

# **Re-imagining Newhaven Board**

Code of Conduct and Register of Interest Policy

December 2023

## INTRODUCTION

The Code of Conduct and Register of Interest Policy (the Code) provides, by way of guidance to members of the Re-imagining Newhaven Board (Board), the standards of conduct required in carrying out their duties, and in their relationships with Lewes District Council (Council) and the Department of Levelling up Housing, and Communities (DLUHC) in the management and delivery of the Re-imagining Newhaven programme.

The Code applies to all members of the Board and all members are required, on accepting or continuing office, to declare that they will be guided by the Code.

The Code also applies to all Council staff involved in delivery and advisers, whether or not they are voting representatives. The Code represents the standard against which the conduct of all involved in the Re-imagining Newhaven programme will be judged, by the public, by their fellow Board members and by the DLUHC.

There are ten principles which all involved should work to (see Annex 1).

## THE CODE

### *General Rules*

1. Members hold office as outlined in the Re-imagining Newhaven Board Terms of Reference (Annex 4) and must at all times act within that capacity. You should make sure that you are familiar with the guidance contained in this Code. It is your responsibility to make sure that what you do complies with these requirements and this guidance. You should regularly review your personal involvement, particularly when your circumstances change. You should not at any time advocate or encourage anything to the contrary. If in any doubt, seek advice from your own legal adviser or from the Council. In the end, however, the decision and the responsibility are yours.
2. All Members and officers involved in the Re-imagining Newhaven programme must complete a **Register of Members' Interest Form**, which will be held on file by the Council (see Annex 2 for template form).
3. You must at all times:
  - a. Treat people with respect
  - b. Ensure you do not do anything which causes the Board to breach any of the equality enactments (as defined by the Equality Act 2010)
  - c. Intimidate or attempt to intimidate any person involved in the programme
  - d. Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Board.

### *Public Duty and Private Interest*

4. Your overriding duty as a representative is set out in the Board Terms of Reference (Annex 4), whilst you may be strongly influenced by the views of others, and of the sector or organisation that you represent in particular, it is your responsibility alone to decide what view to take on any question which members have to decide. If you have a private or personal interest in a question which members have to decide, you should never take part in the decision, except in the special circumstances described in article 16. Where such circumstances do permit you to participate, you should never let your interest influence the decision. You should never do anything as a member which you could not justify to the public or your fellow Board members. Your conduct and what the public believes about your conduct, will affect the reputation of the Board and the organisation or sector that you represent.

5. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.
6. A conflict of interest can exist when either:
  - a. There is a direct or indirect financial interest in another company
  - b. There is a non-financial or personal interest in another company, organisation, person or other
  - c. A senior position held in a private, or public, company, organisation or other
  - d. Any of the above circumstances applying to an employee's family members.

### ***Disclosure of Pecuniary and Other Interests***

7. There are provisions in the Board Terms of Reference (Annex 4) requiring you to disclose interests which you may have in any matter coming before the Board or any management groups /sub-groups that it may arrange. Depending on the nature of the interest declared one of the following will happen in a meeting:
  - a. You will leave the room for that item
  - b. You will remain but take no part in the discussion
  - c. You will remain but contribute only factual information and clarifications
  - d. You will contribute to the discussion but not take part in the decision, and therefore not be counted towards a quorum
  - e. You will remain as a full member of the meeting.
8. The appropriate action will be decided by the Board with guidance from council officers if needed.
9. You must also declare all relevant pecuniary (financial) interests in the register kept for this purpose (Annex 2).
10. Interests which are non-pecuniary can be just as important and should be included in the register. You should not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest, rather than forwarding the interest of the Board. Private and personal interests include those of your family and friends, as well as those arising through membership of, or association with, clubs, societies and other organisations such as the trade unions and other bodies active in the community.
11. Examples of relevant pecuniary and non-pecuniary interests can be found in Annex 2.
12. You must always declare a pecuniary interest beyond those held as standing interests in the register at a Board meeting or whilst conducting any other Board business.
13. If you have a private or personal non-pecuniary interest whilst conducting Board business, for example during a Board meeting, you should always disclose it, unless it is insignificant, or one which you share with other representatives of the public generally as a ratepayer, a council taxpayer or an inhabitant of the area.
14. Where you have declared a private or personal interest (pecuniary or non-pecuniary), the Council with your input will decide whether it is clear and substantial. If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If, however, it is a clear and substantial interest, then (except in the special circumstances described below in article 16) you should only take such part in the proceedings allowed by the Board Terms of Reference and should always expect to withdraw from the meeting whilst the matter is being considered.

