

CONSTITUTION FOR THE OLDER PEOPLE'S COUNCIL

INTERPRETATION

In this constitution, unless the context otherwise demands, the following terms have these meanings:

- “member” means an elected member of the Older People’s Council for Brighton & Hove
- “OPC” means the Older People’s Council for Brighton & Hove
- “legal adviser” means the legal adviser appointed for the time being by Brighton & Hove City Council, or such legal adviser as shall in due course be retained by the OPC, or the representative acting on behalf of her/him.
- “monitoring officer” means the Brighton & Hove City Council’s monitoring officer, who is Head of Law, and responsible for ensuring that the City Council carries out its functions in accordance with the law and any other codes or protocols agreed by the City Council.

1. NAME

The name of the Council is the Older People’s Council (OPC) (hereinafter called “the OPC”).

2. OBJECTS

The OPC is established to inform the policy and decision making of Brighton & Hove City Council (hereinafter called “the City Council”), including service development, service delivery and resource allocation, with regard to matters that impact on the quality of life, and the opportunities, available for older people living in the Brighton & Hove area.

3. POWERS

In furtherance of the said objects, but not otherwise, the OPC may:

- (a) Consult with older people, older people’s organisations, and individuals working with older people.
- (b) Bring together in conference representatives of voluntary organisations, government departments, statutory authorities and individuals;

- (c) Promote and carry out or assist in promoting and carrying out research, surveys and investigations and publish the results thereof;
- (d) Arrange and provide for or join in arranging and providing for the holding of exhibitions, meetings, workshops, lectures, classes, seminars and training courses;
- (e) Collect and disseminate information on all matters affecting the said objects and exchange such information with other bodies having similar objects whether in this country or overseas;
- (f) Cause to be written and printed or otherwise reproduced and circulated material in printed, recorded or digital format such as papers, books, periodicals, pamphlets or other documents, and sound or visual transmissions and recordings, as shall further the said objects;
- (g) Do all such other lawful things as are necessary for the attainment of the said objects.

4. THE OPC

- (a) Policy and general management of the business of the OPC shall be directed by its elected members.
- (b) The OPC shall meet not less than 9 times a year including the Annual Meeting. Of those 9 meetings, at least 3 will be open Public Meetings. Members of the public with an interest in other meetings may attend at the discretion of the Chair.
- (c) The OPC shall consist of 9 elected members, one for each of the electoral zones within Brighton & Hove as set out in Appendix 1.
- (d) Members of the OPC shall act in accordance with its constitution, its code of conduct and with the protocols and the codes of practice that the OPC may from time to time adopt. All the documents referred to in this clause form an integral part of the OPC's constitution.

5. THE OPC'S CODE OF CONDUCT FOR MEMBERS

- (a) The OPC has adopted a code of conduct governing the conduct expected of the members of the OPC. The code of conduct is attached at Appendix 2.
- (b) Each member of the OPC must sign the written undertaking that s/he will observe the code of conduct for members of the OPC. The written undertaking is attached at Appendix 3.
- (c) An individual who becomes a member of the OPC at any time after the OPC has adopted its code of conduct for members must also provide a written

undertaking that s/he will observe the OPC's code of conduct.

- (d) A member may not take part in any OPC meeting or conduct any OPC business whatsoever until s/he has signed an undertaking that in performing her/his duties s/he will observe and comply with the OPC's code of conduct.
- (e) If any member of the OPC fails to sign the written undertaking to observe the OPC's code of contact within 2 months of it being adopted or within 2 months of becoming a new member then that member will automatically cease to be a member of the OPC.

6. BREACHES OF THE OPC CODE OF CONDUCT

In the event of an allegation that there has been a breach of the Code of Conduct by a member or members of the OPC, a Conduct Panel of the OPC will conduct an investigation into that allegation, and will inform the City Council's Legal Adviser of the allegation and of the outcome of the investigation. The Terms of Reference for that Panel are given below.

Terms of reference for the Conduct Panel investigating breaches of the Code of Conduct

- (a) **Purpose**
The purpose of the Conduct Panel is to investigate alleged breaches of the OPC Code of Conduct.
- (b) **Membership**
 - (i) The Conduct Panel will consist of the principal officers of the OPC: the Chair, the Vice-Chair, the Secretary and the Treasurer, except where one or more of these individuals have a personal and prejudicial interest in the matter by virtue of being the subject of the allegation. Where all 4 of these post holders are conflicted out, for example where all are implicated in the allegation, the Panel should comprise all other 5 members of the OPC. If the allegation is made against the entire membership of the OPC, the matter should be referred to the Legal Adviser.
 - (ii) The quorum for a Conduct Panel will be a minimum of three members.
- (c) **Powers and Procedures**
 - (i) The Conduct Panel will report to the Legal Adviser that a breach has been alleged, including brief details of that allegation, and that it will investigate the allegation.
 - (ii) The Conduct Panel will take any action that in their opinion is appropriate in the OPC's interest once they are aware of an alleged breach of the Code of Conduct by a member/members of the OPC.
 - (iii) A member who is the subject of an investigation by the Conduct Panel shall cooperate fully with the requirements of the Panel during the investigation.

