



SELECTION & CONSTITUTIONAL REVIEW COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Thursday, 11th April, 2019 at 6.00 pm.

The Members of the Selection & Constitutional Review Committee are:-

Councillor Clarkson (Chairman)
Councillor Bell (Vice-Chairman)

Cllrs. Barrett, Bennett, Bradford, Burgess, Chilton, Clokie, Galpin, Hicks, Koowaree
and Ovenden

Agenda

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| <p>1. Apologies/Substitutes</p> <p>To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii)</p> <p>2. Declarations of Interest</p> <p>To declare any interests which fall under the following categories, as explained on the attached document:</p> <ul style="list-style-type: none">a) Disclosable Pecuniary Interests (DPI)b) Other Significant Interests (OSI)c) Voluntary Announcements of Other Interests <p>See Agenda Item 2 for further details</p> <p>3. Minutes</p> <p>To approve the Minutes of the Meeting of this Committee held on the 14th March 2019.</p> <p>4. A Protocol for an Effective Councillor/Officer Relationship</p> | <p>1 - 2</p> <p>3 - 4</p> <p>5 - 20</p> |
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DS
3rd April 2019

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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Selection & Constitutional Review Committee

Minutes of a Meeting of the Selection & Constitutional Review Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **14th March 2019**.

Present:

Cllr. Clarkson (Chairman);
Cllr. Mrs Bell (Vice-Chairman);

Cllrs. Barrett, Bennett, Bradford, Clokie, Galpin, Hicks, Ovenden.

Apologies:

Cllr. Burgess.

Also Present:

Cllr. Shorter

Principal Solicitor (Strategic Development), Member Services Manager (Operational).

363 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 6th December 2018 be approved and confirmed as a correct record.

364 Chilmington Management Organisation (CMO) – Appointment of Directors

The Principal Solicitor (Strategic Development) introduced the report which advised that the incorporation of the community governance body for Chilmington Green, which was to be known as Chilmington Management Organisation (“CMO”), as a registered company limited by guarantee, was expected in April 2019. It was therefore necessary to clarify the arrangements for the appointment of a Director by the Council. Also, Kent County Council had decided not to take up its right to appoint a Director, and agreed to pass its right to appoint a Director to Ashford Borough Council for two years. It was therefore necessary to agree the arrangements for appointing a second Director for a period of two years.

Resolved:

That (i) it be noted that, pursuant to this Committee’s previous decisions, Councillor Neil Shorter will be appointed as a Director of Chilmington Management Organisation once it has been created.

- (ii) **authority be delegated to the Director of Law & Governance to appoint Councillor Mrs Jessamy Blanford as a Director of Chilmington Management Organisation, in the event that Cllr Shorter does not take up or ceases to hold that office for any reason.**
- (iii) **Mr Ben Lockwood be appointed as a Director of Chilmington Management Organisation once it has been created, to hold office only until the second anniversary of its incorporation.**
- (iv) **the proposals in the report for the exercise by others of the duties and functions of Chief Finance (Section 151) Officer in relation to all matters concerning CMO and related arrangements while Mr Lockwood is both the Council's Section 151 Officer and a Director or recent Director of CMO be agreed.**

DS

**SELECTION & CONSTITUTIONAL
REVIEW COMMITTEE
11 APRIL 2019
REPORT OF DIRECTOR OF LAW &
GOVERNANCE & MONITORING OFFICER**

**A PROTOCOL FOR AN EFFECTIVE
COUNCILLOR/OFFICER RELATIONSHIP**

1. The Council's Constitution includes a "Protocol on Member/Officer Relations". It is substantially in its original form when the current Constitution was adopted in 2001. It requires significant updating.
2. In September 2018 Cabinet approved an Action Plan to respond to the Corporate Peer Challenge recommendations published in April 2018. Recommendation 3 of the Action Plan was;
 "Review and re-define the respective roles and responsibilities of members and officers and set out how senior members and managers should model expected behaviours. Build in mechanisms for actions when such behaviours fall short."
 The stated intention was to amend the Council's Constitution to reflect the new guidance and embed the new guidance in inductions in May 2019. Refresher training for officers would also be required.
3. The attached draft Protocol, if approved, would replace the existing Protocol in the Constitution. The key messages would be captured in induction and officer training following the elections in May.
4. The new draft Protocol seeks to address a number of issues on which the current Protocol is silent or unduly brief. In particular the following issues are now addressed in accordance with the Peer Challenge Feedback Report:
 - Roles & Responsibilities of Councillors and Officers
 - Expectations of Councillors and Officers
 - Working Relationships
 - Press & Media
 - Modelling & Monitoring Positive Behaviours
5. IT IS RECOMMENDED that the draft Protocol for an Effective Councillor/Officer Relationship attached to this report be approved and adopted by the Council for inclusion in the Council's Constitution with effect from 2 May 2019 in place of the current Protocol on Member/Officer Relations.

