

Hythe Town Council
Code of Conduct
As Adopted by Hythe Town Council on 29th November 2012
For Members & Co-opted Members

1 General

As a Member or Co-opted Member of Hythe Town Council you have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all residents of and visitors to the town.

2 Principles

In accordance with the Localism Act provisions, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Council.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

3 Registration and Declaration of Interests –

A. Disclosable Pecuniary Interests See - Table I at rear of document

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are attached as Appendix 1 and refer.

- 3.1 The Act further provides for registration and disclosure of Interests and in Hythe Town Council this will be undertaken as follows:
- 3.2 You must, within 28 days of taking office as a Member or Co-opted Member, notify the the Monitoring Officer of any Disclosable Pecuniary Interest as defined by regulations made by the Secretary of State, where the Pecuniary Interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 3.3 In addition, you must, within 28 days of taking office as a Member or Co-opted Member, notify the Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your Council has decided should be included in the register.
- 3.4 If an Interest has not been entered onto the Council's register, then you must disclose the interest to any meeting of the Council at which you are present, where you have a disclosable Interest in any matter being considered and where the matter is not a 'Sensitive Interest*' as defined in the Localism Act. * Please see below.
- 3.5 Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the Interest within 28 days beginning with the date of disclosure.
- 3.6 ***Dispensation from section 31(4).***
 - (1) Hythe Town Council may, on written request made to the proper officer of the Council by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in Section 31(4) in cases described in the dispensation.
 - (2) Hythe Town Council may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority -
 - (a) Considers that without the dispensation the number of persons prohibited by Section 31 (4) 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.
 - (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.
 - (c) Considers that granting the dispensation is in the interests of the persons living in the authority's area.
 - (d) If it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by Section 31 (4) 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 under this Section must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Section 31 (4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

3.7 (i) Dispensations may only be granted by the full Council. In regard to Budget/Precept matters any dispensation period shall be for a maximum of four years, or up to the end of the remainder of the current electoral cycle, whichever is the shorter. Such requests for dispensation by Members are to be submitted to the Town Clerk in writing two clear working days prior to the meeting, on a form to be provided.

(ii) An item to be included as a default item on every item on every Council Agenda for the consideration of dispensation requests for each item on the Agenda.

(iii) Or for any other requests for a dispensation.

(iv) A dispensation request must specify the period for which it has effect and the period specified must not exceed 4 years.

Such requests for dispensation by Members are to be submitted to the Town Clerk in writing two clear working days prior to the meeting, on a form to be provided.

3.8 You must recognise that “meeting” means any meeting organised by or on behalf of the Town Council includes :

- Formal meetings of the Council, its Committees and Sub-Committees.
- Any other meeting / event at which the Member is present by virtue of acting as a representative of Hythe Town Council such as on external bodies.

B. Personal Interests: other Pecuniary Interests and other Significant Interests other than those of a pecuniary nature - See Table II at rear of document.

Members of Hythe Town Council must:

3.9 In addition to the requirements at A. above, if Members attend a meeting at which any item of business is to be considered and they are aware that they have a Personal Interest in that item, they must make verbal declaration of the existence and nature of that Interest at or before the consideration of the item of business or as soon as the Interest becomes apparent.

3.10 Recognise that they will have a Pecuniary Interest or an Interest other than a Pecuniary Interest (a “Personal Interest”) in an item of business where:

- (a) a decision in relation to that item of business might reasonably be regarded as affecting the well-being or financial standing of
- (i) themselves;
 - (ii) a member of their family;
 - (iii) a person with whom they have a close association; or
 - (iv) a person from whom they have in the previous twelve months received a gift of hospitality with an with an estimated value of at least £100 as a Councillor (other than when as part of their approved duties)

to a greater extent than it would affect the majority of the Council tax payers, ratepayers or inhabitants of the ward or electoral area for which they have been elected (or otherwise of the council's administrative area); or

- (b) it relates to or is likely to affect any of the interests listed in the Table 1 in the Schedule to this Code, but in respect of a member of their family (other than their spouse, civil partner or person with whom they are living as spouse or civil partner) or a person with whom they have a close association

and that interest is not a Disclosable Pecuniary Interest.