- (iv) The Conduct Panel will hear the evidence and give full opportunity for both sides to present their case (verbally or in writing) regarding any allegations of a breach of the Code.
- (v) The Conduct Panel will if necessary request the attendance of other OPC members and of non-members with evidence relevant to the allegation.
- (vi) At the conclusion of the investigation, the Conduct Panel will withdraw to consider its decision.
- (vii) The Conduct Panel's decision will be made on the basis of a majority vote, with the Chair having a casting vote in the event of an even vote.
- (viii) When the Conduct Panel has reached its conclusion about the alleged breach, it should propose any sanctions which it decides are necessary. The sanctions open to the Panel shall range from: no action to be taken through to suspension of that member from the OPC and/or any other course of action in between as is appropriate in the circumstances.
- (ix) Before announcing its decision, the Conduct Panel will refer the decision to the Legal Adviser for further comments.
- (x) The person or persons against whom allegations have been made will normally be advised of the Conduct Panel's decision at the conclusion of their deliberations and after that decision has been referred to the Legal Adviser. The Panel's decision will be provided verbally and in writing, and a copy will also be provided for the Legal Adviser.

7. ELECTION TO THE COUNCIL

- (a) Election to the OPC shall be open to individuals of 60 years and over ("older people"), resident in Brighton & Hove who are:
 - (i) on the electoral roll for elections to the OPC;
 - (ii) a British, Commonwealth or European Union citizen; and
 - (iii) interested in furthering the work of the OPC;

except those individuals who are elected members or officers of the City Council or who hold office as either the Chair, Vice-Chair or Secretary of any political party.
- (b) Political party preference and/or allegiance shall not be a feature of any profile issued by a candidate before any election. No political or other organisation shall become involved in the nomination of a candidate and shall not be involved in the promotion of her/his candidature. If such involvement is proved then the election of the candidate shall be declared null and void.
- (c) The members of the OPC shall be elected within 2 months of the City Council elections by full postal ballot and in consultation with the Electoral Services Officer, in accordance with this clause:
 - (i) Election to the OPC shall be for 4 years.

- (ii) Members, if re-elected, may stay in office until they stand down or are not further re-elected.
 - (iii) Nominations for individuals to be elected to the OPC must be made by 10 older persons resident in the electoral zone in which the individual proposes to stand for election. Nominations must be made in writing and must be provided to the City Council's Returning Officer in accordance with a time-scale to be determined by the City Council's Returning Officer.
 - (iv) Elections shall be by a method agreed in consultation with the City Council's Returning Officer.
 - (v) If a member in a particular zone is unable to continue serving as a member of the OPC (by virtue of death or long term incapacity) or resigns her/his membership of the OPC or her/his membership is determined for any of the reasons set out in Clause 8 below, there shall then be a by-election to fill the vacancy for that electoral zone.
- (d) The proceedings of the OPC shall not be invalidated by any failure to elect or by any defect in the election, appointment, co-option or qualification of any member.
- (e) The OPC may appoint such special or standing committees as may be deemed necessary by the OPC and shall determine their terms of reference, powers, duration and composition. All acts and proceedings of such special or standing committees shall be reported back to the OPC as soon as possible thereafter.

8. DETERMINATION OF MEMBERSHIP OF THE COUNCIL

- (a) A member of the OPC shall cease to hold office if s/he:
- (i) becomes incapable by reason of mental disorder, illness or injury of managing and administering her or his own affairs; or
 - (ii) resigns her or his office by notice in writing to the legal adviser; or
 - (iii) accepts election to any of the principal offices in any political party, such as Chair, Vice-Chair, Secretary, Treasurer

It is permissible for a member of the OPC to hold an honorary position or be an ordinary member of a management group of a political party provided that the member does not engage in any of the following activities:

- speaks or publishes any written or artistic work with the intention of affecting public support for a political party; or
 - canvasses in the interests of any political party with the exception of delivering party political leaflets and telling at polling stations.
- (iv) is absent from 3 consecutive meetings of the OPC; and
- (b) A member of the OPC shall be suspended from participation in the work of the OPC for a period of up to six months if s/he;

- (i) speaks or publishes any written or artistic work with the intention of affecting public support for a political party; or
 - (ii) canvasses in the interests of any political party with the exception of delivering party political leaflets and telling at polling stations; and
- (c) If during or within one year following a period of suspension for engaging in the activities described in paragraph 8(b) above the member further engages in either of these activities s/he shall automatically cease to be a member of the OPC; or
- (d) If for good and sufficient reason a majority of the other members of the OPC pass a resolution that an OPC member shall cease to hold office that resolution shall prevail provided that an OPC member faced with possible removal from the OPC shall have the right to be heard by the other OPC members before a vote is taken; or
- (e) If an OPC member is in breach of the OPC's code of conduct and the breach is such that the legal adviser recommends to a panel authorised by the OPC to act on its behalf that the member should cease to hold office and the panel supports the legal adviser's recommendation the OPC member shall cease to hold office.

