

This report will be made public on
7 June 2024

**Folkestone
Town Council**



Report Number **C/24/365**

To: Full Council
Date: 13 June 2024
Status: Non-Exempt
Responsible Officer: Town Clerk

**Subject: RENEWAL OF STORAGE LEASE AGREEMENT
REPORT C/24/365**

SUMMARY: This report provides two options for the renewal of the storage unit lease due to end in September 2024.

REASONS FOR RECOMMENDATION

The Council is asked to approve the recommendations set out below because:

- a) The Council is committed to control and manage its stored assets safely and accessible for the mayoral car and minibus parking.

RECOMMENDATIONS:

1. **To receive and note Report C/24/365**
2. **To choose an option from either Option 1 or 2 for the renewal of the storage unit lease.**

1.0 INTRODUCTION

The storage unit lease commenced on the 1st October 2023, and is due to expire in September 2024. The storage unit has been utilised for storing Council and Museum assets, parking and charging the minibus and mayoral car. An electric charging point was installed adjacent to the storage unit for charging the electric minibus and the mayoral car.

2.0 PREVIOUS ARRANGEMENT

The previous storage unit was provided by one the Council's main contractors, located in Hawkinge. The Landlord did not provide the mayoral car and minibus parking. The Landlord was charging £3,600 per annum for the storage unit, with the Council hiring a garage for the mayoral car at £1,056 per annum.

Most of the Council assets had previously been poorly stored, with the Christmas lights being placed on the ground and damp accumulating inside the storage unit. The previous storage unit was a shipping container placed on top of another shipping container. In order to access the storage unit, a fork lift truck needed to be used to get into the storage unit.

It was proving difficult to gain access the storage unit each time, storing additional equipment in the storage unit was challenging and the location was a couple miles out of Folkestone.

3.0 CURRENT ARRANGEMENT

The location of the new storage unit is easily accessible within Folkestone and convenient for contractors and officers to store additional Council equipment, collect equipment and for parking the mayoral car before and after mayoral engagements with an electric charging point adjacent to the unit.

The minibus and mayoral car will need to ensure high security measures are in place. Fortunately, the Landlord has multiple security measures including an intruder alarm system, bolted gate to enter the site and additional bolted door to enter the storage unit.

Communication with the Landlord has been straight forward. The Landlord is content for the officers to attend the storage unit outside of normal working hours.

The Council is currently in a one year lease until the end of September 2024, with the Landlord charging £18,000 per annum. Parking of the mayoral car was part of the original agreement. However, since the original agreement the Landlord has accommodated the storage of the minibus and installation of the electric charging point at no extra charge.

4.0 LANDLORDS'S PROPOSALS

The Landlord has provided two options if Council wish to renew the lease agreement for the storage unit:

Option 1 - 1-year lease, with the price remaining the same, £18,000 per annum.

Option 2 - 3-year lease, £15,996 per annum with a guaranteed fixed price with no inflationary increase.

By agreeing to enter into a three-year lease, the Council will save £6,012 over the three years.

CONTACT OFFICER

If you have any queries about this report, please contact The Town Clerk of the Council.

Tel: 01303257946 or email toni.brenchley@folkestone-tc.gov.uk prior to the meeting.



Code of Conduct

This policy was adopted by Folkestone Town Council at its meeting held on: 12th May 2020 – Minute 1692.

Introduction

Pursuant to section 27 of the Localism Act 2011, Folkestone Town 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

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.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

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 Folkestone & Hythe District Council's Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
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

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only must 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.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. 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.
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.
13. A member only must 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 of a person 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.



Dispensations

15. 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.

OLD POLICY



Appendix A

Interests described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12-month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her 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.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) 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.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners 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; 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 civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

*'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

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

OLD POLICY



CODE OF CONDUCT

Adopted ???? – Full Council – Minute ?????

To be reviewed – ???

Review Date – ?????

1.0 Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit- for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

2.0 Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority,

or;

b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

3.0 Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

4.0 General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

5.0 Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

6.0 Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

7.0 General Conduct

7.1 Respect

As a councillor:

I treat other councillors and members of the public with respect.

I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's council-officer protocol.

7.2 Bullying, harassment and discrimination

As a councillor:

I do not bully any person.

I do not harass any person.

I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

7.3 Impartiality of officers of the council

As a councillor:

I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

7.4 Confidentiality and access to information

As a councillor:

I do not disclose information:

a. given to me in confidence by anyone

b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

i. I have received the consent of a person authorised to give it;

ii. I am required by law to do so;

iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person;

or

iv. the disclosure is:

- 1. reasonable and in the public interest; and**
- 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
- 3. I have consulted the Monitoring Officer prior to its release.**

I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

7.5 Disrepute

As a councillor:

I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

7.6 Use of position

As a councillor:

I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7.7 Use of local authority resources and facilities

As a councillor:

I do not misuse council resources.

