

STANDARDS COMMITTEE (LOCALISM ACT 2011)

**28 FEBRUARY 2013
5.30 PM**

AGENDA

**ROOM 2,
CIVIC OFFICES,
CENTRAL MILTON KEYNES**

<http://cmis.milton-keynes.gov.uk/CmisWebPublic>

Councillors: Jury (Chair)
Bradburn, Eastman, A Geary, P Geary, Hopkins, McKenzie, Venn,
Wallis and Zealley

Parish Councillors: Geddes, Livingstone and Wilkes

If you have any enquires about this agenda please contact Tina Milner, Committee Manager, Tel: (01908) 254737 or E-mail: Tina.Milner@milton-keynes.gov.uk

STANDARDS COMMITTEE

1.1 Terms of Reference

- 1.1.1 To promote and maintain high standards of conduct by Members and co-opted members of Milton Keynes Council.
- 1.1.2 To assist parish councils within Milton Keynes to promote and maintain high standards of conduct by their members and co-opted members
- 1.1.3 To grant dispensations in respect of requests made under s33 Localism Act 2011
- 1.1.4 To establish and maintain arrangements under which allegations against all such members can be investigated and decided upon in accordance with the requirements of Chapter 7 (Standards) of the Localism Act 2011 within the following framework:
 - (a) That Assessment Sub-Committees be established and be delegated power, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member, to determine whether or not a complaint merits referral to the Monitoring Officer to undertake a formal investigation or other action
 - (b) That Hearing Sub-Committees be established and, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member,
 - (i) be delegated power to undertake a hearing to determine whether or not a Member has failed to comply with the Code of Conduct and,
 - (ii) be delegated such of the Council's powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct.
 - (c) That Appeals Sub-Committees be established and be delegated power, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member, to adjudicate on appeals against the findings of Hearing Sub-Committee on the grounds that;
 - The procedure has been wrongly applied;
 - New evidence has come to light since the hearing which, if disclosed to the Sub-Committee, may result in a different outcome; or
 - The Sub-Committee has misdirected itself in law
 - (d) That the Monitoring Officer be appointed as the Proper Officer to receive and administer complaints of failure to comply with the Code of Conduct;

1.2 **Membership**

- (a) **Appointment.** The Standards Committee will consist of 10 members appointed by the Council, at or as soon as reasonably practicable after the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989.

There shall be the power to co-opt between two and four members who shall be parish councillors within Milton Keynes but who may not otherwise be members of Milton Keynes Council.

- (b) **Chair.** The Chair and Vice-Chair of the Committee shall be appointed annually by the Committee at its first meeting following the Annual Council meeting and before proceeding to any other business.
- (c) **Quorum.** Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of the Committee unless at least three Members are present.

1.3 **Functions**

The Standards Committee will exercise the following functions and those matters which flow from them, which are not executive functions by virtue of Schedule 1 or 2 to the Functions Regulations (as may be currently amended), as listed below.

In acting under the Committee's terms of reference and in exercising responsibility for those functions listed below, the Authority's Procedure Rules, any limitations on authority placed by Council and all legislative requirements and applicable rules of law must be complied with.

<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>
A. Functions relating to standards of conduct by members and co-opted members of Milton Keynes Council and the parish councils within the Borough	Chapter 7 of the Localism Act 2011

AGENDA

1. Welcome and Introductions

2. Apologies

3. Minutes

To approve, and the Chair to sign as correct records, the Minutes of the following meetings;

- (a) Standards Committee meeting held on 8 November 2012 (Item 3(a)) **(Pages 5 to 8)**;
- (b) Standards Sub-Committee meeting held on 18 December 2013 (Item 3(b)) **(Pages 9 to 10)**; and
- (c) Standards Sub-Committee meeting held on 31 January 2013 (Item 3(c)) **(Pages 11 to 12)**.

4. Disclosure of Interests

Members to declare any disclosable pecuniary interests, or personal interests (including other pecuniary interests), they may have in the business to be transacted, and officers to disclose any interests they may have in any contract to be considered.

5. Public Involvement

(a) Deputations and Petitions

No deputations have been submitted for consideration at this meeting.

Any petitions received will be reported at the meeting.

(b) Questions from Members of the Public

To receive questions and provide answers to questions from members of the public.

6. Assessment of Complaints - Localism Act Section 28 Arrangements

To consider Item 6 **(Pages 13 to 42)**.

7. Localism Act - Arrangements in Milton Keynes Council: Update and Work Programme

To consider Item 7 **(Pages 43 to 59)**.

8. Dispensations Update

To consider Item 8 **(Pages 60 to 63)**.

9. Date of Next Meeting

To note the next scheduled meeting of the Standards Committee is 25 April 2013 at 5.30pm.



Minutes of the meeting of the STANDARDS COMMITTEE held on THURSDAY 8 NOVEMBER 2012 at 5.36 pm

Present: Councillor Jury (Chair)
Councillors Bradburn, P Geary, McKenzie, Miles, Richards (Substitute for Eastman) and Zealley
Parish Councillors Geddes and Livingstone

C Ensor, V Fernandes, C Fogden and J Jones (Independent Members)

Officers: P McCourt (Assistant Director Law & Governance), K Hulatt (Solicitor) and T Milner (Committee Manager)

Apologies: Councillors Eastman, A Geary, Hopkins and Parish Councillor Wilkes

ST18 ELECTION OF CHAIR

RESOLVED –

That Councillor Jury be elected Chair of the Standards Committee for the year 2012/13.