9. ORDER OF BUSINESS AT MEETINGS OF THE OPC

The order of business at meetings of the OPC shall normally be:

- (a) In the absence of the Chair and Vice-Chair, to choose a member present at the meeting to preside at the meeting;
- (b) To receive declarations of interest in matters to be considered at the meeting;
- (c) At the Annual Meeting, or at any other meeting after the office of Chair or Vice-Chair has become vacant, to elect a Chair or Vice-Chair;
- (d) To approve as a correct record the minutes of the last meeting of the OPC, and of any earlier meeting of which the minutes have not already been approved, and for the person presiding to sign them;
- (e) To consider items of business on the agenda for the meeting;
- (f) If the person presiding at the meeting decides that an item of business not included on the agenda for the meeting may be taken for reasons of urgency, such reasons must be specified and noted in the minutes and that item shall be taken at the end of other items of business unless it is decided to consider it earlier on in the agenda.

10. MEETINGS OF THE OPC

- (a) Unless otherwise agreed, an Annual Meeting of the OPC shall normally be held within a month of the election of the OPC and then in the same month annually thereafter.
- (b) At the Annual Meeting the business shall include:
 - (i) the election and appointment of the Chair, Vice-Chair, Secretary and Treasurer;
 - (ii) the appointment of an auditor or auditors or independent examiner or examiners or other appropriate person/s as is required by law as being appropriate to the OPC's finances;
 - (iii) the consideration of an annual report of the work done by or under the auspices of the OPC and of any audited accounts should these be required by law.
- (c) The appointments referred to at clause 10(b)(i) and (ii) above shall hold office until the next Annual Meeting. The Chair, Vice-Chair, Secretary and Treasurer shall be eligible for re-election and the auditors etc can be re-appointed at the next and subsequent Annual Meetings.
- (d) All other meetings of the OPC, apart from the Annual Meeting, shall be known as ordinary meetings.
- (e) The OPC shall appoint an Urgency Panel to exercise its powers. The membership of the Urgency Panel shall consist of the Chair, Vice-Chair, and Secretary who may exercise the powers of the OPC in relation to matters of urgency on which it is necessary to take a decision before the next ordinary meeting of the OPC. Every decision of each Urgency Panel shall be reported for information to the next ordinary meeting of the OPC.

11. CO-OPTION

- (a) The OPC shall have power to co-opt a maximum of two other members.
- (b) The co-option can be for a limited period or for the remainder of the current four-year period for which members of the OPC were elected.
- (c) A proposed co-optee must be proposed and seconded by existing OPC members.
- (d) The decision to co-opt an individual must be put to the vote requiring acceptance by two thirds of those present and voting.
- (e) The co-option shall end at the conclusion of the current four-year period of elected office or earlier if for a limited period.

- (f) The co-optee shall not have voting rights on any decisions of the OPC but may speak in any discussions.
- (g) The co-optee may offer themselves for full adoption by standing in any of the areas in the next postal election.

12. RULES OF PROCEDURE AT MEETINGS OF THE OPC

- (a) **Quorum.** The quorum at a meeting of the OPC shall be one half of the total membership of the OPC for the time being. Where the total membership of the OPC consists of an odd number of members (e.g. 7, 9 etc) this odd number will not lend itself to being divided in half. In this event the quorum shall be half of the total membership which is then rounded up to the next whole number of members (e.g 9 members in total membership, divided by half = 4½ members, quorum therefore = 5 members).
- (b) **Absent Chair and Vice-Chair.** Where neither the Chair nor Vice-Chair are able to attend a meeting of the OPC, providing the meeting is quorate, then those members present can elect a Chair for that meeting from amongst their number.
- (c) **Resignation of the Chair or Vice-Chair between Annual Meeting or determination of the membership of either of these members.** If the Chair or Vice-Chair is no longer able or willing to hold office, or if her/his membership is determined, re-election to the vacancy can be held at an ordinary meeting. The period of office of the newly elected Chair or Vice-Chair shall continue until the next Annual Meeting.
- (d) **Voting.** The method of voting at ordinary meetings of the OPC shall be by a show of hands and decisions shall be decided by a simple majority of those members present. No person shall exercise more than one vote, except in the case of an equality of votes when the Chair of the meeting shall have a second or casting vote. For voting on changes to the Constitution, see 15(a).
- (e) **Minutes.** Minutes of every meeting of the OPC shall be submitted to and signed at the following ordinary meeting. The Chair shall put the question that the minutes submitted to the meeting be approved as a correct record. No discussion shall take place upon the minutes, except upon their accuracy. Any question as to accuracy shall be raised and amendments noted. The Chair shall then sign the minutes.
- (f) **Prevention of Disorderly Conduct.** If the Chair presiding at any meeting of the OPC is of the opinion that a member is guilty of misconduct by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the OPC, the Chair may notify the meeting of that opinion and may take any of the following courses, either separately or in sequence:

- (i) direct the member to refrain from speaking during all, or part, of the remainder of the meeting;
- (ii) direct the member to be withdrawn from all, or part of the remainder of the meeting;
- (iii) order the member to be removed from the meeting;
- (iv) adjourn the meeting for 15 minutes or such period as shall expedient to her/him.
- (v) If there are others present at a meeting of the OPC by invitation and such a person interrupts the proceedings of that meeting by displaying any of the behaviour referred to at 11(f) above, the Chair may take any of the courses of action as set out at 11(f)(i) to (iv) above in respect of others present.