T W MORTIMER
Director of Law and Governance & Monitoring Officer
April 2019

A Protocol for an Effective Councillor/Officer Relationship

1. Introduction

- 1.1. Building a constructive and collaborative working relationship between councillors and officers is an essential ingredient in any successful Council. It is a unique relationship not replicated in any other type of business organisation and it takes understanding and hard work on both sides.
- 1.2. Mutual trust and respect with clear and honest communication between councillors and officers underpin good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective Council. In broad terms, councillors provide leadership with a democratic mandate to develop a policy framework for the Council; whilst officers contribute the professional and managerial expertise needed to deliver it.
- 1.3. However, in practice there are sometimes overlapping or blurred boundaries which can create problems and misunderstandings if councillors and officers do not fully appreciate or respect each other's roles.
- 1.4. Reports of negative interactions between councillors and officers can readily cascade through an organisation and bring disproportionate damage to confidence and working relations. Accordingly it is important to our corporate health that clear rules and expectations are in place to mitigate this risk.
- 1.5. This Protocol forms part of the Council's Constitution. It reflects the principles underlying the respective codes of conduct which apply to councillors and officers. It describes the different roles and responsibilities of councillors and officers and makes clear the values and expectations on which an effective working relationship should be built. In line with the practice of the best Councils, we will monitor and review the working relationship to ensure it takes account of developments and remains fit to support good governance within the Council.
- 1.6. In July 2018, following an LGA Peer Review, the Leader of the Council prepared a "Best Practice Guidance" note for all elected Members. This includes guidance on relationships with officers and to that extent it is complementary to this Protocol. A copy is **attached as an APPENDIX**.

2. Roles and Responsibilities

- 2.1. The Council operates a Leader and Cabinet executive governance model. In simple terms:

Councillors are elected and answerable to the electorate; and collectively

- provide democratic leadership, set the direction of the Council and ensure adequate resources and management arrangements are in place
- provide community leadership and represent members of the public (customers/citizens) and other community stakeholders by interpreting and expressing their wishes and needs
- scrutinise service delivery

Officers are employees of the Council and, although they work closely with the ruling administration of the Council, they are accountable to the Council as a whole; and

- manage operational delivery of policies agreed by councillors
- organise and deliver services and provide day to day management of staff
- ensure the Council acts in a lawful way
- provide politically impartial professional support and advice to councillors, serving the whole Council rather than particular groups or councillors ¹

2.2. Whilst aspects of the roles of councillors and officers are clearly different, together they have a collective corporate role and responsibility. Tackling challenges effectively is not about a rigorous separation of duties but an appreciation and respect for the skills, knowledge and experience each brings to the leadership role. In reality roles are rarely truly distinct and it is increasingly common for both to collaborate in a shared responsibility for key issues such as developing the detail of workable policies and monitoring performance and service delivery.

2.3. Some councillors have roles as members of the Cabinet some as Committee Chairs and some as members of other committees. These roles are explained in more detail in the functions section of the Constitution.

2.4. Some councillors will have roles as appointees to outside bodies. These roles vary from representing the views of the Council to acting according to individual judgement. Details of such roles will be provided at or before the time of such appointments.

3. **Expectations**

¹ See also sections 5 6 and 7 below on Advice from and Access to Officers, Statutory Roles and Responsibilities and Briefings by Officers.

- 3.1. In order to ensure effective working relationships, councillors and officers have certain basic expectations of each other in terms of high standards of conduct and ethical governance.
- 3.2. The LGA has identified that a “golden rule” in an effective and trusting working relationship is the mutual expectation of effective forward planning with “no surprises” in either direction. This applies to the provision of information or advice or the development of policy. There are also other basic expectations:

WHAT COUNCILLORS CAN EXPECT FROM OFFICERS

- compliance with the adopted Officer Code of Conduct
- a commitment to the Council as a whole
- a working partnership to deliver Council policy
- timely provision of relevant information to enable councillors to fulfil their role(s) ²
- timely response to enquiries and complaints
- impartial and professional advice not influenced by political views or preference
- integrity, mutual support and appropriate confidentiality

WHAT OFFICERS CAN EXPECT FROM COUNCILLORS

- compliance with the adopted Code of Conduct for Members and the ‘Nolan Principles’ of ethical standards and probity
- political leadership and direction
- a working partnership to deliver Council policy
- non-involvement in day to day staff management
- no special considerations
- respect for officer political neutrality
- respect for the professional role and judgements of officers

4. Working Relationships

² See also section 8 below in relation to Members’ Rights of Access to Documents.

