

Introduction

Pursuant to section 27 of the Localism Act 2011, Salehurst & Robertsbridge 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 principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

Unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council. 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.

A 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

'Register of Members' Interests' means Rother District Council's register of members' pecuniary and other interests, established and maintained by Rother District Council's Monitoring Officer under Section 29 of the Localism Act 2011.

'Monitoring Officer' is the Monitoring Officer of Rother District Council who must maintain a register.

'Partner' means your spouse or civil partner, or a person with whom you are living as husband and wife, or a person with whom you are living as if you are civil partners. N.B. It is *your* responsibility to include interests that *you are aware* your partner has (i.e. your partner *does not* declare interests).

Member obligations

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

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. 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), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A (disclosable pecuniary interests) and B (personal interests).
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. 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 on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

SALEHURST & ROBERTSBRIDGE PARISH COUNCIL
CODE OF CONDUCT FOR MEMBERS 2012

Adopted by the Council on 3rd December 2012. Minute ref: 1962/3

10. Where a matter arises at a meeting which relates to an interest in **Appendix A** (disclosable pecuniary interests of him/herself or spouse) the member shall **not participate in a discussion or vote on the matter and shall leave the meeting** immediately the Chairman announces the relevant agenda item. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it (in which case, he/she must register it within 28 days, as detailed in para. 8 above).
11. Where a matter arises at a meeting which relates to an interest in Appendix A (disclosable pecuniary interests of him/herself or spouse) which is a sensitive interest (see para. 9, the member shall **not** participate in a discussion or vote on the matter and shall leave the meeting immediately the Chairman announces the relevant agenda item. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it (and must register it within 28 days, as detailed in para. 8 above).
12. Where a matter arises at a meeting which relates to an interest in **Appendix B**, the member shall **not** vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting (even if no members of the public are present).
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. 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**. He/she 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.
15. Where a member declares a personal interest in a matter, whether it is an interest registered in Appendix B, or financial interest of a friend, relative or close associate, the member may also declare the interest to be **prejudicial** if he/she, or a majority of the members present, *consider that a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the member's judgement of the public interest*. In such cases, the member should **leave the meeting immediately after making any representations or answering questions**.

Dispensations

16. 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 he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Conduct of local authority members – guidance on predisposition, bias and predetermination

- A. It is not a problem for councillors to be predisposed. Predisposition is where a councillor holds a view in favour of or against an issue, for example any application for planning permission, but they have an open mind to the merits of the argument before they make the final decision at the council meeting.
- B. Bias or predetermination can lead to problems. It is where a councillor is closed to the merits of any arguments relating to a particular issue, such as an application for planning permission, and makes a decision on the issue without taking them into account. Councillors must not even appear to have already decided how they will vote at the meeting, so that nothing will change their minds.
- C. In summary, councillors are entitled to have and express their own views, as long as they are prepared to reconsider their positions in the light of the evidence and arguments. They must not give the impression that their minds are closed.

Appendix A - Disclosable Pecuniary Interests

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| <p>Employment, office, trade, profession or vocation Any employment, office, trade, profession or vocation carried on for profit or gain.</p> |
| <p>Sponsorship Any payment or provision of any other financial benefit (other than from the Council named above) made or provided within the period of 12 months ending today in respect of any expenses incurred by a member in carrying out duties as a member, or towards his/her 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.</p> |
| <p>Contracts Any contract which is made between a member (or his/her spouse or partner*) (or a body in which he/she has a beneficial interest) and the Council named above — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p> |
| <p>Land Any beneficial interest¹ in land which is within the area of the Council named above.</p> |
| <p>Licences Any licence (alone or jointly with others) to occupy land in the area of the Council named above for a month or longer.</p> |
| <p>Corporate tenancies Any tenancy where (to the member's knowledge)— (a) the landlord is the Council named above; and (b) the tenant is a body in which the member or his/her spouse or partner* has a beneficial interest.</p> |
| <p>Securities² 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 named above; 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 member, or his/her spouse or partner* has a beneficial interest, exceeds one hundredth of the total issued share capital of that class.</p> |

¹ Beneficial interest could include land or property which you own, or have a right to occupy (e.g. a tenancy) or receive an income from. This will usually include your home address.

² "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.

Appendix B – Other Interests

Membership of Organisations

Where the member (of the Council) is a member of, or in a position of general control or management in:

- (a) any body to which I have been appointed or nominated by the Council:
- (b) any body exercising functions of a public nature (e.g. school governing body or another council):
- (c) any body directed to charitable purposes:
- (d) any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

Gifts and hospitality

Any gift or hospitality I have received (in my capacity as a member/co-opted member) with an estimated value of at least £50