13. PAYMENTS

Payment to members of the OPC may be made of reasonable out-of pocket expenses, subject to the City Council having agreed to meet these payments and to any cash limits that the City Council may set.

14. FINANCE

- (a) The OPC shall:
 - (i) keep accounting records for the OPC;
 - (ii) prepare an annual statement of account for the OPC;
 - (iii) audit or arrange for independent examination, or make other appropriate arrangements for the examination of the statements of account of the OPC, as required by law as being appropriate to its financial circumstances;
- (b) An audited, independently examined, or examined statement of the accounts (as appropriate – see 14(a)(iii) (above) for the last financial year shall be submitted by the OPC to its Annual Meeting after which the accounts shall be made available for public inspection.
- (c) All bank accounts shall be opened in the name of the OPC.
- (d) All cheques must be signed by at least two signatories. These signatories shall be nominated at an ordinary meeting of the OPC.

15. ALTERATIONS TO THE CONSTITUTION

- (a) The constitution may be varied, amended or added to by resolution made by a majority of not less than two thirds of the OPC members voting at an ordinary meeting, subject to the advice and approval of the monitoring officer.

- (b) No amendment may be made to clause 1 (the name clause), clause 2 (the objects clause), clause 7 (the election to the OPC clause), clause 16 (the dissolution clause) or this clause without the prior consent in writing of the monitoring officer.
- (c) Once the code of conduct for members of the OPC has been adopted clauses 5 and 6 cannot be suspended although amendments may be made with the agreement of the monitoring officer. Where the OPC proposes changes to the code of conduct, the OPC shall be guided by the advice of the monitoring officer. No amendments which are inconsistent with or against the spirit of the code of conduct shall be permitted.
- (d) The OPC shall promptly send to the monitoring officer a copy of any amendments made under this clause.

16. DISSOLUTION

- (a) If the OPC by a simple majority decide at any time that on the grounds of expense or otherwise it is necessary or advisable to dissolve the OPC, a meeting of all members of the OPC shall be called. Not less than 21 days written notice (stating the terms of the resolution to be proposed) shall be given to members.
- (b) If a decision to dissolve the OPC is approved by a majority of those present and voting at such a meeting the OPC shall be required to produce a report to the City Council explaining the resolution and requesting agreement in writing to the dissolution. The resolution shall take effect upon receipt of written consent from the City Council.

17. NOTICES

A notice may be served on any member either personally or by sending it through the post in a prepaid letter addressed to such member at her/his last known address in Brighton & Hove, and any letter so sent shall be deemed to have been received within ten days of posting.

This Constitution including the Appendices 1 to 3 was adopted on the 27th day of February 2002 and is subsequently as amended as of 26th June 2003, 19th October 2005, and 1st October 2010.

APPENDIX 1

ELECTORAL ZONES

ZONES	MADE UP OF THE FOLLOWING WARDS
Zone 1	Rottingdean Coastal, and Woodingdean
Zone 2	East Brighton, and Queen's Park
Zone 3	Stanmer & Hollingdean, and Moulsecoomb & Bevendean,
Zone 4	Hanover & Elm Grove, Preston Park, and St Peters & North Laine
Zone 5	Patcham, and Withdean
Zone 6	Brunswick & Adelaide, Goldsmid and Regency
Zone 7	Hangleton & Knoll, and Hove Park
Zone 8	North Portslade, South Portslade, and Wish
Zone 9	Central Hove, and Westbourne

APPENDIX 2

CODE OF CONDUCT FOR MEMBERS ELECTED TO THE OLDER PEOPLE'S COUNCIL FOR BRIGHTON & HOVE

INTRODUCTION TO THE CODE OF CONDUCT

Background

This code had been prepared and adopted by the Older People's Council for Brighton & Hove ("the OPC"). The introduction to the code does not form part of the code of conduct itself. Instead it is meant as a brief guide to the contents of the code and as an aide memoir. To distinguish the introduction from the code itself, the introduction text is in italics.

The OPC has been established to inform the policy and decision making of Brighton & Hove City Council ("the City Council") with regard to matters that affect the quality of life and the opportunities available to older people within the Council's area. Members of the OPC are elected to hold office. The OPC, therefore, believes and agrees that its members should also be bound by the same high standards of conduct expected of elected members of the City Council. The OPC has accordingly adopted a code of conduct for its members which is based on the model code of conduct that members of the Council are under a legal duty to adopt and observe, by virtue of Sections 50 and 51 of the Local Government Act 2000.