- 3.11 Note that Personal Interests of the kind listed in the Table II in the Schedule this Code may be added to the Member's register of Interests for reasons of openness and transparency, as per paragraph 3.3 above.

4 Conduct

- 4.1 As a Member of Hythe Town Council your conduct must address the statutory principles in particular by:

- Championing the needs of residents – the whole community and in a special way your constituents, including those who did not vote for you - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Town of Hythe or the good governance of the Council in a proper manner.
- Exercising independent judgment and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a Member of this Council.
- Listening to the interests of all parties, including relevant advice from the Town Clerk and other statutory and other professional Officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for your decisions and co-operating when scrutinised internally and externally.
- Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving 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.
- Valuing your colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government.
- Always treating people with respect, including the organisations and public you engage with and those you work alongside.

- Providing 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 ‘Sensitive Interest’ is described in the Localism Act 2011 as a Member or Co-opted Member of an authority having an Interest, and the nature of the Interest being such that the member or co-opted member, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

5 Standing Orders

Standing Orders of Hythe Town Council shall provide for the exclusion of a Member or Co-opted Member of the authority from a meeting while any discussion or vote takes place in which they have a disclosable Pecuniary Interest or other Significant Interest as dealt with above.

In addition to the requirements as contained above, Members are required to comply with any and all obligations contained within the Town Council’s Standing Orders as they relate to Interests, in particular those contained with Standing Order No 7.

6 Gifts and Hospitality

Members of Hythe Town Council must:

For inclusion in the Register of Interests for a period of three years, notify the Monitoring Officer within 28 days - in writing - of the receipt of any gift, benefit or hospitality with a value in excess of £100 which they have accepted as a Councillor from any person or body other than the Council.

TABLE I		
Disclosable Pecuniary Interests (2012 Regulations)		
1	Employment, office, trade, profession or vocation	Carried out by you and/or by your spouse or civil partner for a profit or gain
2	Sponsorship	Name(s) of any person or body other than the Council, who has made a payment or provision of any other financial benefit to me within the 12 month period preceding this notification in respect of any expenses incurred by me in carrying out my duties as a member or towards my election expenses.
3	Contracts	Description of any contract under which good and services are to be provided, or works executed, made between the Council and myself and / or my spouse or civil partner or a firm, company or other body in which I and/or

	my spouse or civil partner has a beneficial interest and which has not been fully discharged
4 Land	<p>Address or other description of any land in the Council's area in which I and/ or my spouse or civil partner has a beneficial interest.</p> <p>You only need to register land in the Council's area. This includes your home if you own it or rent it.</p>
5 Licenses	Addresses or other description of any land in the Council's area for which I and / or my spouse or civil partner has a Licence (alone or jointly with others) to occupy for a month or longer.
6 Corporate tenancies	Address or other description of any land where the landlord is the Council and in which the tenant is a body in which I and/or my spouse or civil partner has a beneficial interest.
7 Securities	<p>Name(s) of any person or body who (to my knowledge) has a place of business or land in the Council's area and in whom I and/or my spouse or civil partner 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) or 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 I, my spouse or civil partner has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.</p> <p>“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.</p>

TABLE II

Other Interests (Voluntary Addition)

8 Public Bodies	Bodies of which you are a Member or hold a position of general control or management which exercise functions of a public nature.
9 Charitable Bodies	Bodies of which you are a Member / Trustee or hold a position of general control or management which are directed to charitable purposes.
10 Bodies which influence public opinion or policy	Bodies of which you are a Member or hold a position of general control or management whose principal purposes includes the influence of public opinion or policy (including any political party or trades union).