15. In deciding whether such an interest is clear and substantial, you should ask yourself whether representatives of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think so, you should regard the interest as clear and substantial.
16. In the following circumstances, but only in these circumstances, it can still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest:
  - a. If your interest arises from being an ordinary member or supporter of such an organisation (and you are not a member of its managing committee or other governing body), then you may speak and vote on any matter in which the organisation has an interest.
17. Records on interests declared will be maintained by the Council.
18. The requirements around declaring and recording interests must be scrupulously observed at all times.

### ***Board Members, Advisers and Officers***

19. Board members, advisers and Council officers are there to serve the interests of the programme and they are indispensable to one another. But their responsibilities are distinct. Whilst Board members have the vote and advisers/council officers do not, the guidance applies to both.
20. The job of the programme staff is to give advice to Board members and to the Board as a whole, and to carry out the Board work under the direction and control of the Board and the Council.

### ***Use of Confidential and Private Information***

21. As a representative of the Board you may acquire much information that has not yet been made public, is of commercial value and thus is confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the Board or anyone else.
22. Information of a confidential nature must not be disclosed to anyone unless
  - a. You have the consent of the person authorised to give it
  - b. You are required by law to do so.

### ***Gifts and Hospitality***

23. You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the Board, or may be interested in future investment opportunities, or support another kind of decision.

24. There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that no extravagance is involved. Likewise, it may be reasonable for a member to represent the Board at a social function or event organised by outside persons or bodies. All gifts and hospitality should be notified in the agreed format (see Annex 3 for relevant form), in order that a register can be maintained.
25. You 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 the Board.

### ***Dealings with the Board***

26. You may have dealings with the Board on a personal/professional level, for instance as an applicant for a grant or support. You should never seek or accept preferential treatment in those dealings because of your position on the Board. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment: for instance, by failing to carry out a contractual duty to the Board, or by using your position to discuss an application personally with programme staff when other representatives of the public would not have the opportunity to do so. Likewise, you should never use your position on the Board to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

### ***Appointments to Other Bodies***

27. Should you be appointed or nominated by the Board to serve on another body or organisation you should always observe this Code in carrying out your duties on that body in the same way that you would with your own Board.

### **Review**

29. This Code of Conduct and Conflict of Interest Policy and individual Register of Interest Forms should be kept under constant review but should be formally reviewed on an annual basis.



Signed by Chair of the Re-imagining Newhaven Board

Date signed:



Date reviewed: December 2023

## Annex 1: The Ten General Principles

The general principles governing your conduct, based on the Nolan Principles:<sup>1</sup>

### *Selflessness*

- 1.** You should serve only the wider interest and should never improperly confer an advantage or disadvantage on any person.

### *Honesty and Integrity*

- 2.** You should not place yourself in a situation where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### *Objectivity*

- 3.** You should make decisions on merit, including when making appointments, awarding project contracts, or recommending individuals for such project rewards or benefits.

### *Accountability*

- 4.** You should be accountable to the public for your actions and the manner in which you carry out such responsibilities and should co-operate fully and honestly with any scrutiny appropriate.

### *Openness*

- 5.** You should be as open as possible about your actions and those of Board and should be prepared to give reasons for those actions.

### *Personal Judgement*

- 6.** You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.