ST19 APPOINTMENT OF VICE-CHAIR

RESOLVED –

That Councillor McKenzie be appointed Vice-Chair of the Standards Committee for the year 2012/13.

ST20 MINUTES OF PREVIOUS MEETING

RESOLVED -

That the Minutes of the Standards Committee meeting held on 30 August 2012, be approved and signed by the Chair as a correct record.

ST21 INDEPENDENT PERSONS UPDATE

The Committee noted that the overarching purpose of the Independent Person, was to assist the Authority in promoting and maintaining high standards of conduct by elected and co-opted Members of the appointing authorities, and of parish or town councils

It was reported that an Independent Persons Workshop had been held on 15 October 2012 at Bedford Borough Council, and a meeting of the Independent Persons was scheduled in December 2012, where the new processes and workings adopted by the

various authorities would be discussed. Feedback on the meeting would be provided to the next meeting of this Committee.

The Committee accordingly considered the value to Milton Keynes Council of having a Memorandum of Understanding with the Independent Persons.

The Committee heard from the Assistant Director (Law and Governance) and that there were a number of issues to be resolved which included the number of meetings to be attended, Disclosures of Interest and payments to be made to the Independent Persons. It was noted that further discussions and work were required with the various authorities involved on the Memorandum of Understanding.

RESOLVED –

1. That the report be noted.
2. That the Monitoring Officer be authorised to continue discussions on a Memorandum of Understanding with the other participating Authorities and the Independent Persons.
3. That the Memorandum of Understanding be submitted to a meeting of the Committee for consideration prior to its approval.

ST22

ASSESSMENT OF COMPLAINTS – LOCALISM ACT SECTION 28 ARRANGEMENTS

The Committee considered the assessment of complaints since the provisions of Section 28 of the Localism Act 2011 came into effect July 2012.

The Committee noted that since 1 July 2012 the Authority had been under a duty to put in place arrangements under which complaints made under the Codes of Conduct, adopted both by parish and town councils and by Milton Keynes Council might be investigated and determined.

The Committee heard from the Assistant Director (Law and Governance), that Milton Keynes Council had adopted an approach that required all cases be determined by a Sub-Committee of the Standards Committee. It was noted that other authorities had delegated the initial assessment of a complaint to the Monitoring Officer in liaison with an Independent Person.

RESOLVED –

That arrangements for the initial assessment of complaints as attached at Annex A to the report be adopted.

ST23

LOCALISM ACT – ARRANGEMENTS IN MILTON KEYNES: UPDATE AND WORK PROGRAMME

The Committee received details of measures taken to implement the various requirements of the Localism Act 2011, in as far as it related to ethical standards issues, particularly with regard to the parish and

town councils, which included the advice on the Disclosure of Interests, adoption of a Code of Conduct and training for parish and town councils.

The Committee heard from the Assistant Director (Law and Governance), that as at the end of October 2012, 21 out of 46 Parishes had responded had adopted a Code of Conduct and that parish and town councils which had not responded.

The Committee also received details of outstanding work, which had been co-opted into a work programme.

Further to the decision of the Committee on 11 July 2012 to review the Council's Code of Conduct after 6 months of operation, the Committee considered establishing a Working Group to review the Code.

RESOLVED –

1. That the Work Programme be approved subject to the inclusion of an additional Action 09, for the inclusion of appointment of Parish Councillors.
2. That a Working Group be established to review the Code of Conduct.
3. That Councillors Eastman and Jury, and a Labour Party representative be appointed to the Working Group, together with a Parish Councillor representative and an Independent Person.

ST17

DISPENSATIONS

The Committee considered a process for the granting of dispensations for Members under Section 33 of the Localism Act 2011.

RESOLVED -

That the Monitoring Officer be authorised to grant dispensations under Section 33 of the Localism Act, on the basis that:

1. the Monitoring Officer has regard to all relevant circumstances;
2. the matter to be considered is, in the opinion of the Monitoring Officer, urgent;
3. the dispensation will only be granted for one meeting on a specified date;
4. the dispensation is granted on the grounds that the Monitoring Officer considers that:

- (a) without the dispensation the number of persons prohibited by Section 31(4) 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; and
 - (b) without the dispensation each Member of the Authority's Executive would be prohibited by Section 31(4) from participating in any particular business to be transacted by the Authority's Executive.
5. The Monitoring Officer, where he has used his delegated powers to grant a dispensation will report the use of the power to the next meeting of the Committee.