I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

7.8 Complying with the Code of Conduct

As a Councillor:

I undertake Code of Conduct training provided by my local authority.

I cooperate with any Code of Conduct investigation and/or determination.

I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

8.0 Protecting your reputation and the reputation of the local authority

8.1 Interests

As a councillor:

I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know

early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

8.2 Gifts and hospitality

As a councillor:

I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

9.0 Appendices

9.1 Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office 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

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

9.2 Appendix B Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take

any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

9.3 Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, 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.

Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the
	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) 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.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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*'director' includes a member of the committee of management of an industrial and provident society.

*'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.

9.4 Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- (a) any unpaid directorships
 - (b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - (c) any body
 - exercising functions of a public nature
 - directed to charitable purposes or
 - one of whose principal purposes includes the influence of public or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

9.5 Appendix C – the Committee on Standards in Public Life

The Council has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1:

Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2:

Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3:

Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4:

An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5:

Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6:

Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7:

Local authorities should have access to at least two Independent Persons.

Best practice 8:

An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9:

Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10:

A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11:

Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12:

Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13:

A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14:

Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15:

Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The Council has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

_____ **POLICY ENDS** _____



PUBLICATION SCHEME

Adopted 12 May 2020 – Full Council – Minute 1692

To be reviewed – Annually

Review Date – ????

1.0 INTRODUCTION

This is the model publication scheme for parish, town and community councils (known collectively as 'local councils') in England and Wales. Local councils are first tier of local government. There are over 10,000 such councils in England and Wales and they have a wide range of powers at their disposal

2.0 SCHEME PURPOSE

- 2.1 The purpose of the scheme is to be a means by which local councils can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local councils to publish more information proactively and to develop a greater culture of openness and transparency.
- 2.2 In accordance with the provisions of the Freedom of Information Act 2000 the scheme specifies the classes of information which local councils publish or intend to publish. Bearing in mind local councils are so diverse in size and functions it was decided the most practical approach was that the model scheme should firstly be comprised of a number of core classes of information which are mandatory. However, it also includes a number of documents (within those core classes) as well as a group of totally 'new' optional classes. Any optional documents within a core class of information are clearly specified therein. The idea behind such an approach is that councils can incorporate the optional documents and classes as they see fit to reflect the information they provide to the general public on a local basis. It is not however, a prerequisite that a council adopts any of the optional documents or classes. The intention behind the inclusion of optional classes and documents is to add a degree of choice and flexibility in the scheme.
- 2.3 The information contained in each class will be available in a variety of formats namely in hard copy on request from the clerk of the council, by inspection at the council office or other suitable premises by prior appointment or, where a council has a website some of the information may be available thereon.

3.0 CORE CLASSES OF INFORMATION

Reasonable charges may be raised for the provision of copies of the documents or information listed in each of the classes. The classes are as follows:-

3.1 COUNCIL INTERNAL PRACTICE AND PROCEDURE

Minutes of council, committee and sub-committee meetings

- limited to the last 2 years.

Annual Report

Optional documents:-

Agendas and supporting papers for council, committee and sub-committee meetings - limited in each case to the forthcoming / immediate meeting.

Terms of Reference for Committees

3.2 CODE OF CONDUCT

Members Declaration of Acceptance of Office

Members Register of Interests

3.3 PERIODIC ELECTORAL REVIEW

This is information concerning changes to the electoral arrangements for parish, town and community councils. It includes recommendations for the creation of new wards, the amendment of existing wards, proposals for the names of new wards and alterations to the number of councillors to be elected to the council.

3.4 EMPLOYMENT PRACTICE AND PROCEDURE

Equal Opportunities Policy

Health & Safety Policy

Staffing Structure

Exclusions – ‘personal records’ i.e. appraisals, employee salary details, disciplinary records, sickness records and the like by virtue of being personal data protected by the General Data Protection Regulations.

3.5 PLANNING DOCUMENTS

Responses to planning applications

3.6 AUDIT AND ACCOUNTS

Annual return form – limited to the last financial year

Annual Statutory report by auditor (internal and external) – limited to the last financial year

Receipt/Payment books, Bank Statements from all accounts – limited to the last financial year

Precept request – limited to the last financial year

VAT records – limited to the last financial year

Financial Regulations and Standing Orders

Asset Register

Risk Assessments

Exclusions – all commercially sensitive information e.g. quotations and tenders, loan documentation and insurance policies.

With regard to quotations and tenders, this information is treated as confidential to ensure that the whole tender process is fair i.e. if tender information is released to a third party prior to the end of the tender period those who initially submitted tenders could be undercut and/or unfairly disadvantaged.

