

**From:** [Oliviya Parfitt](#)  
**To:** [Russell Fitzpatrick](#)  
**Cc:** [Monitoring Officer \(MBC\)](#)  
**Subject:** FW: Draft Code of Conduct  
**Date:** 06 March 2024 13:48:10  
**Attachments:** [Code of Conduct - Jan 24 amended - clean.docx](#)  
[Code of Conduct - Jan 24 amended - markup.docx](#)

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Hiya,

Please see attachments and email below from Cllr Brown as Chairman of Maidstone KALC.

Kind Regards,

**Oliviya Parfitt**

**Principal Democratic Services Officer**

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ

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**From:** chairman@yaldingparishcouncil.gov.uk <chairman@yaldingparishcouncil.gov.uk>  
**Sent:** Wednesday, March 6, 2024 1:18 PM  
**To:** Oliviya Parfitt <OliviyaParfitt@Maidstone.gov.uk>  
**Cc:** 'Maidstone KALC' <maidstonekalc@gmail.com>  
**Subject:** Draft Code of Conduct

**CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Oliviya

Maidstone Parishes have considered the draft and generally are in agreement with the contents.

However, the main concern was with regard to the grammar, spelling and layout and to this end, we offer you both a marked-up and clean copy of a re-draft that Parishes will be happy to sign up to.

Kind regards

*Geraldine*

**Geraldine Brown**

**Chairman Yalding Parish Council**

**and Chairman Kent Association of Local Councils Maidstone Area**

**t:** 01622 814222 **m:** 07815 926313 **e:** [chairman@yaldingparishcouncil.gov.uk](mailto:chairman@yaldingparishcouncil.gov.uk)

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## D1. MEMBERS' CODE OF CONDUCT

### PREAMBLE

- (A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- (B) 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.
- (C) 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.
- (D) 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.
- (E) In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:
- (a) Fail to notify the ~~Authority's~~ Monitoring Officer of the ~~interest~~Interest before the end of 28 days beginning with the day on which you became a Member; ~~or-~~
  - (b) Fail to disclose the ~~interest~~Interest at Meetings where the ~~interest~~Interest is not entered in the ~~Authority's~~ Register of Members' Interests; ~~or-~~
  - (c) Fail to notify the ~~Authority's~~ Monitoring Officer of the ~~interest~~Interest before the end of 28 days beginning with the date of disclosure at a ~~m~~Meeting, if the ~~interest~~Interest is not entered in the ~~Authority's~~ Register of Members' Interests and is not the subject of a pending notification; ~~or-~~
  - ~~(d)~~ Take part in discussion or votes, or further discussions or votes, at Meetings on matters in which you have the ~~interest~~Interest which are being considered at the ~~m~~Meeting; ~~or-~~
  - ~~(d)~~
  - ~~(e)~~ Fail to notify the ~~Authority's~~ Monitoring Officer of the ~~interest~~Interest before the end of 28 days beginning with the date when you become aware that you have such an ~~interest~~Interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority; ~~or-~~
  - ~~(e)~~~~(f)~~ Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you; ~~or-~~
  - ~~(f)~~~~(g)~~ Knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.
- (F) Any written allegation received by the ~~Authority~~ Monitoring Officer that you have failed to comply with the Code will be dealt with under the arrangements adopted by ~~the Authority~~ Maidstone Borough Council for such purposes. If it is found that you have failed to comply with the Code, the ~~Authority~~ Monitoring Officer may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

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~~(F)~~(G) Members may like to consider ensuring that any employment contracts and contracts for services entered into by their Authority contain a prohibition against bullying, harassment and intimidation of Members or employees of the Authority.



**THE CODE**

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**1. Interpretation****1.1.** In this Code:

**"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 such persons, any firm in which they are a partner, or any company of which they are directors; or
- ~~(e)~~ any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of
- (c) £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 Authority; or
- (e) any body in respect of which you are in a position of general control or management which:
  - (i) exercising functions of a public nature; or
  - (ii) directed to charitable purposes; or
  - (iii) ~~one of whose~~ has a principal key purposes ~~to includes the~~ influence of public opinion or policy (including any political party or trade union).

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**"Authority"** means Maidstone Borough Council or a Parish Council of Maidstone Borough, whichever has adopted this Code for its own use.

**"Authority Function"** means any one or more of the following interests that relate to the functions of the Authority:

- (a) housing - where you are a tenant of the Authority 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, provided those functions do not relate particularly unless it relates particularly to the school which your child attends; ~~or~~
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - provided those functions do not relate to a situation where you are in receipt of, or are entitled to the receipt of, such pay; ~~or~~
- (d) an allowance, payment<sup>4</sup> or indemnity given to Members of the

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Authority; or

- (e) any ceremonial honour given to Members of the Authority; or
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

“Authority’s Area” means that geographical area over which the Authority has administrative powers assigned by central government.

