

Part 5

Section 1

Code of Conduct

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Part 5 Section 1

Code of Conduct

Introduction

The role of councillor is a vital part of our system of democracy. It is important that councillors adopt the behaviours and responsibilities associated with the role and can be held accountable. The conduct of an individual councillor affects the reputation of all councillors.

Councillors represent local residents, work to develop better services and deliver local change. The public have high expectations of councillors and entrust them to represent their local area, taking decisions fairly, openly, and transparently. Councillors have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

This Code has been designed to protect this democratic role, encourage good conduct and safeguard the public's trust in local government.

1. Definition - councillor

For the purposes of this Code a councillor means a member or co-opted member of a local authority. A co-opted member is defined in the Localism Act 2011 Section 27(4) as a person who is not a member of the authority but who:

- (a) is a member of any committee or sub-committee of the authority; or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

2. Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist all councillors in modelling the behaviour that is expected, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against any councillor. It is also to protect all councillors, the public, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and the specific obligations in relation to standards of conduct. The use of support, training and mediation prior to action being taken using the Code is encouraged. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

3. General principles of councillor conduct

Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

4. Application of the Code of Conduct

This Code of Conduct applies as soon as the councillor signs the declaration of acceptance of the office of councillor or attends their first meeting as a co-opted member and continues to apply until they cease to be a councillor or co-opted member.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- You misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed. Explanatory text is set out in blue type.

General Conduct

1. Respect

As a councillor:

- 1.1 I treat other councillors and members of the public with respect.
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

[Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.]

2. Bullying, harassment and discrimination

As a councillor:

- 2.1 I do not bully any person.
- 2.2 I do not harass any person.
- 2.3 I promote equality and do not discriminate unlawfully against any person.

[The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.]

[The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.]

[Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.]

3. Impartiality of officers of the council

As a councillor:

- 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

[Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.]

4. Confidentiality and access to information

As a councillor:

- 4.1 I do not disclose information:

- (a) given to me in confidence by anyone
- (b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - (1) I have received the consent of a person authorised to give it
 - (2) I am required by law to do so
 - (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) the disclosure is:
 - (5) reasonable and in the public interest and
 - (6) made in good faith and in compliance with the reasonable requirements of the local authority and
 - (7) I have consulted the Monitoring Officer prior to its release.

- 4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

- 4.3 I do not prevent anyone from getting information that they are entitled to by law.

[Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.]

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

[As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.]

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

[Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.]

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources

7.2 I will, when using the resources of the local authority or authorising their use by others:

- (a) act in accordance with the local authority's requirements and
- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

[You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.]

8. Complying with the Code of Conduct

As a Councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.
- 8.2 I co-operate with any Code of Conduct investigation and/or determination.
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

[It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. You should attempt to intimidate any person, including witnesses. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.]

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

- 9.1 I register and disclose my interests.

[Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interests. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.]

[You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011. Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.]

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

[In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.]

Appendix A – The Seven Principles of Public Life

The principles are:

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B – Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012'. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

'Disclosable Pecuniary Interest' means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

'Partner' means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests - Prejudicial

6. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests - Prejudicial

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which affects:
 - (a) your own financial interest or well-being;
 - (b) a financial interest or well-being of a relative or close associate; or
 - (c) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:
 - (a) to a greater extent than it affects the financial interests of the majority of inhabitants of the electoral division affected by the decision and;
 - (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

This will be seen as a prejudicial interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Keeping an Open Mind

11. An important principle of decision-making is that members must come to each decision without having previously closed their minds to the arguments. While members may well wish to express strong views on behalf of their constituents and, in some cases, may have been elected on a particular local issue, it is important for members not to create the impression that they have made up their mind beforehand to vote in a particular way regardless of the arguments and advice of officers and regardless of the interests of the whole of the West Sussex community. If a member gives the impression that their mind is already made up, they should declare a prejudicial interest and leave the room.

12. There should be no difficulty in members saying:
 - "This proposal doesn't meet our requirements"
 - "This flatly contradicts existing County Council policy"
 - "I will take this up on your behalf"
 - "There are better alternatives, which I will pursue"
13. Members are able to attend local meetings and site visits to gather evidence and hear views expressed but it is advisable always to do so in the company of others. Officers should attend with members wherever possible.
14. But difficulties could arise if members were to say, for example:
 - "I will never vote for/against these proposals"
 - "I was elected to oppose/support this proposition and I am bound to do so."

