

APPENDIX A

CODE OF CONDUCT FOR MEMBERS

Part 1: General Provisions and Interpretation

1. 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 ~~Portsmouth City~~the Council. This Code applies to all Members, ~~Co-opted Members~~ of ~~Portsmouth City~~the Council, and all members of the Health & Wellbeing Board (excluding a person who is an employee of ~~Portsmouth City~~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.

2. Scope

~~This Code applies to all Members and Co-opted Members of Portsmouth City Council when acting in their official capacity, or when giving the impression that they are acting as a representative of Portsmouth City Council.~~

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

~~3. General obligations of Members and Co-opted Members ("member")~~

~~As a Member of Portsmouth City Council, your conduct will address the statutory principles of the Code of Conduct by:~~

- ~~3.1 Championing the needs of residents—the whole community and as a local member your constituents, including those who did not vote for you – and putting their interests first.~~
- ~~3.2 Dealing with representations or enquiries from residents, members of communities within the administrative area of Portsmouth City Council and visitors fairly, appropriately and impartially.~~
- ~~3.3 Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of Portsmouth City Council's area, or the good governance of Portsmouth City Council in a proper manner.~~
- ~~3.4 Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a Member or Co-opted Member of Portsmouth City Council.~~
- ~~3.5 Listening to the interests of all parties, including relevant advice from statutory and other professional officers of the Portsmouth City Council, taking all relevant information into consideration, remaining objective and making decisions on merit.~~
- ~~3.6 Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.~~
- ~~3.7 Contributing to making the Portsmouth City Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account, but restricting access to information when the wider public interest, Portsmouth City Council's Constitution or the law requires it.~~
- ~~3.8 Behaving in accordance with all Portsmouth City Council's legal obligations, alongside any requirements contained within Portsmouth City Council's policies, protocols and procedures.~~
- ~~3.9 Ensuring that when using or authorising the use by others of the resources of~~

~~Portsmouth City Council that you act in accordance with Portsmouth City Council's reasonable requirements, and that such resources are not used improperly for political purposes.~~

~~3.10 Having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise.~~

~~3.11 Not doing anything which might cause Portsmouth City Council to breach any equalities legislation.~~

~~3.12 Valuing your colleagues and Officers of Portsmouth City Council and engaging with them in an appropriate manner and one that underpins the mutual respect between you and them that is essential to good local government.~~

~~3.13 Always treating people with respect and propriety, including other Members, Coopted Members and Officers of Portsmouth City Council and the organisations and public you engage with and those you work alongside.~~

~~3.14 Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within Portsmouth City Council.~~

1. ~~Part 2: Registration and Disclosure of Pecuniary and~~ **Personal interests**

1. ~~Obligations~~

~~1.1 You must, within 28 days of taking office as a Member or Co-opted Member of~~

~~Portsmouth City Council, notify Portsmouth City Council's Monitoring Officer of any disclosable pecuniary interests as defined by regulations made by the Secretary of State (as set out at Part 3 of this Code), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.~~

~~1.2 In addition, you must, within 28 days of taking office as a Member or Co-opted Member of Portsmouth City Council, notify Portsmouth City Council's Monitoring Officer of any personal interest which the Portsmouth City 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 Portsmouth City Council has required to be registered, or change thereto, notify Portsmouth City Council's Monitoring Officer of such new or changed interest.~~

~~1.4 If you have an interest included on the Register of Members' Interests (disclosable pecuniary interest or personal interest), you must disclose this interest at any meeting of Portsmouth City Council, its Committees or the~~

Cabinet at which you are present and participating in the business. Where an interest is a 'sensitive interest'¹

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 (disclosable pecuniary interest or personal interest) required to be registered has not been entered onto Portsmouth City 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.

