Code of Conduct Guide for Members of Loughton and Great Holm Parish Council

I**. Purpose of the Code**

1. The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Authority, their local communities, and the public at large by:

a) setting out the standards of conduct that are expected of Members and co-opted Members of the Authority when they are acting in that capacity, and in doing so,

b) providing openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

II. **Scope of the Code**

2. The Code applies to Members in all aspects of their activities as a member, including when acting on Authority business, ward business or when otherwise purporting to act as a member. It does not seek to regulate what members do in their purely private and personal lives.

3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Authority and the rulings of the meeting Chair

4. The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of related Codes and Protocols of the Authority

III. Public Duties of Members

5. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in them.

6. Members have an overriding duty to act in the interests of the Parish as a whole, but also have a special duty to represent the views of the residents and communities of their ward.

IV**. Principles of Conduct**

7. The Localism Act 2011 required that the Authority must adopt a Code of Conduct to apply to its members and co-opted members, which is

(a) consistent with a set of prescribed principles described and

(b) includes provisions in respect of the registration and disclosure of

(i) pecuniary interests, both

(1) 'disclosable pecuniary interests' required as a minimum under the Localism Act and

(2) other pecuniary interests; and

(ii) interests other than pecuniary interests

8. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a councillor or co-opted member, Members will be expected to observe the provisions of the Code and appreciate that the Code is based on the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office, which will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

Selflessness
Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty
Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership
Holders of public office should promote and support these principles by leadership and example.

V. **General Expectations of Conduct**

9. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

10. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.

11. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

VI. Registration and Declaration of Interests

14. Members shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in

(a) Part 2 of the Code of Conduct; and
(b) the Council's standing orders

VII**. Duties in respect of the Milton Keynes Council Standards Committee and the Monitoring Officer**

15. The application and guidance on this Code shall be a matter for Milton Keynes Council Standards Committee and, as appropriate, the Monitoring Officer, to assist parish (town or community) councils to promote and maintain high standards of conduct acting in accordance with their terms of reference or duties as set out in chapter 7 to the Localism Act 2011.

16. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to 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 has failed to comply with his or her authority's code of conduct.

17. No Member shall lobby a member of the Milton Keynes Council Standards Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.

VIII. Criminal offences in relation to Conduct.

18. The Code and associated arrangements are prepared pursuant to the Council's and Members' duties under Chapter 7 of the Localism Act 2011.

19. The following are criminal offences relating to the registration and disclosure of interests created under the Localism Act 2011.

(a) Where the Member fails, without reasonable excuse to
  (i) notify the Milton Keynes Council monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given, which is required to be given before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority; or

  (ii) notify the Milton Keynes Council authority's monitoring officer of an interest before the end of 28 days of an event where a Member is present at a meeting of the authority, or is discharging an executive (Cabinet) function, and is aware that he or she has a disclosable pecuniary interest in any matter to be considered, or being considered, and that interest is not entered in the authority's register or is not the subject of a pending notification

(b) Where a member notifies the Milton Keynes Council authority's monitoring officer of such an interest but the person provides information that is false or misleading and the person—

  (i) knows that the information is false or misleading; or
  (ii) is reckless as to whether the information is true and not misleading.

(c) Where a member is present at a meeting of the authority, is aware that they have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and either

(i) participates, or participates further, in any discussion of the matter at the meeting, or
(ii) participates in any vote, or further vote, taken on the matter at the meeting,

20. Offences also exist under the Bribery Act 2010, which includes the situation where a member requests, agrees to receive, or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity connected with the Authority or any activity to be performed by or on behalf of the Authority or others should be performed improperly.

The Code of Conduct for Members and Co-Opted Members

Part 1: General Obligations
The Members of Loughton and Great Holm Parish Council must:

1. provide leadership to the authority and communities within its area, by personal example;

2. respect others and not bully any person;

3. not do anything which may cause the Authority to breach its equality duties;

4. not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority;

5. respect the confidentiality of information received by them as a Member: -
   (a) not disclosing information to third parties unless
      (i) required by law to do so; or
      (ii) where there is a clear and overriding public interest in doing so and the disclosure is made in good faith and in compliance with the reasonable requirements of the Council; and
   (b) not obstructing third parties' legal rights of access to information;

6. not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute;

7. not use or attempt to use their position as a Member improperly to confer on or secure for themselves or for any other person, an advantage or disadvantage;

8. when using or authorising the use by others of the resources of the Authority;
   (a) act in accordance with the Authority's reasonable requirements; and
   (b) ensure that such resources are not used improperly for political purposes (including party political purposes);

9. exercise their own independent judgement, taking decisions for good and substantial reasons: -

(a) attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
(b) paying due regard to the advice of officers, in particular to the advice of the statutory chief officers and specifically the Chief Finance Officer and the Monitoring Officer in fulfilling their roles; and

(c) stating the reasons for decisions where those reasons are not otherwise apparent;

10. submit themselves to whatever scrutiny is appropriate to their office; and

11. whilst exercising their duties, ensure that they uphold the rule of law.