- 4.1. As already stated, mutual respect, trust and good communication are essential to establishing good working relationships between councillors and officers. Close personal familiarity between an officer and an individual councillor, where an officer's ability to deal impartially with other councillors or groups can be brought into question, must be avoided. Such close familiarity can also prove embarrassing to other officers and councillors and should be avoided for this reason as well.
- 4.2. In order to protect both members and officers, a degree of formality should be used in addressing each other at formal public meetings. The holders of office should be addressed by their office e.g. chairman and otherwise by surname and title e.g. Cllr Brown or Mr Smith. In less formal environments the use of first names is normally acceptable. However some individual councillors and officers may feel more comfortable using the more formal modes of address and such individual preferences must be respected.
- 4.3. An ethical culture starts with tone. A civil tone when conducting business is the basic starting point for a healthy ethical culture. This is true both for the relationship between different councillors and the relationship between councillors and officers. Accordingly, dealings between councillors and officers must always be respectful and observe normal standards of courtesy. Behaviours such as bullying, harassment or manipulation are not acceptable. In particular councillors and officers commit to not undermining each other's role through personal attack. This applies equally to written communications such as email as to face to face or telephone interactions.
- 4.4. It is made clear in the Appendix to this Protocol (the Leader of the Council's Best Practice Guidance Note) that councillors should never remonstrate with an officer of the Council in front of other councillors or officer colleagues nor at public or other meetings in a way which could cause embarrassment or humiliation. The appropriate channels should be used by councillors for raising concerns regarding officer conduct or performance.
- 4.5. Undue pressure in the working relationship must be avoided at all times:
 - a. It is easy for officers, particularly more junior officers, to be overawed in their dealings with councillors, especially with councillors who hold political office. Accordingly wherever possible the point of contact with officers should be a more senior officer.
 - b. A councillor should never ask an officer to do anything s/he is not empowered to do, nor to cease any action s/he is properly taking or to undertake work outside normal duties or to change professional advice or recommendations in a report. In the event of disagreement between a councillor and report author, for example, the matter should be referred to the appropriate Head of Service or Director.
 - c. Similarly an officer must neither seek to use undue influence on an individual councillor to make a decision in their favour nor to raise personal matters to do with their job or make allegations about other

officers. The Council has proper procedures for consultation, grievance and discipline which should be used when required.

- 4.6 The Council has a good track record of being flexible in responding to unplanned risks and opportunities. However, in the absence of agreed priorities being changed through proper channels, councillors and officers should respect and work together within current corporate and service priorities agreed by the Council. Councillors are encouraged to engage with corporate and service planning processes if they wish to seek agreement to particular schemes or projects. To do so after plans have been agreed should normally be avoided as it can be disruptive and lead to approved work and projects being delayed or not delivered.
- 4.7 On occasions, councillors may disagree with the views or advice of an officer. Valid differences often lie behind conflicting positions and it is important in such situations that the 'problem' is separated from the 'person' and that any differences do not become personal. In this way issues can be properly questioned and debated without damaging working relationships. Questioning and debate can be – indeed should be – probing but should never be bullying or aggressive. Further reference is made to questioning officer advice in para. 5.3 below.

Summary

DO strive to develop positive working relationships based on mutual respect, trust and good communication, always conducting business in a civil tone.

DO ensure an appropriate degree of formality in addressing each other at formal meetings.

DO use appropriate channels to express any concern about officer conduct or performance by referring matters to relevant Director or Head of Service.

DO respect and work together within current corporate and service plan priorities and only seek to change priorities through proper channels.

DO NOT allow close personal familiarity between officer and councillor which can affect perceptions of impartiality.

DO NOT take part in bullying behaviour or remonstrate with officers in front of others or at public or other meetings or in writing in a way which is disrespectful or could cause embarrassment or humiliation.

DO NOT allow use of undue pressure in the working relationship e.g. by a councillor asking an officer to take action they are not empowered to take or an officer seeking to influence a councillor to make a decision in their favour.

5. Advice from and Access to Officers

- 5.1. Officers serve the Council as a whole. This means all councillors, not just those of any controlling group(s), and the individual rights of all councillors must be respected. For this reason, officers will not normally be required to

attend any meeting of a political group or advise any political group on the Council either as to the work of the group or the Council.³

5.2. Officer advice to councillors in any of their roles will always be given in the following contexts:

- agreed Council policy
- an appreciation of local and national priorities
- national law and guidance
- best professional practice

5.3. If a councillor is unhappy with advice received, they should refer this to the relevant Director or Head of Service who will provide further advice or guidance. Any disagreement following this step should be referred to the Chief Executive.