4.0 OPTIONAL CLASSES OF INFORMATION

4.1 DEVELOPMENT AND IMPLEMENTATION OF POLICY

Policy Statements issued by council

Responses made by council to consultation papers

Analysis of responses received to public consultations by the council

Complaints handling procedure

4.2 BYELAWS

Made for any of the following purposes:-

The regulation of a mortuary and post mortem room

The regulation of a pleasure ground

The regulation of any baths, swimming pool, bathing place or wash-house

The regulation of the hiring of pleasure boats in a park or pleasure ground provided by a council

To control dogs and dog fouling

4.3 COUNCIL CIRCULAR/NEWSLETTERS

Town, parish, community guide

History of town, parish or community (or similar commissioned publication)

4.4 ARTS, ENTERTAINMENT & TOURIST INFORMATION-

This relates only to information produced by the council.

4.5 ALLOTMENTS

Plans, Standard Tenancy Agreements

Exclusions – individual tenancy agreements and rent payments records under both privacy and data protection laws

Information available under the model publication scheme

Information to be published	How the information can be obtained	Cost
<p>Class 1 – Who we are and what we do</p> <p>(Organisational information, structures, locations and contacts)</p> <p>This will be current information only</p>		
Who's who on the Council and its Committees	Hard copy/notice board/website	See below
Contact details for Town Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Hard copy/notice board/website	See below
Location of main Council office and accessibility details	Hard copy/notice board/website	See below
Staffing Structure	Hard copy/website	See below
<p>Class 2 – What we spend and how we spend it</p> <p>(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>		
Annual return form and report by auditor	Hard copy/website	See below

Finalised budget	Hard copy/website	See below
Precept	Hard copy/website	See below
Borrowing Approval letter	N/A	
Financial Regulations	Hard copy/website	See below
Grants given and received	Hard copy/website	See below
List of current contracts awarded and value of contract	Hard copy	See below
Members' allowances and expenses	Hard copy	See below
Class 3 – What our priorities are and how we are doing		
(Strategies and plans, performance indicators, audits, inspections and reviews)		
Town Plan (current and previous year as a minimum)	Hard copy/website	See below
Annual Report (current and previous year as a minimum)	Hard copy/website	See below
Quality Status	Hard copy/website	See below

Local charters drawn up in accordance with DCLG guidelines	Hard copy/website	See below
Class 4 – How we make decisions (Decision making processes and records of decisions)		
Current and previous council year as a minimum		
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	Hard copy/notice board/website	See below
Agendas of meetings (as above)	Hard copy/website	See below
Minutes of meetings (as above) – N.B. this will exclude information that is properly regarded as private to the meeting.	Hard copy/website	See below
Reports presented to council meetings – N.B. this will exclude information that is properly regarded as private to the meeting.	Hard copy/website	See below
Responses to consultation papers	Hard copy/website	See below
Responses to planning applications	Hard copy/website	See below
Bye-laws	Hard copy/website	See below
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only		

Policies and procedures for the conduct of council business:		
Procedural standing orders	Hard copy/website	See below
Committee and sub-committee terms of reference	Hard copy/website	See below
Code of Conduct for Councillors	Hard copy/website	See below
Policy statements	Hard copy/website	See below
Policies and procedures for the provision of services and about the employment of staff:		
Internal policies relating to the delivery of services	Hard copy/website	See below
Equality policy	Hard copy/website	See below
Health and safety policy	Hard copy/website	See below
Recruitment policies (including current vacancies)	Hard copy/website	See below
Policies and procedures for handling requests for information	Hard copy/website	See below
Complaints procedures (including those covering requests for information and operating the publication scheme)	Hard copy/website	See below
Information security policy	Hard copy/website	See below
Schedule of charges (for the publication of information)	Hard copy/website	See below
Class 6 – Lists and Registers		
Currently maintained lists and registers only		
Any publicly available register or list (if any are held this should be publicised; in mist circumstances existing access provisions will suffice)	Hard copy	See below
Assets register	Hard copy	See below
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by Town/Parish Councils)	Hard copy	See below
Register of members’ interests	Hard copy/website	See below
Register of gifts and hospitality	Hard copy	See below
Class 7 – The services we offer		
(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)		

Current information only		
Allotments	Hard copy/website	See below
Burial grounds and closed churchyards	N/A	
Community centres and village halls	N/A	
Parks, playing fields and recreational facilities	Hard copy/website	
Seating, litter bins, clocks, memorials and lighting	Hard copy	See below
Bus shelters	Hard copy	
Markets	N/A	
Public conveniences	N/A	
Agency agreements	N/A	
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Hard copy	See below

Contact details:

Town Clerk, Folkestone Town Council, Town Hall, 1-2 Guildhall Street, Folkestone, CT20 1DY

Tel: (01303) 257946 C/O Email: townclerk@folkestone-tc.gov.uk ~~georgina.wilson@folkestone-tc.gov.uk~~

SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @ 30p per A4 sheet (black and white) and 40p per A3 sheet (black and white)	Actual cost
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee	N/A	N/A
Other	N/A	N/A



COMMUNITY ENGAGEMENT POLICY

Adopted 12 May 2020 – Full Council – Minute 1692

To be reviewed – Every four years

Review Date – May 2024

Folkestone Town Council's policy on community engagement is an overarching framework to better coordinate how we consult and engage with our community, to give Folkestone residents more opportunities to have their say on the services the council provides.

