

**STAPLEHURST
PARISH COUNCIL**

**MEMBERS'
CODE OF CONDUCT**

1. INTRODUCTION

- 1.1 Pursuant to section 27 of the Localism Act 2011, Staplehurst Parish Council (‘the Council’) has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.
- 1.2 This Code of Conduct is based on the Nolan Principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership (Appendix A).
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2. DEFINITIONS

- 2.1 For the purposes of this Code, a ‘co-opted member’ is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
- 2.2 For the purposes of this Code, a ‘meeting’ is a meeting of the Council, any of its committees, sub-committees, groups, sub-groups, joint committees or joint sub-committees.
- 2.3 For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.
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3. SCOPE

- 3.1 You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member of the Council.
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4. MEMBER OBLIGATIONS

- 4.1 You must:
- 4.1.1 behave in such a way that a reasonable person would regard as respectful;
 - 4.1.2 use the resources of the Council in accordance with its requirements; and
 - 4.1.3 ensure that resources are not used improperly for political purposes (including party political purposes);
- 4.2 You must not:

- 4.2.1 bully or harass any person;
- 4.2.2 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 Member (including yourself) has failed to comply with this Code;
- 4.2.3 do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of the Council;
- 4.2.4 disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the written consent of a person authorised to give it; or
 - (ii) you 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 person; or
 - (iv) the disclosure is made in good faith and in compliance with the reasonable requirements of the Council;
- 4.2.5 prevent another person from gaining access to information to which that person is entitled by law;
- 4.2.6 conduct yourself in a manner which could reasonably be regarded as bringing your position or the Council into disrepute;
- 4.2.7 use or attempt to use your role as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

5. GENERAL CONDUCT

Relationship with Other Councillors and Members of the Public

- 5.1 You must respect your colleagues and members of the public and treat them with courtesy at all times.

Relationship with Council Employees (including those employed by contractors providing services to the Council)

- 5.2 You must respect all Council employees and the role they play and treat them with courtesy at all times. It is expected that employees will show the same consideration in return.
- 5.3 Whilst both you and Council employees are servants of the public, you have separate responsibilities: you are responsible to the electorate but the employee is responsible to the Council as his or her employer. You must also respect the different roles that you and an employee play. Your role is to determine policy and to participate in decisions on matters placed before you, not engage in

direct operational management of the Council's services as the latter is the responsibility of the Council's employees. It is also the responsibility of the Parish Clerk and Deputy Clerk & Finance Officer, as senior employees to help ensure the policies of the Council are implemented.

- 5.4 You must follow the Protocol for Relations between Councillors and Employees. A breach of Protocol will be considered as a breach of this Code.

Bullying and Harassment

- 5.5 Bullying and harassment are completely unacceptable and will be considered to be a breach of this Code.

Conduct at Meetings

- 5.6 You must respect the Chairman, your colleagues, Council employees and any members of the public present during meetings of the Council, its committees, sub-committees, groups, sub-groups or bodies where you have been appointed by and represent the Council. You must comply with the rulings from the Chairman/Chair in the conduct of the business of these meetings.

Remuneration, Allowances and Expenses

- 5.7 You must comply with the rules for the payment to Councillors of remuneration, allowances and expenses.

Confidentiality Requirements

- 5.8 Council proceedings and printed material are generally open to the public. This should be the basis on which you normally work but there may be times when you will be required to treat discussions, documents or other information relating to or held by the Council in a confidential manner, in which case you must observe such requirements for confidentiality.
- 5.9 You will often receive information of a private nature which is not yet public or which perhaps would not be intended to be public. You must always respect and comply with this requirement to keep such information private, including information deemed to be confidential by statute. Legislation gives you certain rights to obtain information not otherwise available to the public and you are entitled to exercise these rights where the information is necessary to carry out Council duties. Such information is, however, for your use as a Councillor and must not be disclosed or in any way used for personal or party-political advantage or in such a way as to discredit the Council. This will also apply in instances where you hold the personal view that such information should be available to the public.

Appointments to Partner Organisations

- 5.10 You may be appointed or nominated by the Council as a member of another body or organisation. If so, you will be bound by the rules of conduct of these organisations and your responsibility for any actions taken by you as a member

of such an organisation will be to the organisation in question. You must also continue to observe the rules of this Code in carrying out the duties of that body.