5.4. Councillors are obviously welcome to visit the offices to meet with officers to discuss services or plans. However, officers obviously have work commitments and sometimes it is not possible for an officer to be available at very short notice. Where possible councillors should pre-plan visits by contacting the officer in advance. Officers accept that on rare occasions special urgency may mean prior notice is not practical.

5.5. Most officers work within normal office hours. It is recognised that on occasions a councillor may need to contact a senior officer outside these times but it is important that undue work pressure is not placed on officers by councillors or senior managers to respond in evenings or at weekends outside of agreed out of hours procedures.

6. **Statutory Roles & Responsibilities**

6.1. Councillors are required to have regard to relevant advice of the three "statutory officers" in their decision making roles. It is especially important, therefore, that the roles of 'Head of Paid Service', the 'Chief Financial Officer' (or s151 Officer) and the Monitoring Officer are fully understood and that working relationships and flows of information between those officers, and between those officers and councillors, are strong and positive.

6.2. In summary the roles of the statutory officers are:

Head of Paid Service (HOPS) - The HOPS is under a duty to report to the Council in relation to how the discharge of the Council's functions is co-ordinated, the staff required to discharge functions and their organisation and management. This statutory post is currently held by the Chief Executive.

³ This does not apply to political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989. See also paragraph 7.5 below regarding requests to the Chief Executive for group briefings by officers.

Chief Finance Officer (CFO) (s151 Officer) - The CFO is responsible for arrangements for the proper administration of the Council's financial affairs. The CFO has a statutory duty to report to the Council in relation to any unlawful expenditure (actual or proposed) or if it appears expenditure in any financial year is likely to exceed resources available to meet the expenditure. This statutory post is currently held by the Director of Finance and Economy.

Monitoring Officer (MO) – The MO has a statutory duty to report to the Council (or Cabinet) if it appears the Council is acting or likely to act illegally or, in some circumstances, with maladministration. The MO also has a statutory role central to the ethical standards regime for borough councillors and in some respects, parish councillors in the borough. It is important that the confidentiality and independence which attaches to the latter functions are understood and respected. This statutory post is currently held by the Director of Law & Governance.

- 6.3. The Leader of the Council is appointed by the Council under statutory provisions for a four year term. The office of the Leader of the Council carries personal statutory responsibilities, including the appointment of a Cabinet. The office also carries strategic leadership functions under the Council's Constitution including
- To provide visible political leadership in the overall co-ordination of the Council's policies.
 - To uphold the Constitution and ensure adherence of proper standards of behaviour by Councillors
- 6.4. Councillors and officers should be aware of these statutory roles and responsibilities and have appropriate regard for the advice and actions of the office holders when discharging these duties.

7. Briefings by Officers

- 7.1. Since officers serve all members of the Council, they must provide information, offer advice and give assistance in the formulation of policy proposals impartially to all who seek such information advice and assistance. Officers also have to recognise the position and roles of Committees, Portfolio Holders and Chairmen and the need to work with them to facilitate the discharge of the Council's functions and delivery of services.
- 7.2. Whilst, therefore, working relationships between senior officers and Portfolio Holders, for example, will need to be close, the relationships must not:
- compromise officers' duties to all members of the Council
 - be so close as to give the appearance of partiality or over-familiarity by the officer
 - undermine or compromise officers' professional responsibilities to give appropriate advice impartially in the interests of the Council

- 7.3. Briefings of councillors by officers occur regularly within the committee and decision-making process. For example, prior to the despatch of each Cabinet agenda, the Leader of the Council and relevant Portfolio Holders, will be briefed by relevant officers and the content of an agenda discussed and so far as possible agreed with the Leader as Chairman in accordance with the Council's Constitution. Similarly, prior to the despatch of each Overview & Scrutiny Committee agenda, the Chairman and Vice Chairman will be briefed by the Senior Policy and Scrutiny Officer and the agenda agreed with them so far as possible.
- 7.4. The Chairmen of regulatory committees will not normally be briefed upon items proposed to be included on meeting agendas but may be briefed by relevant officers upon the content of agendas once settled by the Proper Officer.
- 7.5. There may be additional briefings given by officers to councillors on specific topics or to particular committees. However briefings will not be given by officers to individual party groups unless the same briefing is also offered to other party groups and any independent councillors. Requests for group briefings should be made to the Chief Executive. Normally only officers of appropriate seniority, such as heads of service or Directors, would attend such briefings. Briefings may only relate to Council business not group or party business.
- 7.6. In the event that a briefing is given, officer(s) will leave the meeting before the group decide what view to take on the matter. If a group meeting includes non-members of the Council, the officer may not be able to provide the same level of information and advice as to a "councillors only" meeting.