The Undertaking

All members of the OPC must sign the undertaking to observe the OPC's code of conduct. No member will be able to participate in OPC business until such time as she/he has signed the undertaking. Any member who fails to do so, within two months of the code of conduct being adopted by the OPC or within two months of becoming a new member of the OPC, will automatically cease to be a member of the OPC.

Breach of the Code

Any person may make a written complaint to the OPC that a member of the OPC has acted in breach of the code.

In the event of an allegation that there has been a breach of the code of conduct by a member or members of the OPC, a Conduct Panel of the OPC will carry out an investigation into that allegation, and will inform the City Council's Legal Adviser of the allegation and of the outcome of the investigation.

Observing the Code

Each member should make sure that she/he is familiar with the requirements of the code. It is her/his responsibility to make sure that she/he complies with the code. She/he should regularly review his/her personal circumstances with this in mind, particularly when those circumstances change. If in any doubt, she/he should seek advice from the Conduct Panel of the OPC, or from the OPC's legal adviser or from her/his own legal adviser. In the end, however, the decision and the responsibility are those of the member. Each member should ensure that she/he completes the declaration of members Financial and Other interests and the declaration of Gifts and Hospitality received by members, within the time limits as set out in the code of conduct and that these declarations are kept under review. The completed declarations must be sent to the legal advisor within the stated time limits.

Members should also ensure that they are familiar with the other documents in addition to the code of conduct which make up the OPC's constitution.

Main Provisions of the Code

Each member should note that:-

- *there are two parts of the code which must be observed at all times – i.e. paragraph 5 (bringing the OPC into disrepute) and Paragraph 6(a) (misuse of position)*
- *the other requirements of the code must be observed when a member is acting in an official capacity re the OPC as defined in Paragraph 1(1)*
- *any personal interest (defined in Paragraph 9) in a matter under consideration must be disclosed at meetings where the matter is being considered*
- *a member may have a personal interest through a partner, relative or close friend*
- *any personal interest which is also a prejudicial interest (defined in Paragraph 10) in a matter under consideration must be disclosed at meetings where the matter is being considered and the member must withdraw from the meeting*
- *in determining whether she/he has a prejudicial interest, a member should always bear in mind the ten principles of public life (set out below) and, using the test in the code, consider how she/he would be judged by the public if she/he was to participate in discussing and/or deciding the relevant matter*
- *S/he must keep up to date the information held in the register of "Financial and Other Interests" maintained by the legal adviser and give due notification of any gift or hospitality received as failure to do so will automatically be a breach of the code even though the circumstances may not seem important.*

The Ten Principles of Public Life (as set out in Statutory Instrument 2001 No. 1401. Local Government, England and Wales. The Relevant Authorities (General Principles) Order 2001)

- *selflessness*

- *honesty and integrity*
- *objectivity*
- *accountability*
- *openness*
- *personal judgement*
- *respect for others*
- *duty to uphold the law*
- *stewardship*
- *leadership*

The Ten Principles of Public Life (as modified slightly for OPC use)

- *selflessness*
- *honesty and integrity*
- *objectivity*
- *corporate responsibility*
- *accountability*
- *openness*
- *respect for others*
- *duty to uphold the law*
- *stewardship*
- *leadership*

CODE OF CONDUCT FOR MEMBERS ELECTED
TO THE OLDER PEOPLE'S COUNCIL FOR BRIGHTON & HOVE

This code of conduct and the ten general principles which articulate the fundamental values that underpin this code of conduct set out the standard expected of a member whenever or wherever s/he is involved in any way in the business of the OPC (which for the purposes of this code is referred to as “conducting OPC business”).

The Ten General Principles

Selflessness

1. Members when conducting OPC business should serve only the public interest objectives of the OPC and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should avoid the risk of being placed in any such situation.

Objectivity

3. Members should make all decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits. Members may take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.

Corporate Responsibility

4. While serving as a member of the OPC, each member should respect its proper decision-making processes even where s/he disagrees with a decision of the OPC.

Accountability

5. Members should be fully accountable to the public for all their actions in conducting OPC business and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any process of accountability or request for accountability made by the OPC or on its authority.

Openness

6. Subject to proper observance of requirements for confidentiality as agreed by the OPC, members should be as open as possible about their actions and those of the OPC, and should be prepared to give reasons for those actions.

Respect for Others

7. Members 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. They should respect the impartiality and integrity of the officers of Brighton & Hove City Council who provide support to the OPC, any OPC officers, and any other persons the OPC may employ.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the OPC and the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that the OPC uses its resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence in the integrity of the OPC.

The Code of Conduct

PART 1 – GENERAL PROVISIONS

Scope

1. (1) A member must observe the OPC's code of conduct wherever s/he-
 - (a) conducts the business of the OPC;
 - (b) conducts the business of any office of the OPC to which s/he has been appointed, or
 - (c) acts as a representative of the OPC.(2) A member must be aware of and act within the terms of the constitution of the OPC when conducting the business of the OPC.
2. The OPC's code of conduct shall not, apart from paragraphs 5 and 6(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.