THE CHAIR CLOSED THE MEETING AT 6:33 PM



Minutes of the meeting of the STANDARDS SUB-COMMITTEE held on TUESDAY 18 DECEMBER 2012 at 5.00 pm

Present: Councillor Jury (Chair)
Councillors Eastman and Zealley
Parish Councillor Wilkes

M Jones (Independent Member)

Officers: I Ali (Acting Deputy Assistant Director Law & Governance), K Hulatt (Solicitor) and T Milner (Committee Manager)

Also Present: Councillors M Burke, Dransfield, A Geary, Miles and 1 Member of the Public (Complainant)

SSC01 EXCLUSION OF PRESS AND PUBLIC

RESOLVED -

That the public and press representatives be excluded from the meeting by virtue of Paragraph 1 of Part I of Schedule 12A of the Local Government Act 1972 as the report contains information relating to individuals, and on these grounds it is considered that the need to keep information exempt outweighs the public interest in disclosing the information, in order that the Sub-Committee may consider the following matter:

Initial Assessment of a complaint made about an Elected Member, Complaints MKCS03-12; 04-12; 05-12; 08-12, 09-12 and 10-12

SSC02 INITIAL ASSESSMENT OF A COMPLAINT MADE ABOUT AN ELECTED MEMBER, COMPLAINTS: MKCSC03-12; 04-12, 05-12; 08-12; 09-12 AND 10-12

The Sub-Committee considered the initial assessment of complaints made about elected Members of Stony Stratford Town Council and Milton Keynes Council, regarding breaches of their Code of Conduct.

It was noted that before the assessment of a complaint could begin, the Sub-Committee should be satisfied that the complaint met the following criteria;

- (a) that it was a complaint against one or more named Members of the Authority or an Authority covered by the Standards Committee;

- (b) that the named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time; and
- (c) that the complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

The Sub-Committee heard from the Solicitor that the role of the Sub-Committee was to determine whether, on the face of it, the actions of the Member subject of the complaint had breached the Code of Conduct, and if so, whether any action should be taken on the complaint. The options available to the Sub Committee are to;

- (a) take no further action on the complaint;
- (b) refer the complaint to the Monitoring Officer, for investigation or for other action; or to
- (c) refer the complaint for action by the Police.

RESOLVED –

1. Complaint MKCSC-03-12
That no action be taken in respect of the complaint.
2. Complaint MKSC-04-12
That no action be taken in respect of the complaint.
3. Complaint MKSC-05-12
That no action be taken in respect of the complaint.
4. Complaint MKSC-08-12
That no action be taken in respect of the complaint.
5. Complaint MKSC-09-12
That no action be taken in respect of the complaint.
6. Complaint MKSC-10-12
That no action be taken in respect of the complaint.

THE CHAIR CLOSED THE MEETING AT 18:30 PM



Minutes of the meeting of the STANDARDS SUB-COMMITTEE held on THURSDAY
31 JANUARY 2013 at 5.00 pm

Present: Councillor Jury (Chair)
Councillors Eastman and McKenzie
Parish Councillor Livingstone

M Leppert (Independent Member)

Officers: I Ali (Acting Deputy Assistant Director Law & Governance), K Hulatt
(Solicitor) and T Milner (Committee Manager)

Also Present: 2 Members of the Public (Complainants)

SSC03 EXCLUSION OF PRESS AND PUBLIC

RESOLVED -

That the public and press representatives be excluded from the meeting by virtue of Paragraph 1 of Part I of Schedule 12A of the Local Government Act 1972 as the report contains information relating to individuals, and on these grounds it is considered that the need to keep information exempt outweighs the public interest in disclosing the information, in order that the Sub-Committee may consider the following matter:

Initial Assessment of a complaint made about an Elected Member, Complaint MKCS07-12

SSC04 INITIAL ASSESSMENT OF A COMPLAINT MADE ABOUT AN ELECTED MEMBER, COMPLAINT: MKCSC07-12

The Sub-Committee considered the initial assessment of a complaint made about an elected Member of Bletchley and Fenny Stratford Town Council, regarding breaches of their Code of Conduct.

It was noted that before the assessment of a complaint could begin, the Sub-Committee should be satisfied that the complaint met the following criteria;

- (a) that it was a complaint against one or more named Members of the Authority or an Authority covered by the Standards Committee;

- (b) that the named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time; and
- (c) that the complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

The Sub-Committee heard from the Solicitor that the role of the Sub-Committee was to determine whether, on the face of it, the actions of the Member subject of the complaint had breached the Code of Conduct, and if so, whether any action should be taken on the complaint. The options available to the Sub Committee are to;

- (a) take no further action on the complaint;
- (b) refer the complaint to the Monitoring Officer, for investigation or for other action; or to
- (c) refer the complaint for action by the Police.

RESOLVED –

Complaint MKCSC-07-12

That no further action be taken on the matter but the Monitoring Officer to write to the Subject Member informing them that had they still been a Councillor at the time it would be likely that an investigation would have taken place. That the Monitoring Officer be requested to send a notification letter to the Clerk of Bletchley and Fenny Stratford Town Council and a decision notice be sent to all parties involved in the complaint.

THE CHAIR CLOSED THE MEETING AT 5.25PM

**ASSESSMENT OF COMPLAINTS – LOCALISM ACT SECTION 28
ARRANGEMENTS****WORKING GROUP REVIEW**

Report Author	Ifty Ali	–	Monitoring Officer Acting AD Law and Governance
	Katrina Hulatt -		Solicitor Governance and Employment

1. Purpose

- 1.1 To inform the Standards Committee of the progress of the Working Group with respect to the review of the Code of Conduct and arrangements for the determination of complaint, and , where appropriate refer matters to the Constitution Commission and Full Council.