Summary

DO pre-plan visits to the offices to meet with officers by appointment wherever possible.

DO NOT ask officers to advise or attend meetings of a political group except for any all-group briefings arranged through the Chief Executive.

DO NOT place undue work pressure on officers to respond in evenings or at weekends outside of agreed out of hours procedures.

8. Councillors' Rights of Access to Documents

- 8.1. Councillors are normally entitled to have access to information and documents reasonably necessary to enable them to carry out their councillor duties. This is often referred to as 'the need to know'. This does not normally apply to working or draft documents or internal management documents. Nor does it apply if a councillor has or is reasonably considered to have an improper

purpose in accessing the information e.g. to act contrary to the Council's interests. The Council's Monitoring Officer will decide in the event of any dispute.

- 8.2. Confidential documentation such as that provided in relation to named individuals for Appeals or Appointments committee meetings, will normally be made available on a confidential basis only to councillors serving on the relevant panel or committee.
- 8.3. Councillors should not disclose information or documents provided to them by officers on a confidential basis. Nor should they disclose any information provided as 'exempt' or 'confidential' under the Access to Information legislation. Such disclosure may be in breach of the law or the Council's Code of Conduct for Members.

9. **Press and Media Statements**

- 9.1. Official press statements relating to the functions and business of the Council may be issued by the Communications and Marketing Manager on the authority of the Mayor (on matters relating to that office) and on all other matters in consultation with the Leader of the Council (or Deputy Leader in absence of the Leader) or the relevant Portfolio Holder (after discussions with the Leader or Deputy Leader) or the relevant Chairman of a committee (or Vice Chairman in absence of the Chairman) after discussion with the Leader or Deputy Leader.
- 9.2. All Council media communications will follow the Code of Recommended Practice on Local Authority Publicity. This means they will not contain party political views or material. Any party political communications should be through councillors' own channels such as their own party newsletters or social media channels rather than supported by officers.
- 9.3. Expression of opinion or views by councillors on behalf of the Council to the press, radio or television or to MPs or other public bodies on matters relating to the work of the Council shall be given only by the Leader of the Council or Deputy Leader or Portfolio Holder or Chairman or Vice Chairman of a Committee in the same manner described at 9.1 above.
- 9.4. Paragraph 9.3 does not prevent councillors expressing opinions or views on such matters in a personal or ward councillor or political group capacity provided this capacity is made clear in the communication.⁴
- 9.5. All media enquiries and requests for comment/interview made direct to an officer must be directed to the Council's Communications team for consideration and advice. Media enquiries and requests for comment/interview made direct to a councillor should also normally be

⁴ Article 2.06 of the Constitution provides additional guidance in relation to such communications by councillors.

directed to the Council's Communications team, for consideration and advice. In any event para 8.3 above still applies to any views expressed.

Summary

DO ensure media enquiries and requests to officers for comment are always directed to the Council's Communications Team for advice and that such requests to councillors are normally so directed

DO NOT seek to include party political material in any Council media communication.

DO NOT express views on behalf of the Council to press, radio, TV or MPs or other public bodies on Council business unless you are specifically authorised to do so.

10. Modelling and Monitoring Positive Behaviours

- 10.1. The Council's political leadership and Senior Management Team commit to model the highest standards of personal conduct in undertaking the Council's business. This is intended to set an appropriate example for others to follow.
- 10.2. It is important, however, that if councillors or officers have concerns about the behaviour or actions of others they should feel able to raise them in an appropriate way without fear of reprisal. This reflects the Council's legal obligations to promote and maintain high standards of conduct.
- 10.3. If an officer feels this Protocol has been breached they should discuss their concerns with the Council's Chief Executive or Monitoring Officer. As far as possible there should be an informal resolution to the concerns by discussion with the relevant councillor and/or Group Leader. However, if on initial investigation, the situation appears to be sufficiently serious it may need to be resolved by following the procedures of relevant Council policies (such as the harassment policy) or through the formal Code of Conduct complaints process.
- 10.4. If a councillor considers an officer has breached this Protocol, this should normally be dealt with first through line management arrangements. This means raising the matter with the relevant Director or Head of Service. Again, where possible an informal resolution should be sought or, if the matter is sufficiently serious, it should be handled within the Council's approved employment procedures. It is important to follow such procedures because, (as is made clear in the Appendix to this Protocol), it is inappropriate for councillors to remonstrate with or criticise officers at public or other meetings or in front of fellow councillors or officers.

