Register of Members' Interests, they must indicate to the meeting that they have a personal interest, but need not disclose the sensitive information to the meeting.~~

~~6.4.4 Where a Member has a personal interest in any business of their 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.~~

~~6.4.5 Subject to paragraphs 6.4.7 and 6.4.8 below, where a Member has a pecuniary interest in any business of the Council:~~

~~(a) they may not participate in any discussion of the matter at the meeting;~~

~~(b) they may not participate in any vote taken on the matter at the meeting;~~

~~(c) if the interest is not registered, they must disclose the interest at the meeting; and~~

~~(d) if the interest is not registered and is not the subject of a pending notification, they must notify the Monitoring Officer of the interest within 28 days.~~

~~6.4.6 In addition, they are to leave the room where the meeting is held while any discussion or voting takes place.~~

~~6.4.7 Where a Member has a pecuniary interest in any business of the Authority, they 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 statutory right or otherwise, and they leave the room where the meeting is held immediately after making representations, answering questions and/or giving evidence.~~

~~6.4.8 Subject to a Member disclosing the interests at the meeting, they may attend a meeting and vote on a matter where they have a pecuniary interest that relates to the functions of the Council in respect of:~~

~~(a) Housing, where they are a tenant of your Council, provided that these 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 1972.~~

~~6.4.9 Where an Executive Member may discharge a function alone and they become aware of a pecuniary interest in a matter being dealt with, or to be dealt with, by them, they must notify the Monitoring Officer of the interest and they must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.~~

## **6.5 Register of Interests**

~~6.5.1 Any other 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 and will be published on the Council's website.~~

## **6.6 Sensitive Interests**

~~6.6.1 Where a Member considers that disclosure of the details of a personal or disclosable pecuniary interest on a copy of the Register made available for inspection and published, could lead to them, or a person connected with~~

~~them, being subject to violence or intimidation, then 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 a personal or disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.~~

## ~~6.7 — Interest arising in relation to Overview and Scrutiny Committees~~

~~6.7.1~~ 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.

## ~~6.8 — Pre-determination or Bias~~

### 7.0 PREDETERMINATION OR BIAS

~~7.16-8.1~~ 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.

~~7.26-8.2~~ When making a decision, a Member should 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.

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

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**6.9.4** 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.

## **9.07.0 REGISTRATION OF GIFTS AND HOSPITALITY**

**9.17.4** 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.

**9.27.2** If a Member does accept any gift, ~~of any value, they must comply with the Council's requirements to register or declare interests. If a Member does accept any~~ 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, such hospitality, regardless of value. Any such gift or hospitality received must be registered 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.

**9.37.3** 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 changes 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 within their first 12 months of appointment and at least every 3 years thereafter.

## 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.





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## THE CODE OF CONDUCT FOR MEMBERS

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### 1.0 INTRODUCTION

- ~~1.1 This Code applies to every Member of Adur District Council and every Member of Worthing Borough Council, when that Member acts in their role as a Member. It is each Member's responsibility to comply with the provisions of this Code.~~
- 1.12 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.
- 1.23 This Code of Conduct is based upon the 'Nolan Principles:— The Seven Principles of Public Life', ~~which are set out at paragraph 2.0,~~ and also encompasses the legislative framework of the Localism Act 2011, ~~where provision is made by the Secretary of State for criminal sanctions to apply in certain circumstances.~~

### ~~2.0 THE NOLAN PRINCIPLES: SEVEN PRINCIPLES OF PUBLIC LIFE~~

- ~~2.1 **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.~~
- ~~2.2 **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.~~
- ~~2.3 **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.~~
- ~~2.4 **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.~~
- ~~2.5 **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.~~

~~2.6 — **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.~~

~~2.7 — **Leadership:** Holders of public office should promote and support these principles by leadership and example.~~

## **32.0 INTERPRETATION**

In this Code -

**32.1** '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.

**32.2** 'Member' includes:

- a Co-opted Member ~~(voting and non-voting);~~;
- an Elected Member; ~~and~~
- an appointed Member; ~~and~~
- an Independent Person.

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## **43.0 SCOPE AND GENERAL OBLIGATIONS OF THE CODE OF CONDUCT**

### **4.1 — Scope**

**3.1** ~~4.1.1~~ This Code applies to all Members of Adur District Council and all Members of Worthing Borough Council.

**3.2** ~~4.1.2~~ It is each individual Member's responsibility to comply with the provisions of this Code.

**3.3** ~~4.1.3~~ 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~~

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- 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~~ ~~4.1.4~~ 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.