2. Recommendations

- 2.1 That the Committee consider the findings of the Working Group meeting on 6 February 2012:
- That the Standards Committee endorse the findings of the Working Group that no changes should be made to the substantive Milton Keynes Code of Conduct, although the Nolan Principles contained within the guidance on the Code should be updated to reflect the 14th report of the Committee for Standards in Public Life (Annex A).
 - That the Standards Committee refer any changes made to the Code of Conduct and/or the guidance surrounding the Code of Conduct to the Constitution Commission and request that, if agreed, the Constitution Commission refer the Code of Conduct and the guidance to the Full Council for adoption.
 - That the Standards Committee recommend to the Constitution Commission that the guidance supporting the Code of Conduct is removed from the constitution, but made available on the CMIS site for members to access.
 - That the Standards Committee endorse the findings of the Working Group that the terms of reference for the Standards Committee should provide for the delegation of the initial determination of a complaint to the Monitoring Officer in consultation with a Independent Person (Annex B).

e) That the Standards Committee refer the terms of reference of the Standards Committee, to the Constitution Commission and request that, if agreed, the Constitution Commission refer the Code of Conduct and the guidance to the Full Council for adoption.

2.2 That the Committee note the changes to the arrangements and the flowchart that will be required in order to bring these changes into force and agree that a paper be submitted to the next Standards Committee informing the Standards Committee of the outcome of the Constitution Commission and the Council, and that the supporting flowchart and arrangements be appropriately amended and submitted to the Standards Committee for their final consideration.

2.3 That the Committee recommend to the Constitution Commission that the Code of Conduct and arrangements should be reviewed again in one year.

3. Issues and Choices

3.1 Since 1 July 2012 the Authority has been under a duty to put in place arrangements under which complaints under Codes of Conduct, adopted both by Parish/Town/Community Councils and by Milton Keynes Council may be investigated and determined.

3.2 A Code of Conduct and arrangements for the determination of complaints made under that Code were put into place by the Full Council on 11 July 2012, however at that same meeting the Council stated that it wished the Code of Conduct to be reviewed after 6 months.

3.3 The Standards Committee meeting on 8 November 2012 agreed that a working group should be formed, and that the membership of that group should be one representative of each group, a parish representative and an independent person.

3.4 The Working Group has no status in law, and is a consultative body in order to help inform a report, therefore although the general views of the Working Group are put forward in this report, the Committee, nor the individuals who took part in the group are bound by any statement made herein.

3.5 The Working Group met on 6 February 2013 the points discussed are set out below.

The 14th Report of the Committee for Standards in Public Life (CSPL)

3.6 A paper released by the Committee for Standards in Public Life was provided by the officer attending the meeting, who explained that, although the Nolan Principles themselves had not been altered, the descriptions of the Nolan Principles had been updated by the CSPL (table showing the changes attached at Annex E).

3.7 The Working Group indicated that it would be helpful to present the updated Nolan Principles in the guidance around the Code (Annex A).

The Code of Conduct

- 3.8 The Working Group noted that a number of cases had been heard under the current Code of Conduct and that it had been adopted by around 50% of the Parish/Town/Community Councils in Milton Keynes.
- 3.9 The Working Group felt that as there had been no issues raised in respect of the Code, by officers or by Members or members of the public involved in the complaints, at the current time the Code should remain as it is, although the working group were keen to ensure that the Code and the arrangements discussed below be reviewed in one years time.

Arrangements for determining complaints

- 3.10 The Working Group considered recent complaints that they had heard and some of the difficulties and delays of holding a full Committee meeting in respect of what appeared, at times to be a minor or frivolous complaint.
- 3.11 The Working Group indicated that in the first instance they would wish to see the delegation of these matters to an officer, but that the officer must consult with the Independent Person and must be able to refer the matter back to a Committee if the matter is potentially contentious, or where there is a conflict of interest.
- 3.12 The Working Group were also keen to ensure that any officer taking these decisions reported back to the Committee on a regular basis to explain the rationale. Annex C and D describe the arrangements and Annex B sets out the changes that will need to be made to the terms of reference by the Council in order to effect this change.

Annex A – Code of Conduct for Milton Keynes Council and updated guidance

Annex B – Terms of reference for Milton Keynes Council Standards Committee

Annex C - Flowchart showing Milton Keynes Council arrangements for the determination of complains

Annex D – Milton Keynes Council arrangements made under Section 28 Localism Act 2011

Annex E – Table showing the updated Nolan Principles as put forward in the 14th report of the Committee of Standards in Public Life

Background Papers

14th Report of the Committee for Standards in Public Life

Guide to the Code of Conduct for Members of Milton Keynes 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 so doing
 - b) providing the 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 Mayor or 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, specifically
 - the Protocol on Member and Officer Relations;
 - the Protocol on use of IT and equipment;
 - the Members' Planning Code; and
 - the Guidance for Members' on Licensing.

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 Milton Keynes County and Borough 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 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 declare 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.

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 as set out in the Council procedure Rules and Cabinet Procedure Rules.