### *Respect for Others*

- 7.** You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. You should respect the impartiality and integrity of the Board and Programme staff.

### *Duty to Uphold the Law*

- 8.** You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in Board.

### *Stewardship*

- 9.** You should do whatever you are able to do to ensure that the Board use their resources prudently and in accordance with the law.

### *Leadership*

- 10.** You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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<sup>1</sup> <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

## Annex 2: Register of Interests Re-imagining Newhaven Board

### 1. Introduction

1.1 You are a member of the Re-imagining Newhaven Board and your actions will impact on how the Re-imagining Newhaven Board as a whole is viewed and your actions can have both a positive and negative impact on the Re-imagining Newhaven programme. It is essential that the programme can demonstrate the highest standards of probity in all activity. There must therefore be transparency on the part of those who are in a position of authority, power or influence.

1.2 As a Member of the Re-imagining Newhaven Board it is your responsibility to comply with the provisions of this Policy.

1.3 This Policy applies to all Re-imagining Newhaven Board members and their nominated representatives.

1.4 This Policy also applies to the any members of staff involved in advising Board members on decisions; this includes, as a minimum, all members of Lewes District Council, Newhaven Town Council, and East Sussex County Council officers involved in the development and delivery of the initiative. As a minimum, all applicable staff should review their interests every six months, or as required by this Policy in relation to new interests pertaining to a meeting or decision.

### 2. Definitions

2.1 In this Policy the following phrases have the following meanings:

2.1.1 **'body in which the relevant person has a beneficial interest'** - means a firm in which you or your spouse or partner is a partner or a body corporate of which the relevant person is a director (whether or not remunerated), or in the securities of which you or your spouse or partner have a beneficial interest.

2.1.2 **'Code Interest'** – means those additional interests and relationships set out in 6.2 below, which are not covered by Disclosable Pecuniary Interests, and which the Board have determined as being so significant that they should be registered.

2.1.3 **'Disclosable Pecuniary Interest'** - is an interest defined as such by the Localism Act 2011 or regulations made there under.

The Re-imagining Newhaven Board is made up of representatives from both local authorities as well a wide range of other organisations and businesses. Whilst it is acknowledged that the principles of the Localism Act 2011 do not apply to business partners, the Board have adopted those principles relating to disclosable pecuniary interests so that they are applicable to all Members of the Re-imagining Newhaven Board.

2.1.4 **'any member of the Re-imagining Newhaven Board'** – means both local authorities and all partner organisations who make up the membership of the Board.

2.1.5 **'Re-imagining Newhaven area'** – means the boundary of Newhaven Town, as shown in the [map available on the Council's website](#).

### **3. Registration of Interests**

3.1 You are required to register details of your Disclosable Pecuniary Interests and your Code Interests, within 40 days of becoming a Member of the Re-imagining Newhaven Board in the Register of Members' Interests held by the Secretariat.

3.2 You must keep your entry in the register of interests up to date by notifying the Secretariat of any changes to your interests within 28 days of the change occurring.

3.3 You must review your register of interests before each Board meeting and decision-making meeting, and declare any interests when asked by the Chair at the start of the meeting.

3.4 A copy of the form required to be completed to register your interests is attached at the end of this Policy.

### **4. Declaration of Interests at Meetings**

4.1 A meeting means any meeting of the Re-imagining Newhaven Board and any working groups/sub-groups.

4.2 Where any matter to be considered at a meeting of the Board at which you are present which relates to or may have an impact upon a body or matter in which you have a Disclosable Pecuniary Interest or a Code interest, you must disclose the existence and nature of that interest to the meeting.

4.3 Where a Disclosable Pecuniary Interest declaration has been made, you must:

4.3.1 withdraw from the room where the meeting considering the business is being held at the time that item of business is being discussed; and

4.3.2 not participate in any debate or vote on the matter.

4.4 When declaring an interest at a meeting you need not disclose the nature of the interest if you and the project team have agreed that it ought not to appear on the public register of interests, but you must otherwise comply with the rules about declarations of interest.

