



BRENCHLEY AND MATFIELD PARISH COUNCIL

Matfield Pavilion, The Green, Matfield, Kent, TN12 7JU
Tel: 01892 723586 www.brenchleyandmatfield.co.uk



Policy: Code of Conduct

Date of adoption: 6th December 2021

Introduction

Pursuant to section 27 of the Localism Act 2011, Brenchley and Matfield 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. This Code of Conduct is based on the ten general principles under the Relevant Authorities (General Principles) Order 2001 that can be found in Appendix C.

Definitions

For the purposes of this Code, a 'member' means a person who is an elected member of the Council. The term 'member' also includes 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 subcommittee of the Council, or a member of, and represents the Council on any joint committee or joint subcommittee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or subcommittee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint subcommittees.

1. Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, the member has the following obligations.

- a. To behave in such a way that a reasonable person would regard as respectful.
- b. Not to act in a way which a reasonable person would regard as bullying or intimidatory.
- c. Not to do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2010).
- d. Not to seek to improperly confer an advantage or disadvantage on any person.
- e. To use the resources of the Council in accordance with its requirements.
- f. Not to disclose information which is confidential or where disclosure is prohibited by law. An exception would be a disclosure made to a third party for the purpose of obtaining professional advice, provided the third party treats the matter as confidential.
- g. Not to conduct themselves in a manner which could reasonably be regarded as bringing the Council into disrepute.

2. Registration of interests

- a. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), the member shall notify the Monitoring Officer of the interests which fall within the categories set out in Appendices A and B by completing the Declaration of Pecuniary Interest Form.
- b. Upon the re-election of a member or the re-appointment of a co-opted member, the member shall within 28 days notify the Monitoring Officer any interests in Appendices A and B by completing the Declaration of Pecuniary Interest Form.
- c. A member shall notify the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it by completing the Declaration of Pecuniary Interest Form.
- d. Where the interests in Appendix B do not fall within the categories of Disclosable Pecuniary interests prescribed by Regulations, members are required to notify the Monitoring Officer for entry on the Register of Members Interest.
- e. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed



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on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

3. Declaration of interests at meetings

- a. Where a matter arises at a meeting which relates to an interest in Appendix A, the member shall not participate in a discussion or vote on the matter. The member only has to declare what the interest is if it is not already entered in the member's register of interests or if the member has not notified the Monitoring Officer of it. The member must withdraw from the room where a meeting considering the business is held and must not seek improperly to influence a decision about that business.
- b. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose the member has an interest but not the nature of it. The member must withdraw from the room where a meeting considering the business is held and must not seek improperly to influence a decision about that business.
- c. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. The member may speak on the matter only if members of the public are also allowed to speak at the meeting.
- d. A member only has to declare an interest listed in Appendix B if it is not already entered in the register of interests or the member has not notified the Monitoring Officer of it or if the member speaks on the matter. If the member holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, the member shall declare the interest but not the nature of the interest.
- e. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. The member may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.
- f. Where a matter arises at a meeting that might reasonably be regarded as affecting the well-being or financial position of the member, a family member or any person with whom the member has a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the Council's area.

4. Dispensations

- a. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if the member has an interest in Appendices A and B. The dispensation should confirm: the description and nature of the interest; whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote; the date of the meeting; an explanation as to why the dispensation is sought. The dispensation shall be retained as Council records.
- b. A dispensation can be granted if:
 - i. the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
 - ii. it is in the interests of the inhabitants in the Council's area to allow the member to take part; or
 - iii. it is otherwise appropriate to grant a dispensation.



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Appendix A

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

| Subject | 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 Council) made to the member during the 12 month period ending on the latest date referred to in clause 9 above for expenses incurred by the member in carrying out duties as a member, or towards the member's election expenses. 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 made between the member or between the member's spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) 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. |
| Land | Any beneficial interest in land which is within the area of the Council. |
| 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 the member's knowledge)— (a) the landlord is the Council; and (b) The tenant is a body in which the member, or the member's spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest. |
| Securities | 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— (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. |

*'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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Appendix B

An 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 the member is appointed or nominated by the Council;
- ii. any body—
 - a. exercising functions of a public nature;
 - 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)
- iii. of which the member of the Council is a member or in a position of general control or management;
- iv. any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office. Receipt and acceptance of gifts and hospitality are kept on a separate Gifts and Hospitality Register held by the Parish Clerk. The Parish Council Gifts and Hospitality Policy provides guidance to the members of the Council and employees.

Appendix C

The Relevant Authorities (General Principles) Order 2001

The general principles which are to govern the conduct of members and co-opted members of the Council.

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.



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Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

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

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.