Summary

DO at all times seek to model the highest standards of officer and councillor conduct in undertaking the Council's business.

DO raise concerns about behaviour or actions of councillors in breach of this Protocol with the Chief Executive or the Monitoring Officer in accordance with para 10.3.

DO raise concerns about behaviour or actions of officers in breach of this Protocol in accordance with para 10.4.

21.3.19/Version3/CS

APPENDIX

Best Practice Guidance for all Elected Members of the Council

Collective & Individual Responsibilities

1. Introduction:

- 1.1 Your election to serve on Ashford Borough Council, demonstrates that the electorate has put their faith and trust in you. Therefore you are democratically accountable to the residents of your Ward and have a special duty to represent them. However, as an Elected Member you also have an overriding duty to the whole community of Ashford. These duties include assisting in the collective creation of policies that define the strategy and corporate approach to the functions of this Authority.
- 1.2 This guidance explains the expectations that complements the key roles and duties of all elected members of the Authority as defined in **Article 2 Section 2.03 of the Constitution** and in addition the more specific duties of Elected Members serving on various committees as defined in **Part 3**.
- 1.3 As an Elected Member you have accepted a number of responsibilities that you will wish to discharge in a credible way. In order to do so you will need to gain a good understanding of the Council's statutory and non - statutory responsibilities and just how these are discharged.
- 1.4 It is also important to fairly quickly gain an understanding of the organisation of the Council and the key officers, who are there to assist you. There is also a need to understand the relationship of the Council with other organisations.
- 1.5 Clearly certain duties as an elected Councillor are such that they must be your priorities and they are emphasised in the sections that follow.
- 1.6 It is quite understood that many Councillors are employed and have other pressing demands on their time. It is therefore important to differentiate between what are your key duties and what are rather more optional. It is important that you do not take on more than you can do well and effectively.
- 1.7 Elected Councillors may also have a duty to their respective group on the Ashford Borough Council and to their political organisation.

2. Councillors Collective Responsibilities:

- 2.1 Whilst, the administrative party will set the policies and drive forward their agenda, which opposition members are free to challenge, it must be remembered that all elected members are working not only for their wards but also for the good of the entire Borough.
- 2.2 All Elected Members have a duty to contribute to the good governance of the Ashford area and encourage citizen involvement in their wards. Accordingly you have a prime duty to attend the Full council meetings when called to do so by the Mayor. Indeed, under Section 85 of the Local Government Act 1972, any Elected Member who fails to attend any meetings of the Council or its Committees for a six month period would automatically be disqualified and lose their seat. A By-Election would then have to be held.
- 2.3 You also have a collective and personal duty to attend any committee to which you have agreed to be appointed. If you are unable to attend a meeting it is good practice to send apologies via Member Services. You also have the opportunity to arrange a substitute (Part 4, Appendix 4 of the Constitution refers). This should be done via your Political Group. You should remember that membership of the various committees, forums, task groups, boards, panels or sub committees is optional and you should not accept an appointment to any that you cannot attend on a regular basis.

3. Individual Responsibility:

- 3.1 Collective responsibility is not the same as individual responsibility, which means that elected members have certain personal responsibilities.
- 3.2 In order for elected members to be effective, they must become knowledgeable and fully understanding of the methods and practices used by Council officers to deliver the Council's corporate plans and policies. If there are any issues that are unclear or of concern they should approach the relevant Portfolio Holder, Senior Officer or a Senior Member of the Authority. Induction and training is offered to all Elected Members and you are encouraged to make every effort to attend such sessions. Attendance at training in Planning and Licensing is mandatory for Members appointed to serve on those Committees.
- 3.3 Elected Members must understand that it is as much their responsibility to keep themselves informed of what is going on in

the Council as it is of others to inform them. Unfortunately, it is sometimes the case that Elected Members remonstrate, stating that they are unaware of certain matters only to find that they have been so informed, but have failed to either attend the briefing or have failed to read the documents provided.