4.5 Board Members are required to declare an interest on decisions, irrespective of whether or not they are able to attend the meeting at which the decision is to be taken.

Where a Board member declares an interest, a substitute member is unable to vote on their behalf.

4.6 All declarations of interest made at meetings will be recorded together with any actions undertaken by the Board as a result of the declaration. This record will form part of the formal minutes of the meeting and which are published on Lewes District Council's [website](#).

### **5. Disclosure of Interests in Discussions and Correspondence**

5.1 If you have an interest in any matter which would require you to declare it at a meeting, and that matter is raised in any discussion or correspondence, whether in person, by telephone or email or otherwise, with any member, employee, contractor or agent of the Board must:



5.1.1 make a full disclosure of that interest at the outset of any discussions or correspondence, or as soon as the matter is raised; and

5.1.2 not seek improperly to influence a decision about that matter.

## **6. Interests to be Declared and Registered**

6.1 You have a Disclosable Pecuniary Interest if you or your partner has an interest in the following:

6.1.1 Any employment, office, trade, profession or vocation carried on for profit or gain

Any payment or provision of any other financial benefit (other than from the Re-imagining Newhaven Investment Plan funding) made or provided within the previous twelve months in respect of any expenses incurred by the member in carrying out duties as a Member, or towards election expenses

6.1.2 Any contract for goods, services or works which has not been fully discharged between the relevant person (or a body in which the relevant person has a beneficial interest) and any member of the Board

6.1.3 Any beneficial interest in any land in the Re-imagining Newhaven area

6.1.4 Any license of any land in the Re-imagining Newhaven area (alone or jointly with others) to occupy land for a month or longer

6.1.5 Any tenancy where to the Member's knowledge (a) the landlord is any member of the Board and (b) the tenant is a body in which a relevant person has a beneficial interest

6.1.6 Any beneficial interest in securities of a body where:

- a. that body (to the Member's knowledge) has a place of business or land in the area of the Re-imagining Newhaven programme; 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.

6.2 Further the Board have determined that you will also have an interest, known as a Code Interest, in matters falling within any of the descriptions below:

6.2.1 Any contract for goods, services or works which has not been fully discharged between you, your spouse or partner or a body in which the relevant person has a beneficial interest and a body controlled by any member of the Board

6.2.2 Any contract with any member of the Board which has expired within the last 2 years and which was, when it was in force, a Disclosable Pecuniary Interest.

6.2.3 Any body of which you are a member or in which you hold a position of general control or management and to which you have been appointed or nominated by any member of the Board

6.2.4 Any other body of which you are a member or in which you hold a position of general control or management -

- a. which exercises functions of a public nature
- b. which is directed to charitable purposes; or
- c. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

6.2.5 Any matter which might reasonably be regarded as affecting the well-being or financial position of:

- a. Yourself
- b. a body in which you have a Disclosable Pecuniary Interest or a Code Interest, or
- c. a friend, relative or close associate

to a greater extent than the majority of other members of the public affected by the decision.

## **Annex 2: Re-imagining Newhaven Board Register of Members' Interests Form**

As a Board Member/ex-officio Member of the Board, I declare that I have the following disclosable pecuniary and/or non-pecuniary interests. (Please state 'None' where appropriate, do not leave any boxes blank)

**\*Spouse/Partner** – In the notice below my spouse or partner means anyone who meets the definition in the [Localism Act](#), i.e. my spouse or civil partner, or a person with whom I am living as a spouse or a person with whom I am living as if we are civil partners, and I am aware that that person has the interest having carried out a reasonable level of investigation. Where your spouse or partner has recently been involved in any activity which would have been declarable, this should be mentioned, with the date the activity ended.

