

## **GUIDANCE FOR PARISH COUNCILLORS**

### **Who is a friend for the purpose of the code?**

A concern for some Parish Councillors is that they represent areas where they know a large number of local residents, often very well.

The new Code of Conduct advises that the interests of a friend as well as a member can be a personal interest, which although it must be declared allows a member to participate in any debate on the matter and vote on a prejudicial interest. A prejudicial interest is a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

The word friend is not defined in the Code of Conduct.

The current guidance from the Standards Board reads as follows

“You need to decide for yourself who your friends are, and where appropriate declare such friendships. It is not appropriate for the Standards Board to tell you who your specific friends are. This is a judgement better made by you and you will need to ask yourself whether you are so close to someone that you have an interest in the matter under discussion.

When a complaint has been made, decisions on who is someone's friend will be a matter for our Ethical Standards Officers and, ultimately for the Adjudication Panel, which is independent of the Board. We can then start building up relevant case law on the code and consider whether to issue some guidance on the matter. However, ultimately it must be a judgement for you as to whether or not you have a personal or prejudicial interest as a result of your friendship”.

To date the Board has not produced any further guidance or built up a body of relevant case law. However, if a councillor has any concerns, they should first of all speak with their Clerk who will if necessary be able to seek further guidance from the Monitoring Officer.

If over 50% of the membership of a Parish Council or a committee considering a matter has a prejudicial interest because of close friendship with e.g. a planning applicant, then it may be possible to seek a dispensation from the Medway Council Standards Committee to allow affected Members to speak and vote. Further guidance on seeking dispensations is dealt with elsewhere in this guidance.