~~Where an interest is a 'sensitive interest', you need only disclose the fact that you have a disclosable interest in the matter concerned and do not need to disclose details of the interest itself. Following disclosure of an interest not on Portsmouth City Council's Register or the subject of pending notification, you must notify the Monitoring Officer of such interest within 28 days, beginning with the date of disclosure.~~

~~Unless a dispensation has been granted, you may not participate in any discussion of, vote 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 chamber or room where the meeting considering the business is being held, unless a dispensation has been granted by Portsmouth City 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.~~

1.6 — ~~Without prejudice to paragraph 1.6 above, where you have a disclosable pecuniary interest in any business of Portsmouth City Council (including any meeting of an Overview and Scrutiny Panel of the City Council) you may, not withstanding such disclosable pecuniary 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.~~

1.7 — ~~For the avoidance of doubt the restrictions contained at paragraph 1.6 above only apply in cases where a Member has a disclosable pecuniary interest, and do not apply in cases where a Member has a personal interest in a matter only.~~

~~Part 3: Disclosable Pecuniary Interests~~

~~2. Introduction~~

¹ 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

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

~~being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.~~

~~2.1 Yourself; or~~

~~2.2 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.~~

3. Interpretation

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

~~3.1 'the Act' means the Localism Act 2011;~~

~~3.2 '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;~~

~~3.3 'director' includes a member of the committee of management of an industrial and provident society;~~

~~3.4 '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;~~

~~1.1 'M' means a member of a relevant authority;~~

~~3.5 'member' includes a co-opted member;~~

~~1.2 'relevant authority' means Portsmouth City Council of which M is a member;~~

~~1.3 '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;~~

~~3.6 '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 2001 and other securities of any description, other than money deposited with a building society.~~

3. Schedule of disclosable pecuniary interests

~~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).~~

~~Contracts — Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:~~

- ~~(a) under which goods or services are to be provided or works are to be executed; and~~
- ~~(b) which has not been fully discharged.~~

~~Land — Any beneficial interest in land which is within the area of the relevant authority.~~

~~Licences — Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.~~

~~Corporate tenancies — Any tenancy where (to M's knowledge):~~

- ~~(a) the landlord is the relevant authority; and~~
- ~~(b) the tenant is a body in which the relevant person has a beneficial interest.~~

~~Securities — Any beneficial interest in securities of a body where:~~

- ~~(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either:~~
- ~~(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or~~
- ~~(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.~~

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

Part 4: Personal interests

[to be added after consideration by the Governance and Audit and Standards Committee in due course.]

General Provisions and Interpretation

General obligations of members and co-opted members

1. ~~You~~ must treat others with respect.

~~2. You must not do anything which may cause the Authority to breach equalities legislation.~~

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.

~~3. You must have regard to the Code of Recommended Practice on Local Authority Publicity.~~

9. When reaching decisions, you must have regard to relevant advice from the Authority's officers, and give reasons for decisions.

~~Template Code of Conduct~~

~~As a member or co-opted member of Portsmouth City Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.~~

~~In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.~~

~~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.~~

~~The Act further provides for registration and disclosure of interests and in Portsmouth City Council this will be done as set out in Appendix 2 (and also set out in Part 3 above).~~

~~As a Member of Portsmouth City Council, my conduct will in particular address the statutory principles of the code of conduct by:~~

- ~~• Championing the needs of residents—the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.~~
- ~~• Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.~~
- ~~• Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of Portsmouth City Council or the good governance of the authority in a proper manner.~~
- ~~• Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.~~
- ~~• Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.~~

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

~~Illustrative Text for Code Dealing with the Conduct Expected of Members and Co-Opted Members of the Authority when Acting in that Capacity~~

~~You are a member or co-opted member of Portsmouth City Council and hence you shall have regard to the following principles — selflessness, integrity, objectivity, accountability, openness and leadership.~~

~~Accordingly, when acting in your capacity as a member or co-opted member:~~

- ~~You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.~~
- ~~You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.~~
- ~~When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.~~
- ~~You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.~~

- ~~• You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.~~
 - ~~• You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.~~
10. ~~You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and~~ You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise².
11. You should not lobby other members where you have a disclosable pecuniary interest in a matter.

2. Scope

This Code applies to all Members ~~must promote and support high standards of conduct~~ the Council when serving in your public post, acting in particular their official capacity, or when giving the impression that they are acting as a representative of the Council.

