

[Name of Authority]

Kent Code of Conduct for Members

Preamble

- (A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- (B) The Code applies to you as a Member or Co-opted Member of the [insert name of Authority] when acting in that capacity.
- (C) 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.
- (D) This Preamble and the Principles do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- (E) 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.
- (F) In accordance with section 31 of the Localism Act 2011, it is a criminal offence to fail to notify the Monitoring Officer of a Disclosable Pecuniary Interest, to take part in discussions or votes at meetings, or to take a decision where you have a Disclosable Pecuniary Interest, without reasonable excuse or dispensation. It is also a criminal offence knowingly or recklessly to provide false or misleading information to the Monitoring Officer.
- (G) Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Authority 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. In this Code:

“Authority” means [*name of Authority*].

“Code” means this Code of Conduct.

“Co-opted Member” means a person who is not a member of the Authority but who:

- (a) is a member of any committee or sub-committee of the Authority, or
- (b) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority,

and who is entitled to vote on any question that falls to be decided at any Meeting.

“Disclosable Pecuniary Interest” means those disclosable pecuniary interests that meet the definition prescribed by regulations (as amended from time to time) as set out in Annex 2 to this Code.

APPENDIX A

"Interests" means Disclosable Pecuniary Interests and Other Disclosable Interests.

"Meeting" means any meeting of:

- (a) the Authority;
- (b) the executive of the Authority;
- (c) any of the Authority's or its executive'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.

"Other Disclosable Interest" means those interests as prescribed by the Authority to be disclosable as set out in Annex 3 to this Code.

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

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

Scope

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

General obligations

3. (1) You must

- (a) when using or authorising the use by others of the resources of the Authority:
 - (i) act in accordance with the Authority's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).

- (2) You must not:

- (a) bully any person;
- (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 Member (including yourself) has failed to comply with this Code;
- (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
- (d) 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 consent of a person authorised to give it; or

APPENDIX A

- (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 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 Authority;
- (e) prevent another person from gaining access to information to which that person is entitled by law;
- (f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (g) 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.

Registering and declaring Interests

4. (1) You must declare and register any Interests, in accordance with procedures set out below.
- (2) You must, within 28 days of taking office as a Member or Co-opted Member, or within 28 days of this Code taking effect (whichever is the later), notify the Monitoring Officer of any Interest where the Interest is yours, and (in relation to Disclosable Pecuniary Interests) those of your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you were civil partners.
- (3) In addition, you must, within 28 days of becoming aware of any new Interest or change to any Interest already registered, register details of that new Interest or change, by providing written notification to the Monitoring Officer (in accordance with paragraph 4(2), above).
- (4) Whether or not an Interest has been entered onto the Authority's Register of Members' Interests or is the subject of a pending notification, you must always disclose the Interest (and explain the nature of that Interest) where you are present at a Meeting and you have an Interest in any matter to be considered or being considered at that Meeting and where the matter is not a Sensitive Information (see section 5 below).
- (5) Where you are present at a Meeting and have a Disclosable Pecuniary Interest (and you are aware that you have such an Interest) in any matter to be considered, or being considered, at the Meeting, then unless a relevant dispensation has been granted:
- (a) you must not participate, or participate further, in any discussion of the matter at the Meeting; and
 - (b) you must not participate in any vote, or further vote, taken on the matter at the Meeting; and
 - (c) you must withdraw from the room where the Meeting considering the business is being held whenever it becomes apparent that the business is being considered at the Meeting; and
 - (d) you must not seek improperly to influence a decision about that business.

Comment [WG-CL1]: This section will require additional text once regulations regarding disclosable pecuniary and other Interests are published.

APPENDIX A

- (6) Where you have an 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, then:
- (a) 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 Monitoring Officer of the Interest within 28 days of becoming aware of the existence of the Interest; and
 - (b) you must 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) you must not seek improperly to influence a decision about the matter.
- (7) *[Need to include provisions in due course about what the declaration obligations are in relation to Annex 3 interests]*
- (a) You will have an Other Disclosable Interest if:
 - (i) xxxx
 - (ii) xxxx
 - (iii) xxxxx
 - (b) You do not have an Other Disclosable Interest because you are a member of another local authority, or public body, or because you have been appointed as the Authority's representative on an outside body, unless a member of the public knowing the circumstances might reasonably think the membership of the body concerned might prejudice your judgment of what is in the public interest.
 - (c) Where you have an Other Disclosable 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, whether under a statutory right or otherwise. You may not take part in the discussion or observe the vote. You must leave immediately after you have made your representations, [given evidence or answered questions], and before any debate starts. These rights are governed by the Authority's [xxxx procedure], and are subject to conditions, including time limits.