#### ~~4.02~~ ~~General Obligations~~ **GENERAL OBLIGATIONS AS TO CONDUCT**

~~4.2.1~~ ~~When acting as a Member of Adur District Council or Worthing Borough Council a Member must:~~

~~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.

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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) — A Member must Treat others with respect and not engage in conduct which amounts to harassment, intimidation or bullying;~~

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~~4.3 (b) — 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;~~

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~~4.4 (c) — 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;~~

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~~4.5 (d) — 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:~~

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~~4.5.1(i) — they have the consent of a person authorised to give it;~~

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~~4.5.2(ii) — they are required by law to do so;~~

~~4.5.3(iii) — 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~~

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~~4.5.4(iv) — the disclosure is:~~

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~~(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) they have consulted the Monitoring Officer prior to its release.~~

~~4.6 (e) — A Member must Not prevent another person from gaining access to information to which that person is entitled by law;~~

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~~4.7 (f) — A Member must Not conduct themselves in a manner which is contrary to the Council's duty under the equalities legislation.~~

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~~4.8 4.2.2 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(a) — 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(b) — Make sure that such resources are not used improperly for political purposes (including party political purposes); and~~

~~4.8.3(c) — 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.~~

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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.

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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.

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## **5.0 DISCLOSABLE PECUNIARY INTERESTS UNDER THE LOCALISM ACT 2011 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:

- o spouse or civil partner; or
- o a person with whom they are living as husband or wife; or
- o a person with whom they are living as if they are civil partners; or

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

- o a member of the Member's immediate family (child, parent, grandparent, sibling); or
- o any person with whom the Member has a close association; or
- o 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
- o 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
- o 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.

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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.

### **5.1 Notification of Disclosable Pecuniary Interests**

5.1.1 Within 28 days of becoming a Member, each Member must notify the Monitoring Officer of any disclosable pecuniary interests they may have.

5.1.2 A 'disclosable pecuniary interest' is an interest of a Member or 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) within the description at Appendix 1 of this Code of Conduct.

### **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.

## **5.65.2 Register of Interests**

5.6.15.2.4 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 and will be published on the Councils' website.

## **5.75.3 Sensitive Interests**

5.7.15.3.4 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, then~~ 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 disclosable pecuniary interest, the details of which are withheld ~~under Section 32(2) of the Localism Act 2011.~~

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

## ~~5.4 Non-Participation in Case of Disclosable Pecuniary Interest~~

~~5.4.4~~

## 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 of Adur District Council or Worthing Borough Council or any Committee, Sub-Committee or Joint Committee of the Council and has a disclosable pecuniary interest or a prejudicial interest in any matter to be considered or being considered at the meeting:

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

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- ~~(c) If the interest is not registered, the Member must disclose the interest in the meeting; and~~
- ~~(d) If the interest is not registered and is not the subject of a pending notification, the Member must notify the Monitoring Officer of the interest within 28 days of the meeting.~~

~~5.4.2 In addition, the Member is required to leave the room where the meeting is held while any discussion or voting takes place.~~



~~5.4.3 Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by him/her, the Executive Member must:~~

- ~~(a) Notify the Monitoring Officer of the interest; and~~
- ~~(b) Not take any steps or further steps in the matter.~~

~~5.9.2~~ 5.4.4—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.~~

## **5.105-5      Dispensations**

~~5.5.1~~—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.

## **5.115.6 Offences**

~~5.11.15.6.1~~ 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.

~~5.11.25.6.2~~ The criminal penalties available to a ~~€~~Court are to impose a fine ~~not exceeding level 5 on the standard scale (£5,000)~~ and disqualification from being a Councillor for up to 5 years.

## **6.0 INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES** ~~OTHER INTERESTS: PERSONAL AND PECUNIARY~~

### **6.1 — Notification of Other Interests**

~~6.1.1~~—In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011 as set out in Paragraph 5 above, a Member must, within 28 days of:

- ~~(a)~~—this Code being adopted by or applied to your Council; or
- ~~(b)~~—that Member's election or appointment to office (where that is later),

~~notify the Monitoring Officer in writing of the details of their other personal and pecuniary interests where they fall within the following descriptions, for inclusion in the Register of Interests.~~

~~6.1.2 A Member must, within 28 days of becoming aware of any new interest or change of any interest, notify the Monitoring Officer of the details of that new interest or change.~~