VII. Duties in respect of the Authority's Standards Committee and the Monitoring Officer

15. The application and guidance on the application of this Code shall be a matter for the Authority and for the Authority's Standards Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference or duties as set out in Chapter 7 of 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 Authority's 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 authority's 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 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 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.

- (d) Where an executive (Cabinet) Member is aware that they have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by them in the course of discharging an executive function and yet not takes 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 the member).
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.

Milton Keynes Council

The Code of Conduct for Members and Co-Opted Members

Approved by the Council on 11th July 2012

Part 1: General Obligations

The Members of Milton Keynes 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

Members of Milton Keynes 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 Council;
 - taking a decision as a Ward Councillor or as a Member of the Cabinet;
 - 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

Members of Milton Keynes 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 pecuniary 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’s administrative area); 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 the 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

Members of Milton Keynes 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
 - (b) Cabinet Procedure Rulesrelating to interests

* 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

D. Gifts and Hospitality

Members of Milton Keynes 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. Licences	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

	<p>capital of that class.</p> <p>“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.</p> <p>The nominal value of shares is the face value of those shares (the value recorded on the share certificate)</p>
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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).

1. Standards Committee

1.1 Terms of Reference

- 1.1.1 To promote and maintain high standards of conduct by Members and co-opted Members of Milton Keynes Council.
- 1.1.2 To assist parish councils within Milton Keynes to promote and maintain high standards of conduct by their Members and co-opted Members.
- 1.1.3 To grant dispensations in respect of requests made under s33 Localism Act 2011.
- 1.1.4 To establish and maintain arrangements under which allegations against all such Members can be investigated and decided upon in accordance with the requirements of Chapter 7 (Standards) of the Localism Act 2011 within the following framework:
- (a) That the Monitoring Officer be delegated the authority to determine, after consultation with the Independent Person, whether or not a complaint merits a formal investigation, in line with any policy set by the Standards Committee.
 - (b) That Assessment Sub-Committees be established and be delegated power, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member, to determine whether or not a complaint merits referral to the monitoring officer to undertake a formal investigation or other action.
 - (c) That Hearing Sub-Committees be established and, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member:
 - (i) be delegated power to undertake a hearing to determine whether or not a Member has failed to comply with the Code of Conduct; and
 - (ii) be delegated such of the Council's powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct.
 - (d) That Appeals Sub-Committees be established and be delegated power, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member, to adjudicate on appeals against the findings of Hearing Sub-Committee on the grounds that:
 - The procedure has been wrongly applied;
 - New evidence has come to light since the hearing which, if disclosed to the panel, may result in a different outcome; or
 - The Committee has misdirected itself in law

- (e) That the Monitoring Officer be appointed as the Proper Officer to receive and administer complaints of failure to comply with the Code of Conduct.

1.2 Membership

- a) **Appointment.** The Standards Committee will consist of 10 Members appointed by the Council, at or as soon as reasonably practicable after the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989.

There shall be the power to co-opt between two and four Members who shall be parish councillors within Milton Keynes but who may not otherwise be members of Milton Keynes Council.

- b) **Chair.** The Chair and Vice-Chair of the Committee shall be appointed annually by that committee at its first meeting following the Annual Council meeting and before proceeding to any other business.
- c) **Quorum.** Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of the Committee unless at least three members are present.

