



## Tenterden Town Council

### Code of Conduct for Councillors

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Policy and Procedure sub-committee	9 <sup>th</sup> April 2025
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<b>Review and revisions</b>	
<b>April 2025</b>	Revised, streamlined policy.

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## 1. Introduction

This Code deals with the conduct expected of Members<sup>1</sup> of the town council when acting in that capacity, and its adoption is a statutory requirement under the Localism Act 2011.

The fundamental requirement, imposed by that Act, is for the council to promote and maintain high standards of conduct. This Code, when viewed as whole, is then required to be consistent with the seven principles of public life (often known as the Nolan principles):

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty and
- leadership.

### 1.1 What the Seven Principles mean for the council.

Every councillor, when acting in that capacity, must conduct themselves in ways that conform with the following:

**Selflessness:** You should act solely in terms of the public interest.

**Integrity:** You must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family or your friends. You must declare and resolve any interests and relationships.

**Objectivity:** You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability:** You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

**Openness:** You 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:** You should be truthful.

**Leadership:** You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour where it occurs.

## 2. Declaration and Registration of Councillors' Interests

**Interests for these purposes fall into two categories: pecuniary, and other than pecuniary.**

### 2.1 Pecuniary interests

This category is further sub-divided into two areas: (a) those interests defined by national rules that can be found within the statutory provisions (as set out in the Annex), for which declaration and registration is mandatory for all councils and (b) any other pecuniary interests that must be declared and registered beyond the statutory requirements but within the provisions of this Code.

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<sup>1</sup> Use of the term member includes any co-opted member throughout the Code and its Annex. Use of the term councillor is interchangeable with member.

- (a) Members should declare and register other pecuniary interests falling outside the specific statutory definitions which the member concerned believes should be declared and registered to comply with the Seven Principles of Public Life, particularly at a time when the question arises because an issue before the council has made the interest relevant.
- (b) Members are always entitled to declare and register interests that fall outside the statutory definition, should they wish to do so, and their inclusion on the register is then imposed by statute.

## 2.2 Interests other than pecuniary

Declaration and registration within this non-pecuniary category is only subject to any requirements laid down by the council, with no national rules, but the council is required by statute to make provision for the disclosure and registration of those interests where it considers this appropriate.

Accordingly, the council requires members to deal with 'interests other than pecuniary' on the following basis:

- (a) Declaration and registration of non-pecuniary interests is required to be made in those cases where the member believes a failure to do so would infringe the Seven Principles of Public Life, as stated above, either in general terms or in some way material to the consideration, decision or action at hand.
- (b) Other interests that do not fall within the above definition may still be declared at a meeting where they are relevant, in the spirit of openness, but formal registration is not required here unless the member chooses to require it.

## 3. Exclusion of members from meetings and votes

Exclusion of a member from participation and voting is a statutory requirement in any matter where a relevant **pecuniary** interest has been (or requires to be) declared and registered. Further exclusion from the meeting room in such cases is a matter for Standing Orders and is not a statutory requirement.

Exclusion of a member from participation or voting (or from the room) where a relevant **non-pecuniary** interest is under discussion is not a statutory requirement, but a matter for the individual councillor to decide on.

A dispensation may be sought, in advance and in writing, by a member from the Town Clerk; if a dispensation is granted, exclusion from participating and/or voting on account of a pecuniary interest might be waived, to last for a nominated period of anything between one meeting and four years. The Town Clerk may only grant a dispensation with good reason, as elaborated in the Localism Act. As long as the council retains its position on 'interests other than pecuniary', the possible need for dispensations only arises in the case of pecuniary interests, where exclusion is otherwise mandatory.

Subject to the above, any exclusion of a member from participation, voting, or from the room, over and beyond the relevant statutory requirements<sup>2</sup>, will be subject to the decision of the chairman of the meeting.

## 4. Complaints

Complaints that a councillor has breached the Code of Conduct will be referred to the Monitoring Officer at Ashford Borough Council for investigation and a decision.

If the Monitoring Officer upholds the complaint, that will be reported, via the Town Clerk, to the council, who can decide to pass a motion of censure. No further sanction is available, however.

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<sup>2</sup> NB. A dispensation granted by the clerk/council under s.33 of the Act overturns the statutory obligation for exclusion.

## 5. ANNEX: Declaration and Registration of Pecuniary Interests

Within 28 days of taking office, upon election, re-election or co-option, all interests<sup>3</sup>, whether ‘pecuniary’ or ‘other than pecuniary’, that are required to be disclosed and registered by a member, whether under the statutory provisions<sup>4</sup> or under this Code, must be notified by the member to the council’s Monitoring Officer at Ashford Borough Council.

Any further disclosable interests must be disclosed and registered at the time they arise.

A pecuniary interest is registrable against the member’s name, whether that interest pertains to the member or the member’s spouse or civil partner, or to a person with whom the member is living either as husband and wife or as if they were civil partners. The use of the term member in the table below must be construed accordingly.

If a disclosable interest has not yet been registered, but becomes relevant to a matter being considered at a meeting, that interest must be disclosed at the meeting, the same steps regarding exclusion apply as if it had already been registered, and the Monitoring Officer must be notified within 28 days so it can be added to the register.

**Pecuniary Interests** that must be registered by a member under the national rules are formally defined in the ‘DPI’ Regs, SI 2012 1464, and they have been slightly simplified, below, in the terms that they apply to the council:

<b>Area of interest</b>	<b>Statutory description of the disclosure required</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
<b>Contracts</b>	Any contract which is made between the member (or a body in which the member has a beneficial interest) 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.
<b>Land</b>	Any beneficial interest in land which is within the council’s area.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the council’s area for a month or longer.

<sup>3</sup> A very limited group of “sensitive” interests may be held back from the public register. See Loc. Act s.32

<sup>4</sup> see Localism Act 2011 Chapter 7; and the “DPI Regs”, SI 2012 No 1464.

Area of interest	Statutory description of the disclosure required
Corporate tenancies	Any tenancy where (to the member's knowledge): (a) the council is the landlord; and (b) the tenant is a body in which the member 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 council's area; 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 has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

In the above tabulation, certain terms used have the following meaning:

- *“body in which the member has a beneficial interest”* means a firm in which the member is a partner or a body corporate of which the member is a director, or in the securities of which the member 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 member (alone or jointly with another) to occupy the land or to receive income;
- *“relevant period”* means the period of 12 months ending with the day on which the member gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Localism Act 2011;
- *“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.