“Authority’s Procedure Rules” means those rules of procedure adopted by the Authority to be applied in that particular situation.

“Code” means this Code of Conduct.

“Co-opted Member” means a person who is not an elected Member of the Authority but is co-opted in accordance with relevant regulations or who is a member of:

- (a) any Committee or Sub-Committee of the Authority, or
- (b) ~~and~~ represents the Authority on ~~any~~ joint committee or joint sub-committee of the Authority; ~~and~~ or
- (c) who is entitled to vote on any question that falls to be decided at any Meeting.

“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 a person defined in paragraph (a) of the definition of Associated Person, ~~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.~~

“Interests” means any Disclosable Pecuniary Interest ~~ors~~ ~~and~~ Other Significant Interests ~~and~~ “Interests” means all Disclosable Pecuniary Interests and Other Significant Interests.

“Meeting” means any meeting of:

- (a) the Authority;
- (b) any of the Authority's committees, sub-committees, joint committees and/or joint sub-committees.

“Member” means a person who is an elected Member of the Authority and includes a Co-opted Member ~~means a person who is an elected Member of the Authority and includes a Co-opted Member.~~

“Monitoring Officer” means that senior officer of Maidstone Borough Council with the responsibility to administer and, as necessary, enforce this Code.

“Other Significant Interest” means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the

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Authority which:

- (a) may reasonably be regarded as affecting 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

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~~(ii)(i) electoral division or ward, as the case may be, Authority's Area~~ affected by the decision; or

~~(iii)(ii)~~ (in other cases) other council tax payers, ratepayers or inhabitants of the Authority's Area; or

(b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

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

**"Register of Members' Interests"** means the Authority's Maidstone Borough Council's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

**"Sensitive Interest"** means information, the details of which, if disclosed, could lead to you or an Associated Person connected with you being subject to violence or intimidation.

**2. Scope**

**2.1.** You must comply with this Code whenever you act in your capacity as a Member ~~or Co-opted Member~~ of the Authority.

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

**3. General Obligations**

**3.1.** You must, when using or authorising ~~the others to use by others of~~ the resources of the Authority:

- 3.1.1. act in accordance with the Authority's reasonable requirements; and
- 3.1.2. ensure that such resources are not used improperly for political purposes (including party political purposes).

**3.2.** You must not:

3.2.1. bully any person or carry out any act of harassment. For the purposes of this paragraph bullying and harassment shall be construed as follows:-

- (a) 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;
- (b) harassment will have the meaning set out in The Protection from Harassment Act 1997 and other relevant legislation:-

3.2.2. 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;

3.2.3. do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the

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Authority;

3.2.4. 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:

(a) you have the written consent of a person authorised to give it; or

(b) you are required by law to do so; or

(c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees in writing not to disclose the information to any other person; or the disclosure is

(i) reasonable and in the public interest as would be judged by a reasonable person; and

(ii) made in good faith and in compliance with the reasonable requirements of the Authority;

3.2.5. 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;

3.2.6. prevent another person from gaining access to information to which that person is entitled by law;

3.2.7. conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute; or

3.2.8. use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

3.3. Where you have not undertaken training relating to conduct matters, you shall not be able to use this as a defence where a complaint has been made.

3.4. You must co-operate with any Code of Conduct investigation and/or determination initiated by the Monitoring Officer arising from this Code.

**4. Registering Disclosable Pecuniary Interests**

4.1. You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, 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, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any such interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.

4.3. Where you have a Disclosable Pecuniary 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 Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members’ Interests and is not the subject of a pending notification, you must notify the

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Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the ~~interest~~Interest.

## 5. Declaring Interests

**5.1.** 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.

**5.2.** Where you are present at a ~~m~~Meeting and have an ~~Interest~~ Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the ~~m~~Meeting, you must:

5.2.1. disclose the Interest; and

5.2.2. explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6~~7~~ below); ~~and but unless you have been granted a dispensation or are acting under~~subject to paragraph 5(4); ~~and~~

5.2.3. not participate in any discussion of, or vote taken on, the matter at the Meeting; and

5.2.4. withdraw from the room where the Meeting is being held or leave the remote session if you have joined remotely, in accordance with the Authority's Procedure Rules whenever it becomes apparent that the ~~business~~matter is being considered; and

5.2.5. not seek improperly to influence a decision about that ~~business~~matter.

**5.3.** Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:

5.3.1. notify the Monitoring Officer of the ~~i~~Interest and its nature as soon as it becomes apparent; and

5.3.2. 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

5.3.3. not seek improperly to influence a decision about the matter.