Interests arising in relation to overview and scrutiny committees

15. In addition to any other interest which the member may have, a member of a scrutiny committee shall declare a personal interest as defined in the Code of Conduct in respect of any matter in which he or she has had prior involvement, as a member of an executive task and finish group, provided:
 - (a) that an adviser to a cabinet member who has advised a cabinet member whose decisions or recommendations are being reviewed by that scrutiny committee may be asked to support the cabinet member in responding to the scrutiny committee.
 - (b) that membership of an executive task and finish group, shall only constitute a prejudicial interest where the scrutiny committee is reviewing the recommendations of the task and finish group, and
 - (c) that a member of a scrutiny committee who is a member of an executive task and finish group which has reported to a cabinet member whose decisions or recommendations are being reviewed by that scrutiny committee and therefore has a prejudicial interest may be asked to support the cabinet member in responding to the scrutiny committee. In any event the member concerned will not be entitled to vote on that item.
16. You also have a prejudicial interest in any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where:
 - (a) that business relates to a decision made (whether implemented or not) or action taken by the authority's executive or another of the authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
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 council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</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.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer corporate tenancies. Any tenancy where (to the councillor's knowledge):</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>

Subject	Description
Securities	<p>Any beneficial interest in securities* of a body where:</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were.</p>
Key	<p>* 'director' includes a member of the committee of management of an industrial and provident society.</p> <p>* '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.</p>

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

Type of Other Registrable Interest
(a) any unpaid directorships
(b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
<p>(c) any body:</p> <p>(i) exercising functions of a public nature</p> <p>(ii) directed to charitable purposes; or</p> <p>(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.</p>

Table 3: Non declarable interests

You do not have a declarable interest if a decision relates to the functions of the authority in respect of:

Type of Non declarable interest
(i) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
(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, such pay;
(iii) an allowance, payment or indemnity given to members;
(iv) any ceremonial honour given to members; or
(v) setting council tax or a precept.

Appendix C - Guidance on Hospitality and Gifts

1. Introduction

- (1) This guidance provides further advice about gifts and hospitality. If a member is in any doubt about the propriety of accepting a particular offer of a gift or hospitality, they should consult the Director of Law and Assurance as Monitoring Officer before accepting.
- (2) Members should treat with extreme caution any "offer or gift, favour or hospitality" that is made to them personally.
- (3) People or bodies may have contractual relationships with the County Council which they may seek to influence, or which it might be suspected they were attempting to influence, even if the gift was offered innocently. The same would apply within contexts such as applications for planning permission.
- (4) There are no hard and fast rules, but cites as acceptable a working lunch which is approved by the authority and where there is no extravagance, or representing the council at a social function or event organised by an outside body or person.
- (5) Members are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government. The offer or receipt of gifts or invitations should always be reported to the appropriate senior officer for the council.
- (6) Members should avoid impropriety and the appearance of it. Members should never use their position to benefit themselves, their family or friends with any financial benefits, preferential treatment or other advantage. On hospitality, members should record all gifts and hospitality received in connection with membership of the County Council and, in particular, should not accept gifts or hospitality that might reasonably be thought to influence or be intended to influence the members' trust or bring discredit on the County Council.

2. General Guidance on Gifts and Hospitality

- (1) When to accept hospitality is a matter of judgement for each individual member. An important criterion in exercising judgement as to what is acceptable is what interpretation those in the community or the press might reasonably put upon acceptance.
- (2) It would be wrong to produce an atmosphere where even members acting in a representative capacity for the council refuse all invitations for social involvement with those who have or who seem to have business or other dealings with the County Council. Contacts established through a social environment are often helpful to the County Council's interests. Members have as a key part of their role the establishment of the standing of the County Council in the community.

- (3) Any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence must be avoided.
- (4) Extravagance can be damaging to the reputation of the authority.

3. Registration

The Director of Law and Assurance maintains a register of hospitality and gifts. Any gifts or hospitality received from an external party of an estimated value of at least £50 must be registered as in Part 2, section 5(1)(iii) above.

4. Examples of Acceptable Gifts

- (1) Working lunch of a modest standard provided to allow a member to discuss matters in which he is involved on behalf of the authority or which arise out of his work as a "constituency" member. [If there is a series of meetings requiring hospitality, the County Council and the other party should alternate on an approximately equal basis.]
- (2) An invitation to a professional society dinner or one associated with a body with whom the elected member may have been working in his capacity as such. For example, Royal garden parties or the annual dinner of an Association.
- (3) An invitation to join other guests in West Sussex or neighbouring counties as the County Council representative at a jubilee or other special occasion for a statutory, charitable or other body (including commercial organisation) with whom the member may expect to work in their role as such.

5. Examples of Unacceptable Gifts

- (1) Paid holiday or leisure travel or accommodation.
- (2) Tickets for premium events (e.g. Wimbledon) which are offered on a personal basis.
- (3) Use of an individual or organisation's flat or hotel.
- (4) Discounted services, material, labour etc from contractors or suppliers which are not normally equally available on the same basis to others not having an actual or potential business link with them. (Members should not procure or encourage any such provision to family, friends or business associates.) Members should consider it appropriate to get more than one quote on private works, e.g. on their own house, if a supplier to the County Council is involved.
- (5) Non-reciprocal invitations to high-profile or prestige events, particularly outside West Sussex, unless specifically authorised on behalf of the County Council.
- (6) Cash gifts.
- (7) Significant gifts in kind (e.g. a case of whisky but not a company calendar or diary).