Part 2: Registration, Disclosure and Duties on Interests Held by Members and Co-Opted Members

A. Disclosable Pecuniary Interests

The Members of Loughton and Great Holm Parish Council must:

1. comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which they have a Disclosable Pecuniary Interest, as defined by the Localism Act 2011 and set out at Table 1

2. ensure that their register of interests is kept up to date and notify the Monitoring Officer in writing with 28 days of becoming aware of any change in respect of their Disclosable Pecuniary Interests

3. make verbal declaration of the existence and nature of any Disclosable Pecuniary Interest at any Meeting at which they are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent (unless the interest is a sensitive interest in which event they need not disclose the nature of the interest)

4. recognise that "meeting" means any meeting organised by or on behalf of the authority, including: -
   - any meeting of the Council, or a Committee or Sub-Committee of the Council
   - any briefing by officers; and
   - any site inspection to do with business of the authority

B. Personal Interests: other pecuniary interests and interests other than pecuniary interests

The Members of Loughton and Great Holm Council must:

1 in addition to the requirements at A. above, if they attend a meeting at which any item of business is to be considered and they are aware that they have a Personal Interest in that item, they must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

2 recognise that they will have a personal interest or an interest other than a pecuniary interest (a "Personal Interest") in an item of business where: -

(a) a decision in relation to that item of business might reasonably be regarded as affecting the well-being or financial standing of
   (i) themselves;
   (ii) a member of their family;
   (iii) a person∗ with whom they have a close association; or
   (iv) a person∗ from whom they have in the previous [twelve months] received a gift or hospitality with an estimated value of at least £100 as a Member (other than when as part of their approved duties) to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which they have been elected (or otherwise of the authority administrative area) *(*A person includes a natural person and also a legal person in the form of*

a company, a charitable, other incorporated body or, for these purposes, an unincorporated association). Or

(b) it relates to or is likely to affect any of the interests listed in the Table 1 in the Schedule to this Code, but in respect of a member of their family (other than their spouse, civil partner or person with whom they are living as spouse or civil partner) or a person with whom they have a close association and that interest is not a Disclosable Pecuniary Interest

3. note that personal interests of the kind listed in Table 2 in the Schedule to this Code may be added to the Member's register of interests for reasons of openness and transparency.

C. **Compliance with Standing Orders relating to Interests.**
The Members of Loughton and Great Holm Council must:

1. In addition to the requirements above, comply with any and all obligations contained within the Council's standing orders, namely
(a) Council Procedure Rules; and relating to interests

D. Gifts and Hospitality
The Members of Loughton and Great Holm Parish Council must:

1 for inclusion in the Register of Interests for a period of three years, notify the Monitoring Officer within 28 days and in writing of the receipt of any gift, benefit or hospitality with a value in excess of £100 which they have accepted as a member from any person or body other than the authority.

2 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved for this purpose as set out in the Council's protocol on gifts and hospitality.

TABLE 1

Disclosable Pecuniary Interests (2012 Regulations)	
1. Employment, office, trade, profession or vocation	Carried out by you and/or by your spouse or civil partner for a profit or gain
2. Sponsorship	Name(s) of any person or body other than the Council, who has made a payment or provision of any other financial benefit to me within the 12 month period preceding this notification in respect of any expenses incurred by me in carrying out my duties as a member or towards my election expenses.
3. Contracts	Description of any contract under which goods and services are to be provided, or works executed, made between the Council and myself and / or my spouse or civil partner or a firm, company or other body in which I and/or my spouse or civil partner has a beneficial interest, and which has not been fully discharged
4. Land	Address or other description of any land in the Council's area in which I and / or my spouse or civil partner has a beneficial interest You only need to register land in the Council's area. This includes your home if you own it or rent it.

5. Licenses	Address or other description of any land in the Council's area for which I and / or my spouse or civil partner has a licence (alone or jointly with others) to occupy for a month or longer
6. Corporate tenancies	Address or other description of any land where the landlord is the Council and in which the tenant is a body in which I and/or my spouse or civil partner has a beneficial interest
7. Securities	Name(s) of any person or body who (to my knowledge) has a place of business or land in the Council's area and in whom I and/or my spouse or civil partner has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000; or one hundredth of the total issued share capital (whichever is the lower) or 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 I, my spouse or civil partner has a beneficial interest that exceeds one hundredth of the total issued share capital of that class. "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. The nominal value of shares is the face value of those shares (the value recorded on the share certificate)

TABLE 2

Other Interests (Voluntary addition)	
8. Public Bodies	Bodies of which you are a member or hold a position of general control or management which exercise functions of a public nature.
9. charitable Bodies	Bodies of which you are a member or hold a position of general control or management which are directed to charitable purposes
10. Bodies which influence public opinion or policy	Bodies of which you are a member or hold a position of general control or management whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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