Where a Member characterised ~~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 the above requirements, by leadership and example.~~ this Code of Conduct.

² "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: Disclosable Pecuniary Interests ("DPI")

4. Introduction

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

4.1 Yourself; or

4.2 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.

5. Interpretation

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

5.1 'the Act' means the Localism Act 2011;

5.2 '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;

5.3 'director' includes a member of the committee of management of an industrial and provident society;

5.4 '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;

5.5 'member' includes a co-opted member;

5.6 'relevant authority' means Portsmouth City Council of which the councillor is a member;

5.7 'relevant period' means the period of 12 months ending with the day on which the councillor gives a notification for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Act;

5.65.8 '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 2001 and other securities of any description, other than money deposited with a building society.

6. DPI Schedule

Subject	Prescribed description
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Employment, office, trade, profession or vocation
Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship
Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the councillor in carrying out duties as a Member, or towards the election expenses of the councillor.

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).

Contracts
Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:
(c) under which goods or services are to be provided or works are to be executed; and
(d) which has not been fully discharged.

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
Any tenancy where (to the councillor's knowledge):
(c) the landlord is the relevant authority; and
(d) the tenant is a body in which the relevant person has a beneficial interest.

Securities
Any beneficial interest in securities of a body where:
(a) that body (to the councillor's knowledge) has a place of business or land in the area of the relevant authority; and (b) either:
(iii) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
(iv) 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.

Part 3: Registration and Disclosure of Disclosable Pecuniary Interests ("DPI")

2. Obligations

Registering and declaring pecuniary and non-pecuniary interests

2.1 You must, within 28 days of taking office as a Member of the Council, supply the Council's Monitoring Officer with details of any DPI as set out at Part 3 of this Code.

~~2.12.2~~ You must also, within 28 days of becoming aware of any new or co-opted member, notify your authority's DPI notify Portsmouth City Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partnerschange.

~~In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.~~

2.3 ~~If an interest has not been entered onto the authority's register, then the member must~~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'³ you need only disclose the fact that you have a DPI in the matter being considered and do not need to disclose details of the interest itself.

~~2.22.4~~ If you have not yet registered a DPI, then you must also disclose the interest to any meeting of Portsmouth City Council, its Committees or the authorityCabinet at which ~~they~~you are present, where ~~they~~you have such a disclosable interestDPI in any matter being considered ~~and where the matter is not a~~

~~'sensitive interest'⁴.~~

³ 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 being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

⁴ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could

~~Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of the disclosure.~~

2.5 Unless a dispensation has been granted, you may not participate in any meeting where that DPI 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 DPI and must 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. Nor may you make a deputation at the meeting.

Part 4

6.7. Personal interests

7.1 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;

lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

7.2 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 7.3 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;

7.3 In Paragraph 7.2, 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 7.1a or 7.1b above.

Part 5

8. Disclosure of Personal Interests

8.1 Subject to paragraphs Error! Reference source not found. to Error! Reference source not found. 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.

8.2 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.

8.3 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.

Part 6

9. Prejudicial Interests

9.1 Definition of Prejudicial Interest.

Subject to paragraph 9.2 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.

9.2 Limitation on extent of prejudicial interests

You do not have a prejudicial interest in any business of the Council where that business-:

- a 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.

Part 7

10. Effect of Prejudicial Interests on Participation

10.1 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 9 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 10.2 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.

10.2 Without prejudice to paragraph 10.1 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.

6.110.3 For the avoidance of doubt the pecuniary interest as defined procedure in paragraph 10.2 above cannot be used by regulations made by the Secretary of State. the member where the interest comes within the statutory definition of a DPI.

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~~Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.~~

~~**Existing Portsmouth City Council Code of Local Government Conduct (Part 4A of the Constitution).**~~

~~See attached at Appendix 1a.~~

10.4 –any case where paragraph 10.2 above applies, you must withdraw from the room immediately after making representations, answering questions, or giving evidence.