Comment [m2]: Include only if spouse, civil partner etc not to apply - then review para.4(2)

Comment [m3]: Consider whether should be included

Sensitive information

5. (1) Where you consider that the information relating to any of your Interests is Sensitive Information, and the Monitoring Officer agrees, the Monitoring Officer shall not include details of the Sensitive Information 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.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 5(1) is no longer Sensitive Information, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.
- (3) The rules relating to disclosure of Interests in paragraph 4(4)-(7) will apply save that you will not be required to disclose the nature of the Sensitive Information, but merely the fact that you hold an Interest in the matter under discussion.

APPENDIX A

Dispensations relating to Disclosable Pecuniary Interests

- 6.(1) The Standards Committee, or any sub-committee of the Standards Committee, or the Monitoring Officer may, on a written request made to the Monitoring Officer by a Member with a Disclosable Pecuniary 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 4(5)), in cases described in the dispensation.
- (2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, its sub-committee, or the Monitoring Officer:
 - (a) considers that without the dispensation the number of persons prohibited by paragraph 4(5) 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
 - (b) considers that 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) considers that granting the dispensation is in the interests of persons living in the Authority's area; or
 - (d) considers that without the dispensation each member of the Authority's executive would be prohibited by paragraph 4(5) from participating in any particular business to be transacted by the Authority's executive; or
 - (e) considers that it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Paragraph 4(5) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

APPENDIX A

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 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.

SELFLESSNESS: You should act solely in terms of the 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 official duties. You should behave in accordance with all legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority'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 especially your constituents, 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 your office.

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.

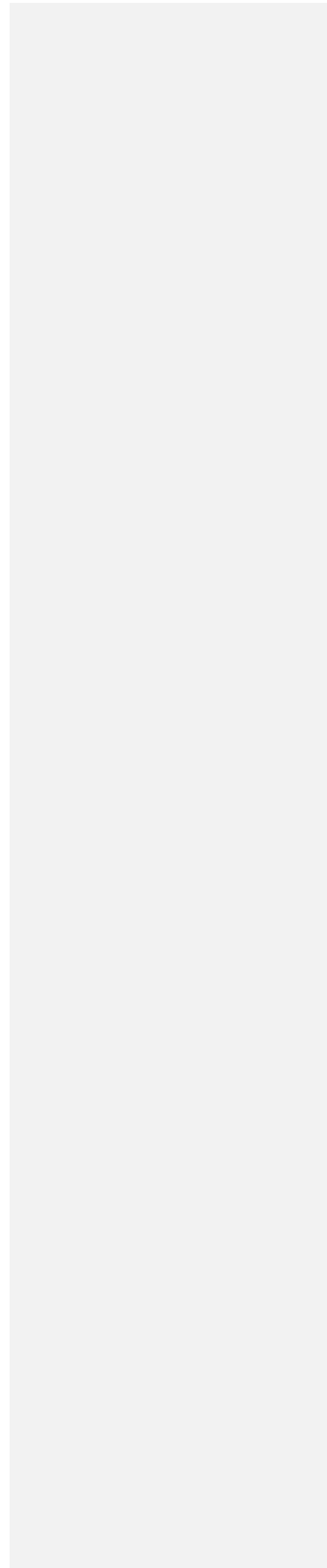
HONESTY: You have a duty to declare interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. You should not allow other pressures, including the financial interests of yourself or others connected to you, to deter you from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

APPENDIX A

ANNEX 2

Disclosable Pecuniary Interests, as prescribed by regulations, are as follows:



APPENDIX A

ANNEX 3

Other Disclosable Interests, as prescribed by the Authority, are as follows:

Any interest which relates to or is likely to affect:

- (i) any body of which the Member is in a position of general control or management and to which they are appointed or nominated by the Authority;
- (ii) any body:
 - (a) exercising functions of a public nature; or
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the Member is a member or in a position of general control or management;
- (iii) any employment or business carried on by the Member;
- (iv) any person or body who employs or has appointed the Member;
- (v) any person or body, other than the Authority, who has made a payment to the Member in respect of their election or any expenses incurred by them in carrying out their duties;
- (vi) any person or body who has a place of business or land in the Authority's area, and in whom the Member has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between the Authority and the Member or a firm in which they are a partner, a company of which they are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) any gifts or hospitality worth more than an estimated value of £50 which the Member has received by virtue of their office;
- (ix) any land in the Authority's area in which the Member has a beneficial interest;
- (x) any land where the landlord is the Authority and the Member is, or a firm in which the Member is a partner, a company of which the Member is a remunerated director, or a person or body of the description specified in paragraph (vi), is the tenant;
- (xi) any land in the Authority's area for which the Member has a licence (alone or jointly with others) to occupy for 28 days or longer.