

STOKE PARISH COUNCIL



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MEMBERS CODE OF CONDUCT

Introduction

Medway Council have undertaken a review of its Member Code of Conduct. The revised version came into effect on 1st January 2018.

This is the first review since the “lighter touch” rules put in place by the Localism Act 2011. This provided much more scope to informally resolve complaints which has dramatically reduced the number of formal complaints relating to Parish Councillors.

In the five years since July 2012, 15 complaints in total have been considered and dealt with by the Councillor Conduct Committee; 8 relating to Medway Councillors and 7 about Parish Councillors. This represents a significant reduction in the volume of complaints as compared with 2011 when, in one year 28 complaints were received, 4 relating to Medway Councillors and 24 about Parish Councillors.

This review was prompted by a clear gap in our Code on interests which are not financial (referred to as “Other significant Interests” or OSIs). Members are often asking to register these kinds of interests and currently there is nothing in the Code on what to do at meetings when they arise.

A summary of the key amendments to the Code of Conduct is set out below.

The majority of Parish Councils adopted Medway Council’s previous Code of Conduct and are invited to adopt this latest version.

If there is sufficient interest further training can be provided at the next Rural Liaison Committee in March 2018.

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KEY CHANGES

The key changes are:

1. The new Code introduces a new requirement to register some specified non-financial interests (Other Significant Interest (OSI)) and to be able to register others by choice. This is consistent with the requirements in the Localism Act and the ongoing wish of Members to do this for which no provision exists at the moment.
2. **Non-pecuniary interests.** There is a new requirement on Members to register specified non-pecuniary interests involving membership of outside bodies appointed to by the Council and the holding a position of general control or management on other specific categories of outside bodies. This brings us in line with most other Councils. S28 of Localism Act 2011 says we must include provision in the Code as we consider appropriate for the registration of pecuniary interests and interests other than pecuniary interests (reinforced in DCLG guidance in 2013).
3. **Other significant interests** (OSI's) should also be registered. The Code includes a section on action required when "Other significant Interests" (OSIs) arise at meetings. The test is: does the interest affect your own financial position or wellbeing more than it affects other inhabitants or the finances /wellbeing of your family friends/close associates, an outside body of which you are a member or in a position of general control or management or from whom you have received a gift or hospitality **AND** would a member of the public think the interest to be so significant it would prejudice judgement of public interest – and if so disclose, don't take part and leave.
4. A facility to apply for a dispensation to enable participation and/or voting when an OSI arises has been added. This will avoid difficulty in dealing with business where quorum would be affected by number of Cllrs with OSIs being conflicted out. This includes the power to delegate authority to the Monitoring Officer to deal with requests for dispensations in cases where the timing of a request would make it impractical to convene a meeting of the Committee.
5. **Disclosable Pecuniary Interests.** The rules on registration and disclosure of DPI's and how to apply for a dispensation have been clarified. It removes the presumption that the complaints process may be ended if a complainant makes an allegation public before it is concluded in cases involving failure to follow rules on DPIs – it would not be lawful to do this.
6. **Parish Councils** must deal with their own complaints. Recent case law has confirmed that the Localism Act requires complaints about Parish Councillor Conduct to be dealt with by the relevant Principal Authority. The delegation of this function to the Parishes agreed by the Council in 2012 must now be revoked.
7. **A preamble to the Code** explains the legislative framework, providing a fuller description of the Seven Principles of Public Life and the potential for a criminal offence to arise as a consequence of a failure to meet the requirements in relation to the registration and disclosure of Disclosable Pecuniary Interests. This should help new and less experienced Members to know what is expected. This includes sections on General Conduct, disclosing and accessing information, use of Council resources and acting in the public interest (section 28, Localism Act 2011).

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8. **Non-Voting Co-Optees** are now required to agree to comply with the Code and are required to register and disclose interests. This was not provided for in the Localism Act 2011 but ensures they do not improperly influence the outcome on issues at Overview & Scrutiny Committees where they have an interest.
9. **Gifts and Hospitality** – A section for recording gifts and hospitality is included in the form for registering interests which are published on the Council's website. This will improve transparency.

This policy was agreed by the full council on 17th March 2021.