General Obligations

3. A member must -
 - (a) 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.
 - (b) not do anything which compromises or which is likely to compromise the impartiality of an officer or those who work for, or on behalf of, the OPC.

4. A member must not -
 - (a) disclose information given to her/him in confidence by anyone, without the consent of a person authorised to give it, or unless s/he is required by law to do so, and
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. A member must not commit a criminal offence, or conduct her/himself in a manner which could reasonably be regarded as bringing the OPC into disrepute.
6. A member -
 - (a) must not use her/his position improperly to confer on or secure for any person, an advantage or disadvantage.
 - (b) must, when using or authorising the use by others of the resources of the OPC, act in accordance with the OPC's requirements.
7. A member must when reaching decisions -
 - (a) have regard to any relevant advice provided to her/him by officers or employees of the OPC and by the legal adviser and/or auditor to the OPC, and
 - (b) give the reasons for those decisions in accordance with the OPC's requirements.
8. A member must report in writing to the Conduct Panel of the OPC any conduct by another member, which s/he believes involves a failure to comply with the OPC's code of conduct.

PART 2 – INTERESTS

9. (1) A member must in all matters consider whether s/he has a personal interest, and whether the OPC's code of conduct obliges her/him to disclose that interest.
 - (2) A member must regard her/himself as having a personal interest in a matter if s/he is aware or should (considered objectively) be aware that a decision upon it might affect the well-being or financial position of her/himself, a relative or a friend or –

- (a) any employment or business carried on by such persons;
 - (b) any person who employs or has appointed such persons, any firm in which they are a partner, or a company of which they are directors;
 - (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
 - (d) any body listed in sub-paragraphs (a) to (e) of paragraph 15 below in which such persons hold a position of general control or management.
- (3) In this paragraph –
- (a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner of any of the preceding persons; and
 - (b) “partner” in sub-paragraph (3) (a) above means a member of a couple who live together

Prejudicial Interests

10. (1) A member with a personal interest in a matter must consider whether it is a “prejudicial interest”.
- (2) A member must regard her/himself as having a prejudicial interest if it is a personal interest which a member of the public with knowledge of the relevant facts would regard as so significant and particular that it could affect the member’s objectivity in the matter.
- (3) A member may regard her/himself as not having a prejudicial interest in a matter if it relates to -
- (a) a local authority of which s/he is an elected member;
 - (b) another public authority where s/he hold a position of general control or management.

Disclosure of Interests

11. A member with a personal interest or prejudicial interest in a matter who attends a meeting of the OPC at which the matter is discussed must:

- (1) disclose the existence and nature of the interest at the commencement of that discussion, or as soon as it becomes apparent that the interest may be relevant to the discussion, and
- (2) ensure that in the OPC's written record of that discussion, the existence and nature of the interest is recorded.

Participation in Relation to Disclosed Interests

12. (1) A member attending a meeting at which a matter in which s/he has a personal or a prejudicial interest is discussed must -
- (a) disclose the interest as required by paragraph 11 (1),
 - (b) withdraw from the meeting while that matter is being considered (unless expressly invited to remain in order to provide information), (but see paragraph 12 (2) below),
 - (c) not seek improperly to influence a decision about that matter,
 - (d) not be counted in the quorum for that part of the meeting, and
 - (e) not vote on the matter and not be present during any vote on the matter
- (2) For the purposes of Paragraph 12(1)(b) a member with a prejudicial interest may not be invited to remain present while the matter is being considered.
- (3) A member with a prejudicial interest in a matter must not in any way directly or indirectly seek to influence the view of any other member in relation to that matter either during a meeting or at any other time.
13. For the purpose of this code, "meeting" means any meeting -
- (a) of the OPC;
 - (b) of any of its committees, sub-committees, joint-committees, joint sub-committees, or advisory committees (if any).

PART 3 – THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests

14. A member must notify the legal adviser, in writing, within 28 days of this code of conduct being adopted by the OPC, or within 28 days of her/his election or appointment to the OPC of all those financial and other interests as set out below in paragraphs 14, 15 and 16, of -

- (a) any employment, or business carried on by her/him,
- (b) the name of the person who employs her/him, the name of any firm in which s/he is a partner, and the name of any company for which s/her is a remunerated director;
- (c) the name of any person, other than a relevant authority, who has made payment to her/him in respect of her/his election or any expenses incurred by her/him in carrying out her/his duties,
- (d) the name of any corporate body which has a place of business or land in the OPC's area of operation, and in which the member has a beneficial interest in a class of securities of that body which exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body,
- (e) a description of any contract for goods, services or works made between the OPC and her/himself, or a firm in which s/he is a partner, a company of which s/her is a director, or a body of the description in sub-paragraph (c) above,
- (f) the address or other description (sufficient to identify the location) of any land, other than the member's main residence, in which s/he has a beneficial interest and which is in the OPC's area of operation,
- (g) the address or other description (sufficient to identify the location) of any land where the landlord is the OPC and the tenant is a firm in which s/he is a partner, a company of which s/he is a remunerated director, or a body of the description in sub-paragraph (c) above;
- (h) the address or other description (sufficient to identify the location) of any land, other than the member's main residence, in the OPC's area of operation, in which s/he has (alone or jointly with others) a tenancy or licence to occupy for a month or longer.