- 3.4 The Leader of the Authority is keen to ensure that the Council has as an inclusive approach as possible and to that end has introduced the practice of producing a series of numbered "Leader's Briefings". These briefings are circulated to all Members of the Authority irrespective of party affiliation.
- 3.5 The Administration is responsible for corporate policy formation under the cabinet system, all Elected Members of the Authority must share in the responsibility of ensuring that these Council policies are being executed in an effective and timely manner.
- 3.6 Whilst the robust nature of British politics is well understood and whilst it is reasonable to robustly challenge differing political views and decisions, good manners, good behaviour and respect are the order of the day. Your attention is drawn to the Council's adopted Code of Conduct for Members in Part 5 of the Constitution. As Elected Members representing the people of Ashford, you have a duty to set that good example in your day to day activities. You need to think about what you say and what you write and the use of inappropriate or inflammatory language is not acceptable.
- 3.7 It is particularly inappropriate for elected members to remonstrate with individual staff for any perceived shortcomings. It is however, important that you take up any such matters of concern with the respective Service Head and or Portfolio Holder. Elected Members should not be hovering around the workplace of the officers or becoming involved with their detailed activities, because they have line managers to whom they report.
- 3.8 If any Elected Member is unhappy or concerned with any process or procedure or indeed performance of any department or officer of the Council, then it may be appropriate to take it up with the Leader, CE or the appropriate Head of Service, dependent on the nature of the issue.
- 3.9 Under no circumstance is an Elected Member to remonstrate with any officer of the Council in front of either other Elected Members, or indeed other officer colleagues. At public or closed meetings it is also unacceptable to remonstrate with officers in a way that would cause embarrassment or humiliation, because that is in effect bullying and is not acceptable in this Authority. It is also likely to be a breach of the Council's adopted Code of Conduct

which could lead to a formal complaint, investigation and sanctions.

- 3.10 Elected Members have an inherent duty to effectively represent the interests of their ward and individual constituents. However, in doing so they will often have to balance competing interests both in the ward and with the wider interests of the Borough.
- 3.11 It should be remembered that if, you are approached by a member of the public about a Council matter that they are concerned about, Members should first check that they are indeed resident in your ward. If not it is important that you refer them to the appropriate ward member and do not yourself get involved, unless invited to do so by the ward member.
- 3.12 In terms of elected members wishing to make or express a view on behalf of the Council, your attention is drawn to **Part 2, Article 2 Section 2.06 of the Constitution**. In addition Members will need to adhere to any group rules applicable in this area.

Gerry Clarkson
Leader - Ashford Borough Council (Rev: May 2018)

SELECTION & CONSTITUTIONAL REVIEW COMMITTEE

11 APRIL 2019

REPORT OF THE MONITORING OFFICER ADOPTION OF REVISED CODE OF CONDUCT

1. Last year, following consideration of my Annual Report, the Council resolved that the Code of Conduct for Members should be amended by addition of the following clauses;
 - a) You must not publish on social media material that a reasonable person would consider offensive or abusive.
 - b) You must make it clear in your social media profile and/or in any post/tweets etc. whether you are acting in your personal capacity or as a Councillor. This is because members of the public may perceive you to be acting as a Councillor even when you are acting in your personal capacity. This includes when you publish material on social media.

2. The Standards Committee has recommended to the Council the adoption of a new Social Media Guidance for members. If approved this will assist members more generally in complying with the Code of Conduct and in particular with the new code clauses relating to use of social media.

3. The amended Code of Conduct for Members is attached with the changes shown in bold type and IT IS RECOMMENDED the Council adopts the revised Code with effect from 2 May 2019.

T W MORTIMER
Director of Law and Governance & Monitoring Officer

Kent Code of Conduct for Members

Kent Code of Conduct for Members

Preamble

- (A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- (B) The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out in Annex 1.
- (C) This Preamble and Annex 1 do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- (D) If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (E) In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:
 - (a) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member.
 - (b) Fail to disclose the interest at Meetings where the interest is not entered in the Authority's register.
 - (c) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the Authority's register and is not the subject of a pending notification.
 - (d) Take part in discussion or votes, or further discussions or votes, at Meetings on matters in which you have the interest which are being considered at the meeting.
 - (e) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority.
 - (f) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you.
 - (g) Knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.

- (F) Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

THE CODE

1. Interpretation

In this Code:

“Associated Person” means (either in the singular or in the plural):

- (a) a family member or any other person or body with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- (b) any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors; or
- (c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- (e) any body in respect of which you are in a position of general control or management:
 - (i) exercising functions of a public nature; or
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

“Authority” means Ashford Borough Council.

“Authority Function” means any one or more of the following interests that relate to the functions of the Authority:

- (a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease; or
- (b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to Members of the Authority;
- (e) any ceremonial honour given to Members of the Authority;
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

“Code” means this Code of Conduct.

“Co-opted Member” means a person who is not an elected Member of the Authority but who is a member of:

- (a) any committee or sub-committee of the Authority, or
- (b) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority;
and
- (c) who is entitled to vote on any question that falls to be decided at any Meeting of that committee or sub-committee.