This policy builds on good practice which already exists in the town and acknowledges the council's genuine desire to place engagement at the heart of our role in championing the needs of our communities and involving them in decisions that affect them. We are committed to delivering services, policies and strategies that reflect local priorities, requirements and aspirations.

Crucially, it seeks to establish the minimum standards we will follow when developing a consultation and engagement exercise to ensure that the many different "communities" in the town have a voice in the debate around how services are delivered. It acknowledges the need to provide appropriate opportunities for communities to participate at whatever level they wish to influence how services are provided, decision making and policy development.

1. Background

Folkestone Town Council recognises its essential role to work more closely together and with local people to:

- Shape public services according to what local taxpayers really want.
- Work with a greater range of organisations that provide public services in the town
- Provide good value for money

This builds on Government's Big Society aspirations and sets out a framework of how we will work with residents and partners from the public, private and voluntary sectors to give local people more of a say on what services they want and need and how they would like them delivered.

It sets out:

- Our objectives for community engagement and how these will be achieved
- Our guiding principles for consultation and community engagement
- The key tasks, we as an organisation will undertake to implement our approach to community engagement and consultation

2. Our Objectives

We have set out objectives for what we wish to achieve from engaging and consulting with our communities:

- Strengthen, develop and sustain opportunities for local people and groups to influence what happens in their communities
- Provide opportunities for communities to shape and influence the development and delivery of quality services and policies that reflect local needs and priorities
- Manage and co-ordinate community engagement activities to ensure consistency, quality, participation, compliance and avoid duplication
- Ensure that community engagement activities provide opportunities for participation for all sections of the community, particularly people and groups that are often missed out of community engagement activities
- Listen to communities and feedback to participants about the outcomes of the community consultation and engagement
- Listen and learn from our own and others' experience and share community engagement skills and knowledge of putting the citizen at the heart of decision making

3. Our Guiding Principles:

- **We will follow a consistent approach to planning for community engagement and consultations:** Our consultations will be pre-planned, have a clear purpose and outcome. We will carefully consider the target audience and the methods used to engage them.
- **We will actively seek to bring the voluntary and community sector on board:** With many organisations providing services in Folkestone, this sector has huge potential for making a consultation work. They can reach parts of the community that we may find hard to reach.

- **Elected councillors will encourage involvement:** Encouragement from elected councillors is crucial to the success of a good consultation. They are strategically placed in the community to build relations with residents and are often well-respected.
- **We will listen and feed back:** Consultation results will be properly analysed and used to inform decisions about how we deliver services. We will feedback overall responses from consultations, the council's subsequent decision (where specific to service) and how the consultation influenced it.
- **Recording and sharing information with relevant stakeholders:** Information from engagement and consultation will be captured in a structured way that is compliant with the General Data Protection Regulations and this together with summary key messages and outcomes, will be shared with councillors, officers, partners and other audiences as appropriate.

4. **Who is the Policy for?**

We recognise that the council alone cannot achieve the ambitions set out in this policy. Everyone has a part to play in community engagement and consultation particularly:

- **All residents in Folkestone**
- **Elected councillors, who play a key role in actively encouraging involvement at a very local level**
- **Council staff, everyone is involved in community engagement activity in various forms**
- **Community and voluntary sector organisations, who provide local services, work directly with local groups and organisations and with members of usually excluded groups and represent the view of their sectors.**
- **Partners, by working with other organisations and partnerships to make sure services across the town complement each other.**

We will work with other organisations, such as the police, schools and colleges, health service providers and groups and individuals from the community, voluntary and private sectors to make sure that community engagement activities influence the future direction of the town.

5. **How will we measure our achievements?**

It is important to understand how we are doing when it comes to evaluating the success of this policy. We will use a variety of methods to measure this, including:

- Perceptions of residents, who feel Folkestone Town Council engages with them in relation to its decision making.
- Evidence of information from consultation and engagement that influences council services.

6. What has been achieved so far?

Folkestone Town Council already engages on a range of issues utilising many different forms of engagement. The purpose of this policy is to introduce a consistent and compliant way in which we plan, develop and share learning from engagement and consultations to influence the way in which we continue to provide services in the future.

_____ **POLICY ENDS** _____