<b>Section 1</b>	Any Employment, Office, Trade, Profession or Vocation Carried On For Profit Or Gain	Myself	Spouse/Partner*
1.1	Name of: <ul style="list-style-type: none"> <li>- your employer(s)</li> <li>- any business carried on by you</li> <li>- any other role in which you receive remuneration (this includes remunerated roles such as councilors).</li> </ul>		
1.2	Description of employment or business activity.		
1.3	The name of any firm in which you are a partner.		
1.4	The name of any company for which you are a remunerated director		

Section 2	Sponsorship	Myself	Spouse/Partner*
2.1	<p>Any financial benefit obtained which is paid as a result of carrying out duties as a Member.</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 (a)</p>		

Section 3	Contracts	Myself	Spouse/Partner*
3.1	Any contract for goods, works or services entered by any organisation named at 1.1 where either party is likely to have a commercial interest in the outcome of the business being decided by the Board.		

Section 4	Contracts	Myself	Spouse/Partner*
4.1	<p>Any beneficial interest you or any organisations listed at 1.1 may have in land or property which is likely to be affected by a decision made by the Board in a forthcoming meeting.</p> <p>This would include, within the area of the Re-imagining Newhaven programme:</p> <ul style="list-style-type: none"> <li>Any beneficial interest in any land in the Re-imagining Newhaven area, including your place(s) of residency</li> </ul> <p>For property interests, please state the first part of the postcode and the Local Authority where the property resides. If you own/lease more than one property in a single postcode area, please state this.</p>		

Section 5	Contracts	Myself	Spouse/Partner*
5.1	<p>Any interest in securities of an organisation under 1.1 where: -</p> <ul style="list-style-type: none"> <li>a) that body (to my knowledge) has a place of business or land in the area of the Re-imagining Newhaven programme; and</li> <li>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 I have an interest exceeds one hundredth of the total issued share capital of that class.</li> </ul> </li> </ul>		



# Other Interests

## Membership of Organisations

I am a member of, or I am in a position of general control, a trustee of, or participate in the management of (*please state the organisation*):

1. Anybody to which I have been appointed or nominated by the Board:

2. Anybody exercising functions of a public nature (e.g. school governing body):

3. Anybody directed to charitable purposes:

4. Any body, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

5. Any local authority (please state any interests you hold as LA leaders/cabinet members for LA land, resources and the LA's commercial interests):

6. Any other interest which I hold which might reasonably be likely to be perceived as affecting my conduct or influencing my actions in relation to my role.

# MEMBER'S DECLARATION AND SIGNATURE

I confirm that:

- having carried out reasonable investigation, the information given above is a true and accurate record of my relevant interests, given in good faith and to the best of my knowledge.
- I shall review this register of interests before each board meeting and decision-making committee meeting, submitting any necessary revisions to the Board Secretariat.
- Even if a meeting has not taken place I shall, within 28 days of becoming aware of any change to the interests specified above, provide written notification to the Board Secretariat, of that change.
- I have done and shall continue to comply with all other Re-imagining Newhaven policies, including, but not limited to, the Code of Conduct and the Conflicts of Interest Policy; I understand that all the policies are available from LDC officers on request.

Name		Date received (to be completed by Board secretariat)
Signature		
Date		

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### Annex 3: Hospitality and Gifts Received Form

#### HOSPITALITY AND GIFTS RECEIVED

Name: .....

Organisation:

.....

Board member of:

..... Suppliers

Name: .....

Date Received:

.....

Nature of Hospitality or Gift

.....

.....

.....

.....

Estimated Value:

.....

Signed: .....

Date: .....

Logged and recorded

Secretariat member:

.....

Date: .....

Please return via email to: Regeneration Team for inclusion on the central Register.

[Regeneration-Monitoring@lewes-eastbourne.gov.uk](mailto:Regeneration-Monitoring@lewes-eastbourne.gov.uk)

## **Annex 4: Terms of Reference**

[The Board Terms of Reference](#) are available online.

## **Annex 5: Membership of Re-imagining Newhaven Board**

[The Board Membership list](#) is available online.