15. A member must notify the OPC's legal adviser of his/her membership of or position of general control or management in any -

- (a) body to which s/he has been appointed or nominated by the OPC as a representative;
- (b) public authority or body exercising functions of a public nature;

- (c) company, industrial and provident society, charity, or body directed to charitable purposes;
- (d) body whose principal purposes include the influence of public opinion or policy, and
- (e) trade union or professional association.

16. A member must notify the legal adviser, in writing, of any change to any of the interests specified under paragraphs 14 and 15 and must do this within 28 days of becoming aware of any changes to these specified interests.

Registration of Gifts and Hospitality

17. A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the legal adviser of the existence and nature of the gift or hospitality.

PART 4 – SIGNING THE UNDERTAKING TO OBSERVE THE CODE OF CONDUCT

18. A member may not take part in any OPC meeting or conduct any OPC business whatsoever until s/he has signed an undertaking that in performing her/his duties s/he will observe and comply with the OPC's code of conduct.

PART 5 – CONSEQUENCES OF BREACHING THE CODE OF CONDUCT

19. In the event of an allegation that there has been a breach of the Code of Conduct by a member or members of the OPC, a Conduct Panel of the OPC will conduct an investigation into that allegation. When the Conduct Panel has reached its conclusion about the alleged breach, it should propose any sanctions which it decides are necessary. The sanctions open to the Panel shall range from: no action to be taken through to suspension of that member from the OPC and/or any other course of action in between as is appropriate in the circumstances.

Before announcing its decision, the Conduct Panel will refer the decision to the Legal Adviser for further comments.

The person or persons against whom allegations have been made will normally be advised of the Conduct Panel's decision at the conclusion of their deliberations and after that decision has been referred to the Legal Adviser.

The Panel's decision will be provided verbally and in writing, and a copy will also be provided for the Legal Adviser.
(for full information about the Conduct Panel see the **Constitution for the Older People's Council, Clause 6: Breaches of the OPC Code of Conduct**)

APPENDIX 3

Undertaking for Members of the Older People's Council for Brighton & Hove to sign to indicate willingness to observe that Council's Code of Conduct

To the Older People's Council for Brighton & Hove

I, having become a member of the Older People's Council, declare that I will duly and faithfully fulfil the requirements of this role according to the best of my judgement and ability.

I acknowledge that I have received a copy of the Code of Conduct currently adopted by the Older People's Council.

I understand that this Code governs the conduct expected of me by the public and the Older People's Council in performing my functions as a member of the Older People's Council.

I undertake to observe this Code as to the conduct which is expected of members of the Older People's Council.

SIGNED _____ DATED _____

NAME _____

This undertaking was made and signed before me

SIGNED _____ DATED _____

NAME _____ POSITION _____
(Legal adviser to the Older People's Council)

THE OLDER PEOPLE'S COUNCIL – MEMBER DECLARATIONS

PUBLIC REGISTER OF MEMBERS' FINANCIAL & OTHER INTERESTS

Within 28 days of the provisions of the Older People's Council's Code of Conduct being adopted or within 28 days of your election or appointment to office (if that is later), you must register your financial and other interests in the Older People's Council's register of interests by providing written notification to the Older People's Council's legal adviser of the matters listed below. Please supply below all the information as required, sign and date this form and return it without delay to Abraham Ghebre-Ghiorghis, Legal Adviser to the Older People's Council, Legal Services, Brighton & Hove City Council, King's House, Grand Avenue, Hove, BN3 2LS. If there is insufficient space at any particular category on the form, please supply the details on an additional sheet.

NB Paragraph 16 of the Older People's Council's Code of Conduct requires that you must within 28 days of becoming aware of any changes to the interests specified below, provide written notification to the Older People's Council's legal adviser of that change. Please notify Abraham Ghebre-Ghiorghis in writing at the above address above.

PUBLIC REGISTER OF GIFTS & HOSPITALITY

Paragraph 17 of the Older People's Council's Code of Conduct requires that **you must, within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Older People's Council's legal adviser of the existence and nature of that gift or hospitality.** Please either write to **Abraham Ghebre-Ghiorghis** at the address above or use the blank form supplied with this document.

1. Financial Interests – Para. 14 of the Older People's Council's Code of Conduct

Name (please print) _____

Please list below in the relevant categories all your financial interests:-

- (a) any employment or business carried on by you;

.....

.....

(b) the name of the person who employs you, the name of any firm in which you are a partner, and the name of any company for which you are a remunerated director;

.....
.....

(c) the name of any person, other than a relevant authority ("relevant authority includes Brighton & Hove City Council, East Sussex County Council, the Police Authority or any parish council), who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

.....
.....

(d) the name of any corporate body which has a place of business or land in the Older People's Council's area (the City of Brighton & Hove), and in which you have a beneficial interest in a class of securities of that body which exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

.....
.....