## ~~6.2 — Personal Interests~~

~~6.2.1 A Member has a personal interest in any business of the Council where that business:~~

~~(a) 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;~~

~~(b) relates to, or is likely to affect, any body:~~

~~(i) exercising functions of a public nature;~~

~~(ii) directed to charitable purposes; or~~

~~(iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union) of which they are a member or in a position of general control or management.~~

~~6.2.2 A Member also has a personal interest in any business of the Council 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.~~

~~6.2.3 A relevant person is:~~

~~(a) A member of their family or any person with whom they have a close association; or~~

~~(b) Any person or body who employs or has appointed such persons defined in paragraph 6.2.3(a) above, any firm in which such persons are a partner, or any company of which they are directors;~~

~~(c) Any person or body in whom such persons defined in paragraph 6.2.3(a) above, 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.~~

## ~~6.3 — Pecuniary Interests~~

~~6.3.1 Where a Member has a personal interest in any business of your Council, they also have a pecuniary 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 person or body described in paragraph 6.2.2 above; or~~

~~(b) relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 6.2.2 above.~~

#### ~~6.4 Disclosure and Non-Participation~~

~~6.4.1 Where a Member has a personal interest described in paragraph 6.2 above, which relates to themselves, in any business of the Council and where they are aware or ought reasonably to be aware of the existence of the personal interest and they attend a meeting of the Council at which the business is considered, they must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.~~

~~6.4.2 Where a Member has a personal interest in any business of their Authority which relates to or is likely to affect a relevant person as described in paragraph 6.2.2, they need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.~~

~~6.4.3 Where a Member has a personal interest, but by virtue of paragraph 6.6, sensitive information relating to it is not registered in their Council's Register of Members' Interests, they must indicate to the meeting that they have a personal interest, but need not disclose the sensitive information to the meeting.~~

~~6.4.4 Where a Member has a personal interest in any business of their 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.~~

~~6.4.5 Subject to paragraphs 6.4.7 and 6.4.8 below, where a Member has a pecuniary interest in any business of the Council:~~

~~(a) they may not participate in any discussion of the matter at the meeting;~~

~~(b) they may not participate in any vote taken on the matter at the meeting;~~

~~(c) if the interest is not registered, they must disclose the interest at the meeting; and~~

~~(d) if the interest is not registered and is not the subject of a pending notification, they must notify the Monitoring Officer of the interest within 28 days.~~

~~6.4.6 In addition, they are to leave the room where the meeting is held while any discussion or voting takes place.~~

~~6.4.7 Where a Member has a pecuniary interest in any business of the Authority, they 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 statutory right or otherwise, and they leave the room where the meeting is held immediately after making representations, answering questions and/or giving evidence.~~

~~6.4.8 Subject to a Member disclosing the interests at the meeting, they may attend a meeting and vote on a matter where they have a pecuniary interest that relates to the functions of the Council in respect of:~~

~~(a) Housing, where they are a tenant of your Council, provided that these 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 1972.~~

~~6.4.9 Where an Executive Member may discharge a function alone and they become aware of a pecuniary interest in a matter being dealt with, or to be dealt with, by them, they must notify the Monitoring Officer of the interest and they must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.~~

## **6.5 Register of Interests**

~~6.5.1 Any other 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 and will be published on the Council's website.~~

## **6.6 Sensitive Interests**

~~6.6.1 Where a Member considers that disclosure of the details of a personal or disclosable pecuniary interest on a copy of the Register made available for inspection and published, could lead to them, or a person connected with~~

~~them, being subject to violence or intimidation, then 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 a personal or disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.~~

## ~~6.7 — Interest arising in relation to Overview and Scrutiny Committees~~

~~6.7.1~~ 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.

## ~~6.8 — Pre-determination or Bias~~

### 7.0 PREDETERMINATION OR BIAS

~~7.16-8.1~~ 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.

~~7.26-8.2~~ When making a decision, a Member should 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.

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

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**6.9.4** 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.

## **9.07.0 REGISTRATION OF GIFTS AND HOSPITALITY**

**9.17.4** 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.

**9.27.2** If a Member does accept any gift, ~~of any value, they must comply with the Council's requirements to register or declare interests. If a Member does accept any~~ 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, such hospitality, regardless of value. Any such gift or hospitality received must be registered 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.

**9.37.3** 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 changes 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 within their first 12 months of appointment and at least every 3 years thereafter.

## 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.