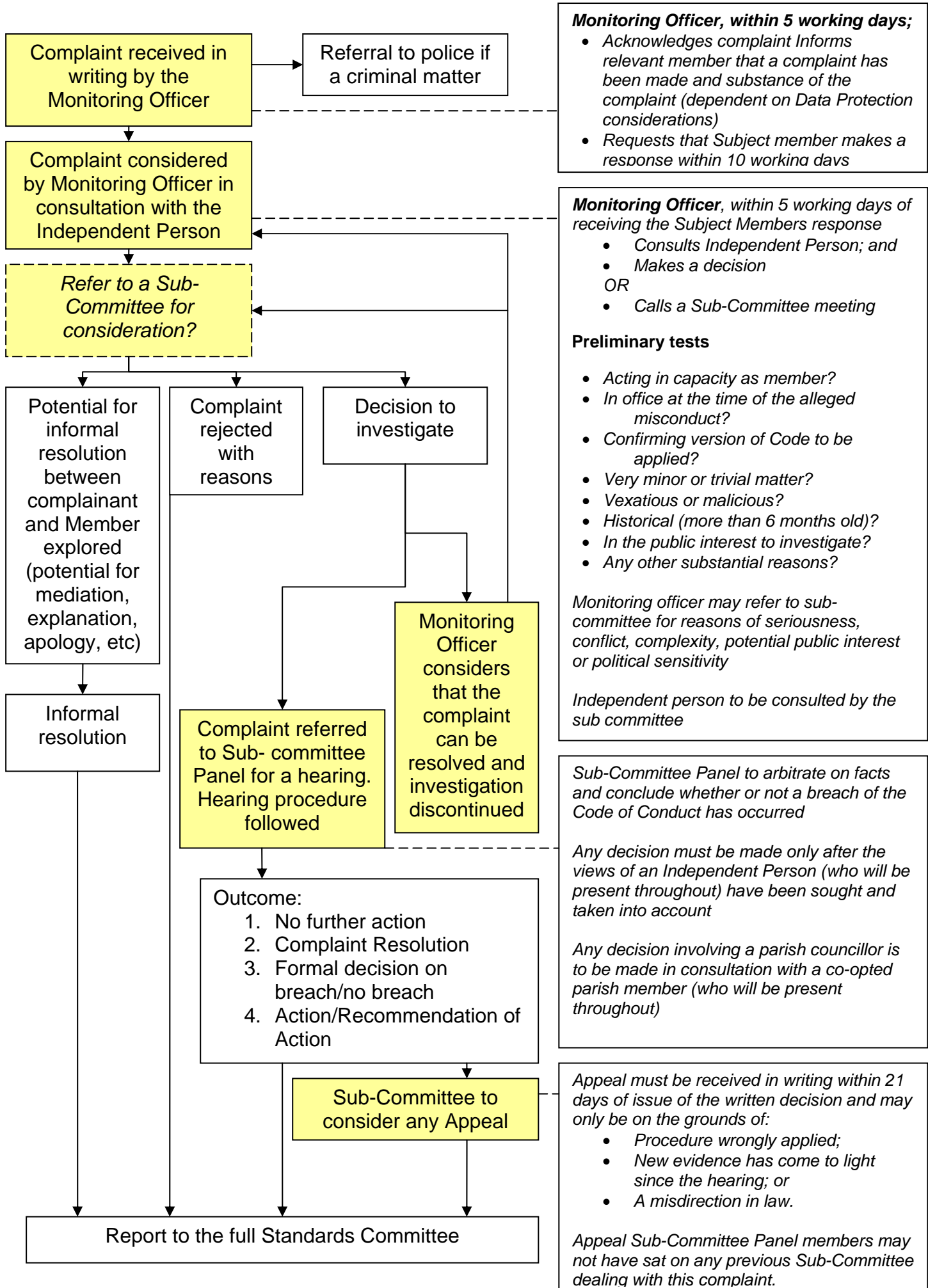
1.3 Functions

The Standards Committee will exercise the following functions and those matters which flow from them, which are not executive functions by virtue of Schedule 1 or 2 to the Functions Regulations (as may be currently amended), as listed below.

In acting under the Committee's Terms of Reference and in exercising responsibility for those functions listed below, the Authority's Procedure Rules, any limitations on authority placed by Council and all legislative requirements and applicable rules of law must be complied with.

<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>
A. Functions relating to standards of conduct by Members and co-opted Members of Milton Keynes Council and the parish councils within the Borough	Chapter 7 of the Localism Act 2011

Complaints Procedure Flowchart



**Assessment of complaints submitted to the Standards Committee
concerning the Conduct of Members of Milton Keynes Council and the
Conduct of Parish/Town/Community Councillors in the
Milton Keynes area**

**ARRANGEMENTS FOR DEALING WITH STANDARDS
ALLEGATIONS UNDER THE LOCALISM ACT 2011**

1 Context

These “Arrangements” are made in accordance with section 28 (6) and (7) of the Localism Act 2011. They set out how to make a complaint that an elected or co-opted Member of this Council or of a parish council within its area has failed to comply with the relevant authority’s Code of Conduct. They also set out how the Council will deal with any complaints about such failures.

2 The Code of Conduct

Milton Keynes Council has adopted a Code of Conduct for Members, and this Code is available for inspection on the Council’s website or on request from the Monitoring Officer at Civic Offices, 1 Saxon Gate East, Milton Keynes, MK9 3EJ.

Each town and parish council in the Milton Keynes area is also required to adopt a Code of Conduct. Copies of these Codes are available on the relevant council’s website or on request from the town or parish clerk.

3 The Independent Person

The Council is required to appoint at least one Independent Person. The Council must consult an Independent Person and take his/her views into account before making a decision on a complaint that it has decided to investigate.

The independent person may be consulted by the Council at various stages in the complaints process and can also be consulted by a member who is the subject of a complaint.

4. Making a complaint

A complaint that a Member of Milton Keynes Council or of a town, community or parish council in the administrative area has failed to observe the Council’s Code of conduct should be submitted to:

The Monitoring Officer
Law and Governance Division
Civic Offices
1 Saxon Gate East
Milton Keynes
MK9 3EJ

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the arrangements for complaints about member misconduct.

In order to ensure that the Monitoring Officer has all the information needed to process complaints, they should be submitted using the model complaint form. The complaint form can be downloaded from the Council's website. A copy of the form is also available on request from the Monitoring Officer.

Complainants must provide their name, postal address and, where possible, their email address. The Council will not normally investigate an anonymous complaint, unless there is a clear public interest in doing so.

4.1 Time limits

The Monitoring Officer will acknowledge receipt of the complaint and will notify and supply a full copy of the complaint to the Member against whom the complaint is directed (the Subject Member) within 5 working days of receiving it.

The Subject Member will be given 10 working days in which to respond on the allegations made.

5. Decision on whether to progress the matter

The Monitoring Officer will consult with the Independent Person on the matter and may;

- I. Reject the complaint, with reasons;
- II. Explore informal resolution of the matter;
- III. Investigate the matter (or appoint an investigator to investigate the matter); or
- IV. Refer the matter to an Assessment Sub Committee.