(e) a description of any contract for goods, services or works made between the Older People's Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (d) above;

.....
.....

(f) the address or other description (sufficient to identify the location) of any land, other than your main residence, in which you

have a beneficial interest and which is in the area of the
People’s Council (the City of Brighton & Hove);

Older

.....
.....

(g) the address or other description (sufficient to identify the
location) of any land where the landlord is the Older People’s
Council and the tenant is a firm in which you are a partner, a
company of which you are a remunerated director; or a body of
description specified in sub-paragraph (d) above; and

the

.....
.....

(h) the address or other description (sufficient to identify the
location) of any land, other than your main residence, in the
Older People’s Council’s area (the City of Brighton & Hove) in
which you have a licence (alone or jointly with others) to occupy
28 days or longer.

for

.....
.....

**2. Other Interests – Para. 15 of the Older People’s Council’s Code of
Conduct**

Please list below in the relevant categories all your other interests. You
have an “other interest” if you are a member of or you are in a position
general management or control of any:-

of

(a) body to which you have been appointed or nominated by
the Older People’s Council as its representative;

.....
.....

(b) public authority or body exercising functions of a public nature;

.....
.....

(c) company, industrial and provident society, charity, or body directed to charitable purposes;

.....
.....

(d) body whose principal purposes include the influence of public opinion or policy; and

.....
.....

(e) trade union or professional association

.....
.....

I declare to the Older People’s Council that the above are my financial and other interests, as required to be declared by the Older People’s Council’s Code of Conduct and that where I have left any category blank above I have no interest in that category.

Signed _____

Name (pleased print) _____

Dated _____

THE OLDER PEOPLE’S COUNCIL – MEMBER DECLARATIONS
PUBLIC REGISTER OF GIFTS & HOSPITALITY

Paragraph 17 of the Code of Conduct of the Older People’s Council requires that, a member of the Older People’s Council must, within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Older People’s Council’s legal adviser of the existence and nature of that gift or hospitality. Gifts or hospitality that you must declare are those that could potentially be regarded as influencing decisions you take while conducting the business of the Older People’s Council.

This form may be used to declare any such gift or hospitality. (Although there is no obligation to declare gifts or hospitality which you have refused, you may adapt and use this form to declare refusals if you wish to do so, but please indicate clearly what was refused). Please supply below all the relevant information, sign and date this form and return it without delay to, Abraham Ghebre-Ghiorghis, Legal Adviser to the Older People’s Council, Legal Services, Brighton & Hove City Council, King’s House, Grand Avenue, Hove, BN3 2LS. Alternatively a suitably worded letter Abraham Ghebre-Ghiorghis at the address above will be sufficient.

- 1. Please describe the gift and/or hospitality received by you:-**

- 2. Please give the actual or estimated cost of the gift and/or hospitality:-**

- 3. Please state who gave you the gift and/or hospitality:-**

- 4. Please state why you were given the gift and/or hospitality:-**

- 5. If you accepted a gift but subsequently gave it away (e.g. for charitable purposes) please indicate to whom you gave the gift:-**

In accordance with Paragraph 17 of the Code of Conduct of the Older People’s Council, I declare that the gift and/or hospitality mentioned above was/were received by me in the circumstances mentioned above.

Signed _____

Name (please print) _____ Dated _____

THE INFORMATION IN ITALICS BELOW IS FOR GUIDANCE ONLY – and does not form part of the OPC’s constitution

Information to help members of the OPC complete the declaration re the *Public Register of Financial and Other Interests*

1. *Do I need to register land that I own overseas or in parts of England outside the council's area?*

No. You only need to register land that you own or in which you have a beneficial interest that is within the council's area.

2. *The code refers to the nominal value of shares. What is this – is it different to the market value of shares?*

The nominal value of shares is the face value of these shares (the value recorded on the share certificate). For example:

You bought 10,000 £1.50 shares (face value) in 1999. The market value at the time was £3.00 each, so the total paid was £30,000. Those shares are now worth £45,000.

The nominal value of those shares would be £15,000 (10,000 x £1.50).

Therefore you would not be obliged to enter the shares on the register of interests, even though the current market value of the shares is £45,000. This will be the case unless the number of shares you hold represents more than one hundredth of the total issued share capital.

Information to help members of the OPC complete the declaration re the *Public Register of Gifts and Hospitality*.

1. **Do I need to register all gifts and hospitality I receive?**

No. You only need to register gifts and hospitality worth more than £25 that you receive in connection with your official duties as a member.

Paragraph 2 of the code says that the code does not apply to members outside their official capacity apart from two specific circumstances. Those two circumstances are:

Paragraph 5. "A member must not commit a criminal offence or conduct her/himself in a manner which could reasonably be regarded as bringing the OPC into disrepute"; and

Paragraph 6(a) "A member must not use her/his position improperly to confer on or secure for himself or any other person, an advantage or disadvantage".

Therefore, gifts received in a personal capacity do not need to be registered.