**5.4.** Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:

5.4.1. not participate in any discussion of, or vote taken on, the matter at the Meeting; and

5.4.2. withdraw from the room where the Meeting is being held or leave the remote session if you have joined remotely, ~~the Meeting room~~ in accordance with the Authority's Procedure Rules.

## 6. Sensitive Interests

**6.1.** Where you consider that the information relating to any of your Disclosable

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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~~<sup>such</sup>, but may include a statement that you have an ~~interest~~<sup>Interest</sup>, the details of which are withheld under this paragraph.

**6.2.** You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that ~~information~~<sup>details</sup> excluded under paragraph 6.1 ~~is~~<sup>are</sup> no longer a Sensitive Interest, notify the Monitoring Officer asking that the ~~information~~<sup>details</sup> be included in the Register of Members’ Interests.

~~6.3.~~ The rules relating to disclosure of Interests in paragraphs 5.2 and 5.3 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~~Interest in the matter under discussion.

**7. Gifts & Hospitality**

**7.1.** You 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 you (in any ~~one~~calendar year/rolling twelve months' period) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.

**7.2.** 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 ~~that~~the interest/relationship 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-matter~~ under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.

**7.3.** You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, ~~for~~ for 3 years from the date you 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 Authority for this purpose.

**8. Dispensation**

~~8.1.~~ The Audit, Governance and Standards Committee, or any sub-committee of it that Committee ("AGS"), or the Monitoring Officer (where authorized by AGS) may,

on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with

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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 paragraph 5 above).

~~8.2.3.1.~~ A dispensation may be granted only if, after having had regard to all relevant circumstances, ~~the Audit, Governance and Standards Committee, its sub-committee, AGS~~ or the Monitoring Officer (where authorized by AGS) considers that:

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~~8.2.1.8.1.1.~~ 8.1.1. without the dispensation the number of ~~persons~~ Members 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

~~8.2.2.8.1.2.~~ 8.1.2. 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, but only if such political groups are a recognised and active in the conduct of such business; or

~~8.2.3.8.1.3.~~ 8.1.3. granting the dispensation is in the interests of persons living in the Authority's ~~a~~Area; or

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~~8.2.4.8.1.4.~~ 8.1.4. without the dispensation each member of the Authority's executive (if an executive body exists) would be prohibited from participating in any particular business to be transacted by ~~that~~ the Authority's executive; or

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~~8.2.5.8.1.5.~~ 8.1.5. it is otherwise appropriate to grant a dispensation.

~~8.3.8.2.~~ A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

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~~8.4.8.3.~~ Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

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**ANNEX 1**

**THE SEVEN PRINCIPLES OF PUBLIC LIFE**

**Annex 1: Nolan Principle**

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In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, 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 Authority cannot accept allegations that they have been breached. The definitions of the Principles are as below, or as set out on the website of the Committee on Standards in Public Life.

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**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.

## ANNEX 2

## DISCLOSABLE PECUNIARY INTERESTS

~~Annex 2: Disclosable Pecuniary Interests~~**Disclosable Pecuniary Interests, as prescribed by regulations, are as follows:**

The descriptions on 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 a Member of the relevant authority~~

“Member” means a Member of the relevant authority and includes a co-opted member.

“relevant authority” means the authority of which ~~M~~ the person is a Member.

“relevant period” means the period of 12 months ending with the day on which ~~M~~ Member 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~~ the Member or any other person referred to in section 30(3)(b) of the Act (the Member’s spouse, civil partner, or somebody with whom the Member ~~are~~ ~~is~~ 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.

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Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

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Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the <del>relevant a</del>Authority) made or provided within the relevant period in respect of any expenses incurred by <del>the Member</del> in carrying out duties as a <del>M</del>member, or towards the election expenses of <del>the Member</del>.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the <del>relevant person</del>Member (or a body in which the <del>relevant person</del>Member has a beneficial interest) and the <del>relevant a</del>Authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the <del>Authority's Area</del> area of the <del>relevant authority</del> .
Licences	Any licence (alone or jointly with others) to occupy land in the <del>area of the relevant a</del> Authority's <del>Area</del> for a month or longer.

Interest	Description
Corporate tenancies	<p>Any tenancy where (to <del>the Member</del>'s knowledge):</p> <p>(a) the landlord is the <del>relevant a</del>Authority; and</p> <p>(b) the tenant is a body in which the <del>relevant person</del>Member has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to <del>the Member</del>'s knowledge) has a place of business or land in the <del>area of the relevant a</del>Authority's <del>Area</del>; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the <del>relevant person</del>Member has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