5.1 Preliminary Tests

The Monitoring Officer will initially consider;

Was the Subject Member acting in their capacity as a Member at the time of the alleged misconduct?

Were they in office at the time of the misconduct?

If the answer to these two questions is yes, the Monitoring Officer will go on to consider;

Which Code should apply?

The Code that applies will be the one, adopted by the authority of which the Subject Member is a Member (if the Subject Member is a Member of more than one authority, the authority in respect of which the alleged misconduct relates) and in force at the time of the alleged misconduct.

When considering the application of the Code the Monitoring Officer will, at all times bear in mind the Nolan Principles.

Would the conduct, if proven, be a breach of the Code of Conduct?

5.2 Further tests to consider

If the answer to this question is yes, the Monitoring Officer will further consider;

Is the matter complained of very minor or trivial?

Is the complaint vexatious or malicious?

Is the complaint historical (i.e. over 6 months old)?

Would the investigation of the complaint be in the public interest?

Any other substantial reasons for the decision?

5.3 The Independent Person

The Monitoring Officer will discuss these issues with the Independent Person, along with the facts presented in the complaint.

Any view given by the Independent Person will be recorded by the Monitoring Officer and kept on file.

The Monitoring Officer will take into account the view of the Independent Person when coming to their decision.

5.4 Decision Notice

Where the Monitoring Officer decides to;

- I. Reject the complaint, with reasons
- II. Explore informal resolution of the matter
- III. Investigate the matter (or appoint an investigator to investigate the matter)

The Monitoring Officer will issue a decision notice to the Complainant and the Subject Member explaining the reasons for their decision and setting out any other action that may need to be taken. This will be sent to the Complainant and the Subject Member within 5 days of the Monitoring Officer's decision.

The Monitoring Officer may include the Independent Persons views in this decision notice, but only where appropriate and particularly where the views of the Independent Person differ to those of the Monitoring Officer.

The Monitoring Officer will then report this matter, including an anonymised decision notice to the next meeting of the Standards Committee and inform the Committee of any outstanding action on the matter.

5.5 Referral of the matter to an Assessment Sub-Committee

Where after considering the matters above, the Monitoring Officer comes to the view that the matter is;

- I. Very serious;
- II. A conflict of interest has arisen;
- III. The matter is particularly complex ;
- IV. The matter is potentially going to attract a high level of public interest ;
- V. The matter is politically sensitive; or
- VI. Any other substantial reason.

The Monitoring Officer will not make a decision but refer the matter to an Assessment Sub Committee for a decision to be made.

5.6 Time limits

The Monitoring Officer will make their decision within 5 working days of receiving the Subject Members response (or the deadline given to the Subject Member for receipt of a response, whichever is sooner).

6 Assessment Sub Committee arrangements

The Assessment Sub Committee will be formed of between three and five Councillors from Milton Keynes Council, with one co-opted Parish Council member if the Assessment Sub committee is dealing with a complaint about a Parish Councillor.

6.1 Chairing

If present, the Chair of the Standards Committee will chair the meeting, if the Chair is not present and the Vice Chair of the Standards Committee is present, the Vice Chair will chair the meeting. If neither Standards Committee chair is present a Chair will be elected from the persons attending the meeting.

The Independent Person must not be elected as the Chair as they are not a Member of the Committee.

6.2 Co-option

One co-opted Parish Member will be invited to sit on the Assessment Sub Committee if the Assessment Sub Committee is determining a Parish matter. Co-opted Members do not have voting rights on the Standards Committee or at the Assessment Sub Committee.

6.3 Independent Persons

An Independent Person will be invited to attend in line with the Independent Persons Memorandum of Understanding.

The Independent Person is not a member of the Committee, however they have the right to put forward their view and their view will be taken into account by members of the Assessment Sub Committee prior to making a decision.

6.4 Exclusion of the Press and Public

Assessment Sub Committee meetings must open in public and papers will be published 5 clear days prior to the meeting.

If the information before the meeting is of a confidential or sensitive nature, Members of the Sub Committee may need to consider excluding the press and public. The Monitoring Officer will provide advice on this at each meeting.

The Complainant and the Subject Member are entitled to attend Sub Committee meetings, as these are public meetings. The Complainant and the Subject Member will not have the right to speak unless invited to do so by the Chair. If the press and public are excluded, the Subject Member and the Complainant may be asked to leave.

6.5 Criteria considered by the Assessment Sub Committee

The Assessment Sub Committee will initially consider;

Was the Subject Member acting in their capacity as a Member at the time of the alleged misconduct?

Were they in office at the time of the misconduct?

If the answer to these two questions is yes, the Assessment Sub Committee will go on to consider;

Which Code should apply?

The Code that applies will be the one, adopted by the authority of which the Subject Member is a member (if the Subject Member is a member of more than one authority, the authority in respect of which the alleged misconduct relates) and in force at the time of the alleged misconduct.

When considering the application of the Code the Assessment Sub Committee will, at all times bear in mind the Nolan Principles.

Would the conduct, if proven, be a breach of the Code of Conduct?