- 5.11 If you become a director of a company as a nominee of the Council, you will assume personal responsibilities under the Companies Acts. It is possible that a conflict of interest may arise for you between the company and the Council. In such cases, it is your responsibility to take advice on your responsibilities to the Council and to the company. This will include questions of declarations of interest. The same applies if you assume other responsibilities such as becoming a director/trustee of a charitable trust.

Dealings with the Council

- 5.12 You will inevitably have dealings on a personal level with the Council of which you are a member – for example as a Council taxpayer, ratepayer, tenant, recipient of a Council service or applicant for a licence or consent recommended by the Council. You must not seek preferential treatment for yourself, your family, friends colleagues or employees because of your position as a Councillor or as a member of a body to which you are appointed by the Council and you must avoid any action which could lead members of the public to believe that preferential treatment is being sought.

6. LOBBYING AND ACCESS TO COUNCILLORS

- 6.1 In order for the Council to fulfil its commitment to being open, accessible, and responsive to the needs of the public, it needs to encourage appropriate participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the Council conducts its business.
- 6.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual Councillors or Council committees/groups. The rules and standards in this Code set out how you should conduct yourself in your contacts with those who seek to influence you.
- 6.3 You may be lobbied by a wide range of people including individuals, organisations, companies and developers. As a general rule, it is an essential element of the democratic system that any individual should be able to lobby the Council or a Councillor. However, particular considerations apply when you are dealing with applications under regulatory powers such as planning and with matters of a quasi-judicial nature such as the consideration of certain licence applications. If you are lobbied on such matters you should make it clear that you wish to keep an open mind for any discussion and ensuing recommendation that may be decided in due course. Representations to Councillors on such applications should be directed, by the Councillor, to the appropriate Officer of the Council, usually either the Parish Clerk or the Deputy Clerk & Finance

Officer. This does not prevent you from seeking factual information about the progress of the case.

- 6.4 Personal or party-political group meetings should not be used to decide how Councillors should vote on such applications, or on individual staffing matters such as the appointment or discipline of employees. It is a breach of this Code to comply with political group decisions on such matters where these differ from your own views.

7. REGISTRATION OF INTERESTS

- 7.1 You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member 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 (Appendix B) or Other Interest (Appendix C).
- 7.2 In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or Other Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.
- 7.3 Where you have a Disclosable Pecuniary Interest or Other Interest in any matter to be dealt with, or being dealt with, by you 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 by the Register of Members' Interests and is not the subject of pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.

8. DECLARING INTERESTS

- 8.1 Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.
- 8.2 Where you are present at a meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the meeting, you must:
- 8.2.1 disclose the interest; and
 - 8.2.2 explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to Section 8.3 below); and unless you have been granted a dispensation or are acting under Section 11;
 - 8.2.3 not participate in any discussion of, or vote taken on, the matter at the Meeting; and

- 8.2.4 withdraw from the Meeting room in accordance with the Council's Standing Orders whenever it becomes apparent that the business is being considered; and
- 8.2.5 not seek improperly to influence a decision about that business.
- 8.3 Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Council where you are acting alone in the course of discharging a function of the Council, you must:
 - 8.3.1 notify the Parish Clerk of the interest and its nature as soon as it becomes apparent; and
 - 8.3.2 not take any steps, or further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise by you; and
 - 8.3.3 not seek improperly to influence a decision about that matter.
- 8.4 Where you have an Other Significant Interest in any business of the Council, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made representations, given evidence or answered questions you must:
 - 8.4.1 not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - 8.4.2 withdraw from the Meeting room in accordance with the Council's Standing Orders.

9. SENSITIVE INTERESTS

- 9.1 Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' 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.
- 9.2 You must, before the end of 28 days beginning with the day you become aware of any change in circumstances which means the information excluded under Section 9.1 is no longer a Sensitive Interest, notify the Monitoring Officer asking the information be included in the Register of Members' Interests.
- 9.3 The rules of disclosure of Interests in Sections 8.2 and 8.3 will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the subject under discussion.

10. GIFTS AND HOSPITALITY

- 10.1 You must, before the end of 28 days beginning 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 you (in any calendar year) in the conduct of the business of the Council, the business of the position to which you have been elected or appointed or when you are acting as a representative of the Council. You must also register the source of the gift, benefit or hospitality.
- 10.2 Where any gift , benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you 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 you and how the business under consideration relates to that person or body. You may participate in the discussion of that matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in Section 8 above will apply.
- 10.3 You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- 10.4 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.