“Disclosable Pecuniary Interest” means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Annex 2 and where either it is:

- (a) your interest or
- (b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

“Interests” means Disclosable Pecuniary Interests and Other Significant Interests.

“Meeting” means any meeting of:

- (a) the Authority;
- (b) the executive of the Authority;
- (c) any of the Authority's or its executive's committees, sub-committees, joint committees and/or joint sub-committees.

“Member” means a person who is a Member of the Authority and includes a Co-opted Member.

“Other Significant Interest” means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

- (a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of: -
 - (i) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (ii) (in other cases) other council tax payers, ratepayers or inhabitants of the Authority's area; or
- (b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

“Register of Members’ Interests” means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

"Sensitive Interest" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Scope

2. You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member of the Authority.

General obligations

3. (1) You must, when using or authorising the use by others of the resources of the Authority (including the use of any IT equipment where the Member has received all or part of the allowance available under the Members’ ICT Scheme):

- (a) act in accordance with the Authority’s reasonable requirements (including the Council’s approved Email and Internet Acceptable Use Policies); and
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes).

- (2) You must not:

- (a) bully any person;
- (b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
- (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
- (d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (i) you have the written consent of a person authorised to give it; or
- (ii) you are required by law to do so; or
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is:

- reasonable and in the public interest; and

- made in good faith and in compliance with the reasonable requirements of the Authority;
- (e) prevent another person from gaining access to information to which that person is entitled by law;
- (f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

(3) When using social media:

- (a) you must not publish material that a reasonable person would consider offensive or abusive.**
- (b) you must be aware that members of the public may perceive you to be acting as a Councillor even when you are acting in your personal capacity. Accordingly you must make it clear in your social media profile and/or in any post or tweet etc. whether you are acting in your personal capacity or as a Councillor.**

Registering Disclosable Pecuniary Interests

5. (1) You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.
- (2) In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.
- (3) Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.

Declaring Interests

6. (1) Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.

(2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:

- (a) disclose the Interest; and
- (b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation or are acting under para 5(4):
- (c) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
- (d) withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered; and
- (e) not seek improperly to influence a decision about that business.

(3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:

- (a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
- (b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
- (c) not seek improperly to influence a decision about the matter.

(4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:

- (a) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
- (b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

Sensitive Interests

7. (1) Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

- (2) You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.
- (3) The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

Gifts and Hospitality

8. (1) You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.
- (2) Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.
- (3) You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- (4) The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Dispensations

- 9.(1) The Standards Committee, or any sub-committee of the Standards Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).
- (2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, its sub-committee, or the Monitoring Officer (where authorised) considers that:
- (a) without the dispensation the number of persons prohibited 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; or
 - (b) 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; or

- (c) granting the dispensation is in the interests of persons living in the Authority's area; or
 - (d) without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or
 - (e) it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

ANNEX 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE

In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Authority cannot accept allegations that they have been breached.

SELFLESSNESS: You should act solely in terms of the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

INTEGRITY: You should exercise independent judgment and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence you in the performance of your official duties. You should behave in accordance with all legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources. You should value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government. You should treat people with respect, including the organisations and public you engage with and those you work alongside.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit. You should deal with representations or enquiries from residents, members of the communities and visitors fairly, appropriately and impartially. You should champion the needs of the whole community and especially your constituents, including those who did not vote for you.

ACCOUNTABILITY: You are accountable to the public for your decisions and actions and should fully co-operate with whatever scrutiny is appropriate to your office.

OPENNESS: You should be as open and as transparent as possible about all the decisions and actions that you take to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account. You should give reasons for your decisions and restrict information only when the wider public interest or the law clearly demands it. You should listen to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

HONESTY: You have a duty to declare interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. You should not allow other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Authority's area or the good governance of the Authority in a proper manner.

LEADERSHIP: Through leadership and example you should promote and support high standards of conduct when serving in your public post. You should provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.

ANNEX 2

Disclosable Pecuniary Interests, as prescribed by regulations, are as follows:

The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

“the Act” means the Localism Act 2011

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person 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 relevant person (alone or jointly with another) to occupy the land or to receive income

“M” means a Member of the relevant authority

“member” includes a co-opted member

“relevant authority” means the authority of which M is a member

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (the Member’s spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

“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

| Interest | Description |
|---|--|
| Employment, office, trade, profession or vacation | Any employment, office, trade, profession or vocation carried on for profit or gain. |

| | |
|---------------------|---|
| Sponsorship | <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M.</p> <p>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> |
| Contracts | <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| 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 | <p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> |
| Securities | <p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p> |

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