

MEMBERS' CODE OF CONDUCT – HOATH PARISH COUNCIL

Kent Code of Conduct for Members

1. Preamble

1.1 The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.

1.2 The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out in Annex 1.

1.3 This Preamble and Annex 1 do not form part of the Code, but you should have regard to them, as they will help you to comply with the Code.

1.4 If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

1.5 In accordance with Section 34 of the Localism Act 2011, it is a criminal offence if, without reasonable excuse, you:

- a) Fail to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days of becoming, or being re-elected or re-appointed, a councillor or co-opted councillor of the Council;
- b) Fail to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days of becoming aware of it, where you are acting alone in the course of discharging a function of the Council (including making a decision in relation to the matter) and the interest is not already registered, or is not the subject of a pending notification to the Monitoring Officer;
- c) Fail to disclose a Disclosable Pecuniary Interest at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
- d) Fail to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days of disclosing it, at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
- e) Take part in discussions or votes at meetings that relate to the Disclosable Pecuniary Interest, unless a dispensation has been granted;
- f) Knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.

1.6 Any written allegation, received by the Council, that you have failed to comply with the Code, will be dealt with under the arrangements adopted by the Council for such purposes. If it is found that you have failed to comply with the Code, the Council may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

The Code

1. Interpretation

In this Code:

1.1 'Associated Person' means (either in the singular or in the plural):

- a) A family member or any other person, or body, with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- b) Any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors; or
- c) Any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- d) Any Body of which you are in a position of general control or management and to which you are appointed or nominated by the Council; or
- e) Any Body in respect of which you are in a position of general control or management:
 - i. exercising functions of a public nature; or
 - ii. directed to charitable purposes; or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

1.2 'Council' means Hoath Parish Council.

1.3 'Council Function' means any one or more of the following interests that relate to the functions of the Council:

- a) Housing – where you are a tenant of the Council, provided that those functions do not relate particularly to your tenancy or lease; or
- b) 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 your child attends;
- c) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- d) An allowance, payment or indemnity given to councillors of the Council;
- e) Any ceremonial honour given to councillors of the Council;
- f) Setting council tax or a precept under the Local Government Finance Act 1992.

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1.4 **'Code'** means this Code of Conduct.

1.5 **'Co-opted councillor'** means a person who is not an elected councillor of the Council but who is a member of:

- a) Any committee or sub-committee of the Council; or
- b) Represents the Council on any joint committee, or joint sub-committee, of the Council; and
- c) Who is entitled to vote on any question that falls to be decided at any meeting.

1.6 **'Disclosable Pecuniary Interest'** means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time), as set out in Annex 2, and where either it is:

- a) Your interest; or
- b) An interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners, and provided you are aware that the other person has the interest.

1.7 **'Interests'** means Disclosable Pecuniary Interests and Other Significant Interests.

1.8 **'Meeting'** means any meeting of:

- a) The Council;
- b) The executive of the Council;
- c) Any of the Council's or its executive's committees, sub-committees, joint committees and/or joint sub-committees.

1.9 **'councillor'** means a person who is a councillor of the Council and includes a Co-opted councillor.

1.10 **'Other Significant Interest'** means an interest (other than a Disclosable Pecuniary Interest or an interest in a Council Function) in any business of the Council which:

- a) Affects the financial position of yourself and/or an Associated Person to a greater extent than the majority of:
 - i. other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - ii. (in other cases) other council tax payers, ratepayers or inhabitants of the Council's area;
or
- b) Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an Associated Person;

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and which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgement of the public interest.

1.11 **'Register of Councillors' Interests'** means the Council's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

1.12 **'Sensitive Interest'** means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

2. Scope

2.1 A councillor must comply with this Code whenever they act in their capacity as a councillor or co-opted councillor of the Council.

2.2 This Code applies to all forms of communication and interaction including social media.

3. General obligations

3.1 A councillor must:

- a) when using or authorising the use by others of the resources of the Council:
 - i) Act in accordance with the Council's reasonable requirements; and
 - ii) Ensure that such resources are not used improperly for political purposes (including party political purposes).
 - iii) co-operate with any Code of Conduct investigation and/or determination;
- b) comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

3.2 A councillor must not:

- a) Bully any person; or carry out any act of harassment. For the purposes of this paragraph bullying and harassment shall be construed as follows:
 - i) 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. Their website contains examples;
 - (ii) harassment will have the meaning set out in the Protection from Harassment Act 1997 and other relevant legislation.
- b) Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a councillor has failed to comply with this Code;

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c) Do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Council;

d) Disclose information given to the councillor in confidence by anyone, or information acquired by the councillor which they believe, or ought reasonably to be aware, is of a confidential nature, except where:

i. they have the written consent of a person authorised to give it; or

ii. they are required by law to do so; or

iii. the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

iv. the disclosure is:

- reasonable and in the public interest; and
- made in good faith and in compliance with the reasonable requirements of the Council;

e) Prevent another person from gaining access to information to which that person is entitled by law;

f) Conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute;

g) Use or attempt to use their position as a councillor improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.

h) Disclose information which is exempt information within the meaning of Part VA Local Government Act 1972 or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;

4. Registering Disclosable Pecuniary Interests

4.1 A councillor must, before the end of 28 days beginning with the day they become a councillor or co-opted councillor of the Council, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.

