

## APPENDIX A

### CODE OF CONDUCT FOR MEMBERS

#### Part 1: General Provisions and Interpretation

##### Introduction

This Code of Conduct is adopted by Portsmouth City Council ("the Council") pursuant to its statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members ("Members") of the Council. This Code applies to all Members of the Council, and all members of the Health & Wellbeing Board (excluding a person who is an employee of the Council).

This Code is based on and is consistent with the following principles:

**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 material benefits for themselves, their family, or their friends.

**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.

**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.

**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.

**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.

**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.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

##### General obligations of Members ("member")

1. You must not bully any person.
2. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.

3. You must not do anything which compromises the impartiality of the Authority's officers.
4. You must not disclose confidential information (other than in very limited circumstances permitted by law, and following consultation with the Authority's Monitoring Officer).
5. You must not prevent a person from gaining access to information to which they are entitled.
6. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.
7. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
8. You must, when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements, and ensure that the resources are not used improperly for political purposes.
9. When reaching decisions, you must have regard to relevant advice from the Authority's officers, and give reasons for decisions.
10. You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise\*.
11. You must declare any lobbying that has taken place and those lobbied not to participate in Council business.
12. You should not lobby other members where you have a disclosable pecuniary interest in a matter.

## **2. Scope**

This Code applies to all Members of the Council when acting in their official capacity, or when giving the impression that they are acting as a representative of the Council.

Where a Member is a member of more than one local authority, but acting on behalf of the Council, such Member is, for the avoidance of doubt, bound by this Code of Conduct.

\* "Code of recommended practice in local authority publicity" issued under Section 2 and 4 of the Local Government Act 1986. From 30th March 2014 the Secretary of State has power to require specified local authorities to comply with the Code.

## **Part 2: Registration and Disclosure of Disclosable Pecuniary Interests and Personal Interests**

### **1. Obligations**

- 1.1 You must, within 28 days of taking office as a Member of the Council, supply the Council's Monitoring Officer with details of any disclosable pecuniary interests as set out at Part 3 of this Code.
- 1.2 In addition, you must, within 28 days of taking office as a Member of the Council, supply the Council's Monitoring Officer with details of any personal interest which the Council has decided should be included in Portsmouth City Council's Register of Members' Interests (as set out at Part 4A of this Code).
- 1.3 You must also, within 28 days of becoming aware of any new disclosable pecuniary interest or any personal interest notify Portsmouth City Council's Monitoring Officer of any change.
- 1.4 If you have an interest included on the Register of Members' Interests, you must disclose this interest at any meeting of the Council, its Committees or the Cabinet at which you are present and participating in the business. Where an interest is a 'sensitive interest'<sup>1</sup> you need only disclose the fact that you have a disclosable pecuniary or personal interest in the matter being considered and do not need to disclose details of the interest itself.
- 1.5 If an interest has not been entered onto the Council's Register of Interests, then you must also disclose the interest to any meeting of Portsmouth City Council, its Committees or the Cabinet at which you are present where you have such an interest in any matter being considered.
- 1.6 Unless a dispensation has been granted, you may not participate in any meeting where that interest is required to be disclosed (this would include making a deputation), discussed, voted on, or discharge any function related to any matter in which you have a disclosable pecuniary interest and must (save for in circumstances set out at 1.7 below) withdraw from the room where the meeting considering the business is being held, unless a dispensation has been granted by the Council's Governance and Audit and Standards Committee. If acting as a single Cabinet member you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself.

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<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest (disclosable pecuniary interest or otherwise), and the nature of the interest

## **Part 3: Disclosable Pecuniary Interests**

### **1. Introduction**

A disclosable pecuniary interest is an interest falling within the Schedule set out at Paragraph 3 below of:

- 1.1 Yourself; or
- 1.2 Your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.