Appendix D - IT Provision and Usage Policy

1. Introduction

IT equipment is provided to members to support them in carrying out their role as county councillors. All members are expected to adhere to the West Sussex County Council Acceptable Use Policy, which is available on the West Sussex County Council Intranet. **The County Council will conduct routine monitoring of internet and email traffic in order to measure compliance and mitigate security risk.**

2. Computers and Phones

(1) Computers and connection

- (a) West Sussex County Council will provide all members with a standard lightweight, touchscreen laptop which will include all software required to connect to the West Sussex County Council network and conduct day to day business. This includes an electronic diary, integrated telephone and video conferencing facilities. Members are encouraged to make full use of the functionality of the IT available to enable virtual working and reduce paper consumption and help ensure the most efficient use of member and officer time.
- (b) The computer equipment will connect to the County Council's network via home broadband (and directly in any County Council building).

(2) Access via personal mobile devices and additional hardware/software

- (a) Access to Council emails and calendars on personal smartphones or tablets via the Intune Company Portal app is available to all members. Corporate mobile devices (such as smartphones) can be issued upon request to members who undertake responsibilities for which they receive a Special Responsibility Allowance (SRA) and subject to approval of the appropriate cabinet member. Should the member cease to undertake such responsibilities the smartphone will be switched off, recalled and reissued if needed to the member taking over those responsibilities if applicable.
- (b) Any further hardware or software requirements need to be approved by the appropriate cabinet member following the recommendation of the member's group leader with justification for the request. Any necessary additional software or hardware will be obtained and only installed by IT Services Unit specialists.

(3) **Printing**

Members are encouraged to avoid printing where possible to support digital working and to save paper. Through the laptop and software provision, all members will have access to the network printing facilities (which includes photocopying and scanning). This enables members to send documents from their home for collection at any of the main County Council premises and similarly to scan a document from the printing device and send it to the member's County Council e-mail address.

3. Support and Lost or Stolen equipment

- (1) The equipment is maintained under the County Council's hardware and software support contract. Any faults will be dealt with either by correcting them on the existing equipment or by the provision of replacement equipment.
- (2) The County Council does not offer a home visit service and as such any faults that require hardware replacement or fix will need to be brought in to the nearest County Council building at agreed times to suit both members and support staff.
- (3) You can report any problems or faults through the dedicated Members' Service Desk telephone line (01243 777007) or on the intranet. The operating hours of the service are 7.00 a.m. to 7.00 p.m. on Monday to Friday. Your fault will be logged and you can expect a four hour response and four day fix in line with the service level agreements contracted between the County Council and Capita IT.
- (4) In the unfortunate event of any equipment being lost or stolen contact the IT Service Desk to report the incident on 01243 777007 as soon as possible, you will also need to report the situation to the police if stolen and retain the police incident reference.

4. Duties of Care

- (1) Your principal duties under the IT Policy are:
 - To take reasonable care to safeguard the computer equipment.
 - To follow instructions given by the County Council, its agents and manufacturers of the equipment as to its use, and not to allow it to be interfered with.
 - To allow reasonable access to the equipment for any necessary work, adjustment, removal or replacement.
 - To report any damage to the equipment within one week of its occurring.
 - Comply with the terms of the IT Policy and Acceptable Use Policy.
 - To manage your email mailbox content to ensure removal of old emails no longer required keeping the mailbox within the agreed size limits. Email mailbox sizes limits will not be increased due to mismanagement of emails.

- To treat personal information carefully in line with data protection requirements and be aware of the possibility of having to disclose emails as part of freedom of information requests.
 - You must not send emails or documents from County Council email addresses to your personal or a family email address other than for the purpose of printing or reading the document, after which the document will be deleted. Only your County Council email address may be used for sending information held by the County Council.
 - You must switch off and restart your laptop at least once a week to make sure that any updates that have been downloaded are installed. This ensures the laptop receives the latest security, antivirus and system updates that will keep the laptop optimised for use. The longer the time between restarts, the longer it will take to power up a laptop and multiple reboots may be required.
 - Password resets can be performed over the phone. However, proof of identification is required to ensure details are provided to the correct person. Members will be required to provide these security details during a call to enable the password to be reset.
- (2) The County Council's principal duties are to take reasonable care to carry out its obligations under the IT Policy responsibly and to make appropriate and timely arrangements with any agent or contractor for appropriate supply and maintenance. It is important you appreciate, however, that the County Council does not:
- **Accept liability for loss of any personal data stored on the computer.**
 - **Accept liability for accidents arising out of work done on your computer in your home, unless they result in death, injury or loss of property and are directly due to the negligence of the County Council or its agents.**

When you cease to be a member of the County Council, for whatever reason, all computer equipment and software remain the property of the County Council, and will need to be returned to the nearest County Council building normally within a two-week period after the end of your term of office. You should not use the equipment, other than on terms agreed in advance with the County Council, after the date when you cease to be a member. All data on the machine will be deleted so that the equipment can be reused.