11. DISPENSATIONS

- 11.1 The Council, or any committee, sub-committee, group or sub-group of the Council, or the Parish Clerk (where authorised) may, on a written request made to the Parish Clerk (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in Section 6 above).
- 11.2 A dispensation may be granted only if, after having had regard to all relevant circumstances, the Council or any committee, sub-committee, group or sub-group of the Council, or the Parish Clerk (where authorised), considers that:
- 11.2.1 without the dispensation the number of persons prohibited from participating in any particular business would be so great a portion of the body transacting the business as to impede the transaction of the business; or
 - 11.2.2 granting the dispensation is in the interests of persons living in the Council's area; or
 - 11.2.3 it is otherwise appropriate to grant a dispensation.

- 11.3 A dispensation must specify the period for which it has effect, and the period specified may not exceed four years and may not exceed a Councillor's term of office.
- 11.4 Section 6 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this Section 11.

12. DEALING WITH COMPLAINTS OF ALLEGED BREACHES OF THIS CODE OF CONDUCT

- 12.1 These arrangements set out the process that the Council and the Principal Authority has adopted for dealing with complaints that an elected Member or Co-opted Member has failed to comply with the Code of Conduct.

Complaints made to the Parish Council by a Member of the Public

- 12.2 A complaint alleging a breach of the Code of Conduct by a Member or Co-opted Member may be directed to a Councillor of the Parish Council or an Officer of the Parish Council. In this instance, the Councillor or Officer should signpost the complainant to the Principal Authority's (Maidstone Borough Council) arrangements for dealing with complaints of alleged breaches of this Code of Conduct.

Complaints made to the Parish Council by a Councillor

- 12.3 A complaint alleging a breach of the Code of Conduct by a Member or Co-opted Member may be directed to either the Parish Clerk or Chairman. Procedures on dealing with these complaints internally are set out in Appendix D. If the Councillor is unsatisfied with the outcome of the internal process or wishes to escalate their complaint, they can make a complaint to the Principal Authority, set out in 12.4 below.

Complaints made to the Principal Authority

- 12.4 A complaint alleging a breach of the Code of Conduct by a Member or Co-opted Member that has been directed to the Principal Authority will be dealt with by the Principal Authority's arrangements for dealing with complaints of alleged breaches of the Code of Conduct.
- 12.5 The Council, including Officers and Members individually, must comply fully with any requests from the Principal Authority or the Monitoring Officer in relation to any investigation of alleged breaches of the Code of Conduct. This is particularly pertinent to the Subject Member.

A. APPENDIX A: NOLAN PRINCIPLES OF PUBLIC LIFE - THE CODE OF CONDUCT

A.1 In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Council, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Council cannot accept allegations that they have been breached.

Selflessness

You should act solely in terms of public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

Integrity

You should exercise independent judgment and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence you in the performance of your role. You should behave in accordance with all legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including on the use of the Council's resources. You should value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government. You should treat people with respect, including the organisations and public you engage with and those you work alongside.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit. You should deal with representations or enquiries from residents, members of the communities and visitors fairly, appropriately and impartially. You should champion the needs of the whole community and its residents, including those who did not vote for you.

Accountability

You are accountable to the public for your decisions and actions and should fully co-operate with whatever scrutiny is appropriate to ensure this.

Openness

You should be as open and as transparent as possible about all the decisions and actions that you take to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account. You should give reasons for your decisions and restrict information only when the wider public interest or the law clearly demands it. You should listen to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

Honesty

You have a duty to be truthful and to declare interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. You should not allow other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing residents' casework, the interests of the Council's area or the good governance of the Council in a proper manner.

Leadership

Through leadership and example you should promote and support high standards of conduct when serving in your public post. You should provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.

A.2

Duty

You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which you have been elected to serve, and to represent their interests conscientiously.

Respect

You must respect all other councillors and all Council employees and the role they play, treating them with courtesy at all times. Similarly, you must respect members of the public when performing duties as a Councillor.

B. APPENDIX B: INTERESTS DESCRIBED BELOW

B.1 Employment, Office, Trade, Profession or Vocation

- i. Any employment, office, trade, profession or vocation carried on for profit or gain.

B.2 Sponsorship

- i. Any payment or provision or any other financial benefit (other than from the Council) made to the member during the 12-month period ending on the latest date referred to in section 7.1 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.
- ii. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

B.3 Contracts

- i. Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council:
 - a. under which goods or services are to be provided or works are to be executed; and
 - b. which has not been fully discharged.

B.4 Land

- i. Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.