### **2. Interpretation**

In the Schedule set out at Paragraph 3 below, the following words or expressions mean as follows:

- 2.1 'the Act' means the Localism Act 2011;
- 2.2 '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;
- 2.3 'director' includes a member of the committee of management of an industrial and provident society;
- 2.4 'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- 2.5 'M' means a member of a relevant authority;
- 2.6 'member' includes a co-opted member;
- 2.7 'relevant authority' means Portsmouth City Council of which M is a member;
- 2.8 '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) or Section 31(7), as the case may be, of the Act;
- 2.9 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

### **3. Schedule of disclosable pecuniary interests**

<b>Subject</b>	<b>Prescribed description</b>
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Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(2).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <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 authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):</p> <ul style="list-style-type: none"> <li>(a) the landlord is the relevant authority; and</li> <li>(b) the tenant is a body in which the relevant person has a beneficial interest.</li> </ul>
Securities	<p>Any beneficial interest in securities of a body where:</p> <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 authority; and (b) either: <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul> </li> </ul>

Note: 'M' means a member of a relevant authority.

#### 4. **Personal interests**

4.1 You have a personal interest in the business of the Council when it relates to or is likely to affect:

a any body of which you are a member or in a position of general control or management, and to which you are appointed or nominated by the Council.

b any body:

i exercising functions of a public nature;

ii directed to charitable purposes; or

iii one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

of which you are a member or in a position of general control or management

c any employment or business carried on by you other than for profit or gain;

d any person or body who employs you, or who has appointed you, other than for profit or gain;

e the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 in the last three years;

4.2 You also have a personal interest in the business of the Council when a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a relevant person (as defined at paragraph 4.3 below), to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward within the administrative area of the Council affected by the decision;

4.3 In Paragraph 4.2, a “relevant person” is:

a your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest; or

b another member of your family, or any person with whom you have a close association, where you are aware that that other person has the interest; or

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

- d any person or body in whom to the Member's knowledge such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000: or
- e any body of a type described in paragraph 4.1a or 4.1b above.

## **5. Disclosure of Personal Interests**

- 5.1 Subject to paragraphs 5.2 to 5.5 below, where you have a personal interest in any business of the Council you must disclose this interest at any meeting of the Council, its Cabinet or Committees (including joint committees and sub-committees) at which you are present. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent.
- 5.2 Where you have a personal interest in any business of the Council which relates to or is likely to affect a person described in Part 4 paragraphs 4.1 or 4.2 above, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 5.3 The requirement to declare a personal interest only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5.4 Where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision (portfolio holder decision notice) records the existence and nature of that interest.
- 5.5 In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

## **6. Prejudicial Interests**

### **6.1 Definition of Prejudicial Interest.**

Subject to paragraph 6.2 below, where you have a personal interest in any business of the Council, you also have a prejudicial interest in that business when the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

### **6.2 Limitation on extent of prejudicial interests**

- a You do not have a prejudicial interest in any business of the Council where that business does not affect your financial position, or the financial position of a body or relevant person as described in Part 4 of this Code; or

- b does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or a body or relevant person as described in Part 4 of this Code; or
- c relates to the functions of the Council in respect of
  - i housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
  - ii statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of or are entitled to the receipt of such pay;
  - iii an allowance, payment or indemnity given to members;
  - iv any ceremonial honour given to Members; and
  - v setting council tax or a precept under the Local Government Finance Act 1992.

## **7. Effect of Prejudicial Interests on Participation**

- 7.1 Unless a dispensation has been granted by the Council's Standard's Committee, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a personal interest which is also a prejudicial interest (as set out at Part 6 of this Code), and must as soon as it becomes apparent that you have such an interest (save for in circumstances set out at paragraph 7.2 below) withdraw from the room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business. If acting as a single Cabinet member you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself.
- 7.2 Without prejudice to paragraph 7.1 above, where you have a prejudicial interest in any business of the Council (including any meeting of an Overview and Scrutiny Committee of the Council) you may, notwithstanding such prejudicial interest, attend such meeting for the purpose of making representations, answering questions or giving evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- 7.3 For the avoidance of doubt the procedure in paragraph 7.2 above cannot be used by the member where the interest comes within the statutory definition of a disclosable pecuniary interest.
- 7.4 In any case where paragraph 7.2 above applies, you must withdraw from the room immediately after making representations, answering questions, or giving evidence.