4.2 In addition, a councillor must, before the end of 28 days beginning with the day that they become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.

4.3 Where the councillor has a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by them acting alone in the course of discharging a function of the Council (including making a decision in relation to the matter), then if the interest is not registered in the Register of Councillors' Interests and is not the subject of a pending notification, they must notify the Monitoring Officer before the end of 28 days beginning with the day they become aware of the existence of the interest.

5. Declaring interests

5.1 Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Councillors' Interests or is the subject of a pending notification, the councillor must comply with the disclosure procedures set out below.

5.2 Where the councillor is present at a meeting and has a Disclosable Pecuniary Interest or Other Significant Interest (and they are aware that they have such an interest) in any matter to be considered, or being considered, at the meeting, the councillor must:

- a) Disclose the Interest; and
- b) Explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation:
- c) Not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - i.) Not seek improperly to influence a decision about that business; and
- e) Withdraw from the meeting room in accordance with the Council's procedure rules whenever it becomes apparent that the business is being considered.

5.3 Where a councillor has an Other Significant Interest in any business of the Council, they may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, providing that the public are also allowed to attend the meeting for the same purpose

Having made their representations, given evidence or answered questions they must:

- i. not participate in any discussions of, or vote taken on, the matter at the meeting; and
- ii. withdraw from the meeting room in accordance with the Council's procedure rules.

5.4 Where a councillor has a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Council where they are acting alone in the course of discharging a function of the Council (including making an executive decision), the councillor must:

- a) Notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
- b) Not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
- c) Not seek improperly to influence a decision about the matter.

6. Sensitive Interests

6.1 Where the councillor considers that the information relating to any of their Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include

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details of the Sensitive Interest on any copies of the Register of councillors' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

6.2 The councillor must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of councillors' Interests.

6.3 The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that the councillor will not be required to disclose the nature of the Sensitive Interest, but merely the fact that they hold an interest in the matter under discussion.

7. Gifts and hospitality

7.1 The councillor must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by him/her (in any one calendar year) in the conduct of the business of the Council, the business of the office to which they have been elected or appointed or when they are acting as representative of the Council. The councillor must also register the source of the gift, benefit or hospitality.

7.2 Where any gift, benefit or hospitality the councillor has received or accepted relates to any matter to be considered, or being considered at a Meeting, they must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to him/her and how the business under consideration relates to that person or body. The councillor may participate in the discussion of the matter and in any vote taken on the matter, unless they have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.

7.3 The councillor must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date they first registered the gift, benefit or hospitality.

7.4 The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

8. Dispensations

8.1 The Standards Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a councillor with an Interest, grant a dispensation relieving the councillor from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).

8.2 A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, or the Monitoring Officer (where authorised) considers that:

- a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or

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b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or

c) granting the dispensation is in the interests of persons living in the Council's area; or

d) without the dispensation each councillor of the Council's executive would be prohibited from participating in any particular business to be transacted by the Council's executive; or

e) it is otherwise appropriate to grant a dispensation.

8.3 A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

8.4 Paragraph 5, above, does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

ANNEX 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE

In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Council, councillors are committed to behaving in a manner that is consistent with the following seven principles. However, it should be noted that these Principles do not create statutory obligations for councillors and do not form part of the Code. It follows that the Council cannot accept allegations that they have been breached.

PREAMBLE: The seven principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

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

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 declare and resolve any interests and relationships.

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

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.

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.

HONESTY: Holders of public office should be truthful.

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.

Footnote: The Seven Principles were established in the First Report of the Committee on Standards in Public Life in 1995. The descriptors were revised following a review in the Fourteenth Report, published in January 2013. This Annex uses the revised descriptors.

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DISCLOSABLE PECUNIARY INTERESTS, AS PRESCRIBED BY REGULATIONS, ARE AS FOLLOWS:

The descriptions of Disclosable Pecuniary Interests are subject to the following definitions:

'the Act' means the Localism Act 2011;

'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

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

'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

'M' means the person M referred to in section 30 of the Act;

'councillor' includes a co-opted councillor;

'relevant authority' means the authority of which M is a councillor;

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

'relevant person' means M or any other person referred to in section 30(3)(b) of the Act (the councillor's spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners);

'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.

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a councillor, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: a) under which goods or services are to be provided or works are to be executed; and b) which has not been fully discharged.

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Interest	Description
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): a) the landlord is the relevant authority; and b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Originally adopted on 18th September 2023, to be reviewed thereafter annually, as a minimum.

Signed by Chair: Name: Date:

Based upon Canterbury City Councils Constitution, Appendix B, dated 18th May 2022.