B.5 Licence

- i. Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

A.6 Corporate Tenancies

- i. Any tenancy where (to the member's knowledge):
 - a. the landlord is the Council; and
 - b. the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they

were spouses/civil partners is a partner of a director* of or has a beneficial interest in the securities* of.

B.7 Securities

- i. 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 Council; and
 - b. either:
 - 1. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - 2. 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 member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial society registered under the Co-operative and Community Benefits Society Act 2014.

*'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.

C. APPENDIX C: INTEREST WHICH RELATES TO OR IS LIKELY TO AFFECT

C.1 Any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;

C.2 Any body:

- i. exercising functions of a public nature;
- ii. directed to charitable purposes; or
- iii. one of whose principal purposes include the influence of public opinion or policy (including any political party or trade union).

of which the member of the Council is a member in a position of general control or management.

C.3 Any gifts or hospitality worth more than an estimated value of £100 which the member has received by virtue of his or her office.

D. APPENDIX D: PROCEDURES ON DEALING WITH COMPLAINTS OF ALLEGED BREACHES OF THIS CODE OF CONDUCT

At Council, Committee or Group Meetings

- D.1 At a meeting, where a Councillor considers another Councillor has breached this Code, this should be raised with the Chairman immediately.
- D.2 Where the Chairman of the meeting and Councillors agree this is a valid complaint, the Chairman will request that the breach is remedied, for example by giving an apology. This will be noted in the Minutes of the Meeting.
- D.3 Where the requested remedy is not forthcoming, the Chairman will request that the Parish Clerk notes the breach and the lack of remedy. The Chairman will also state that he/she will speak to the Councillor concerned after the meeting, to enable the meeting to continue.
- D.4 Where the meeting deteriorates further due to the breach, the Chairman will assess the best course of action, for example either to ask a person to be no longer heard or leave the meeting or to adjourn the meeting. These provisions are provided by the Council's Standing Orders.

Written Communications/Statements

- D.5 If a Councillor receives written communications or sees a publicly posted statement, written by another Councillor, which they consider to be a breach of this Code or could bring the Council into disrepute, the evidence should be forwarded to the Chairman, Vice-Chairman and Parish Clerk.
- D.6 Where the Chairman, Vice-Chairman and/or Parish Clerk agree this is a valid complaint, the Chairman will request an informal meeting with the Councillor concerned to deal with the matter and resolve the matter with the most appropriate remedy.
- D.7 The Councillor considered will be offered a maximum of three opportunities to meet before the matter is escalated.

Verbal Statements

- D.8 If a Councillor is subjected to verbal statements that they consider to be a breach of this Code or could bring the Council into disrepute, the Councillor should document this by writing a statement to the Chairman, Vice-Chairman and the Parish Clerk.
- D.9 Where the Chairman, Vice-Chairman and/or Parish Clerk agree this is a valid complaint, the Chairman will request an informal meeting with the Councillor concerned to deal with the matter and resolve the matter with the most appropriate remedy.

- D.10 The Councillor considered will be offered a maximum of three opportunities to meet before the matter is escalated.

Record Keeping

- D.11 The Parish Clerk will log all complaints, accompanied by the evidence and any attempts taken by the Council to remedy the breaches. Information held may be shared with Maidstone Borough Council or the Monitoring Officer if they are involved in a complaint.

Escalation

- D.12 Where breaches occur, the Council will be made aware at regular intervals and notified of the steps taken to remedy the breach.
- D.13 Where the Chairman, Vice-Chairman and/or Parish Clerk have reasonable cause to believe that either a Councillor is not remedying their breaches, refuses to engage in the process, has a number of complaints, the seriousness of the complaints is detrimental to the Council or could bring the Council into disrepute, the Council will be asked to decide whether to refer the matter, with evidence to the Monitoring Officer.
- D.14 The action described in D.13, does not inhibit any individual Councillor or Officer individually raising a complaint with the Monitoring Officer, either in addition to or separately from the Council.

COUNCILLORS EXPERIENCING BULLYING OR HARRASSMENT BY A MEMBER OF THE PUBLIC

- D.15 Where a member is concerned for their own safety or their family's safety, due to actions of a member of the public, the member has the right to contact Kent Police. Councillors may contact the Parish Clerk or Chairman for support and/or advice, if they feel it is appropriate to do so.

Adoption

This policy supersedes any former policy and was adopted by Staplehurst Parish Council on

.....**13th May 2024**.....Minute.....**2225/12.3**.....