5.2 Further tests to consider

If the answer to this question is yes, the Assessment Sub Committee will further consider;

Is the matter complained of very minor or trivial?

Is the complaint vexatious or malicious?

Is the complaint historical (i.e. over 6 months old)?

Would the investigation of the complaint be in the public interest?

Any other substantial reasons for the decision?

6.6 Decision of the Assessment Sub Committee

The Assessment Sub Committee can decide to;

- Reject the complaint, with reasons
- Refer the complaint to the Monitoring Officer for investigation
- Refer the complaint to the Monitoring Officer for resolution

A decision notice, setting out the Assessment Sub Committee's decision will be sent to the Subject Member and the Complainant within 5 working days of the decision.

7. Investigation

If either the Assessment Sub Committee or the Monitoring Officer determines that the complaint should be investigated the Monitoring Officer will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator.

The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint, to obtain an understanding of events, to identify what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.

The Investigating Officer will normally contact the member against whom the complaint has been made to provide him/her with a copy of the complaint and to obtain the member's explanation of events. The member will be invited to identify what documents the Investigating Officer needs to see and who he/she needs to interview.

At any point during the investigation the Investigating Officer may refer the matter back to the Monitoring Officer if they believe that the matter may be resolved without a complete investigation, or that the complaint should be rejected. The Monitoring Officer will, if the complaint was initially referred by them, consider what action to take, or, if the matter was originally referred for investigation by the Assessment Sub Committee, refer the matter back to the Assessment Sub Committee who may make the decision to;

- **Continue the investigation**
- **Reject the complaint with reasons**
- **Seek resolution**

If the matter continues, at the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the member concerned, to give them both an opportunity to identify any matter in the report with which they disagree or which requires more consideration.

Having received and taken account of any comments which made on the draft report, the Investigating Officer will submit his/her final report to the Monitoring Officer.

The Monitoring Officer will review the Investigating Officer's report and refer the matter to the Assessment Sub Committee. The Assessment Sub Committee can decide to;

- Instruct the Monitoring Officer to seek resolution
- Reject the complaint
- Refer the matter to a Hearing

A decision notice, setting out the Assessment Sub Committee's decision will be sent to the Subject Member and the Complainant within 5 working days of the decision.

No decision on whether the Code has been breached will be made at this stage.

9. Hearings

The Council has agreed a procedure for hearings which can be found on the website.

Following the hearing, the Sub Committee Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so will dismiss the complaint.

If the Sub Committee Panel concludes that the member has failed to comply with the Code of Conduct, the Chair will inform the member of this finding and the Sub Committee Panel will then consider what

action, if any, should be taken as a result of the member's failure to comply with the Code.

Before reaching a decision, the Sub Committee Panel will give the member an opportunity to make representations and will consult the Independent Person.

10 Sanctions

The Council has delegated to the Sub Committee Panel authority to take such action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub Committee Panel may –

- 10.1 Censure the Member;
- 10.2 Publish its findings in respect of the conduct;
- 10.3 Report its findings to the Council (or to the Parish Council) for information;
- 10.4 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the member;
- 10.5 Recommend the Group Leader to remove from Committees or Cabinet (MKC only);
- 10.6 Recommend the Parish Council to remove from Committees;
- 10.7 Recommend Council to replace as Leader (MKC only);
- 10.8 Withdraw facilities (only where this is an appropriate response in the context of the acts complained of and must not prevent the Subject Member from carrying out their duties as a Councillor);
or
- 10.9 Bar from the offices and put on single point of contact (only where this is an appropriate response in the context of the acts complained of and must not prevent the Subject Member from carrying out their duties as a Councillor).

The Standards Committee has no power to suspend or disqualify the member or to withdraw any special responsibility allowances to which the member may be entitled under the Council's Members' Allowances Scheme.

The Independent Person is invited to attend all meetings of the Sub Committee Panel and his/her views will be sought and taken into consideration before the Sub Committee Panel takes any decision on whether the member's conduct constitutes a failure to comply with the

Code of Conduct and also as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Sanctions 10.8 and 10.9 above may commence immediately after the Standards Committee decision, however sanctions 10.1 to 10.7 will only commence after the appeal period has expired and any appeal has been considered.

A decision notice, setting out the Sub Committee Panel's decision will be sent to the Subject Member, the Complainant and any relevant parish council within 10 working days of the decision. This will include a right to appeal.

11 Appeal

If either the Complainant or the Subject Member against whom a complaint has been made is dissatisfied with the outcome, they may Appeal.

Any Appeal must be received in writing within 21 days of issue of the written decision notice and may only be made on the grounds of:

- the procedure being wrongly applied;
- new evidence has come to light since the hearing; or
- a misdirection in law.

which has resulted in, in the Appellant's view, an unfair decision.

A review will be undertaken by the Appeals Sub Committee made up of members who have not previously been involved in the Sub Committee Panel Hearing of the complaint.

A new Independent Person will also be asked to give their views.

Depending on the subject matter of the appeal it may be appropriate to conduct the matter on papers only.

A decision notice, setting out the Assessment Sub Committee's decision will be sent to the Subject Member, the Complainant and any relevant parish council within 10 working days of the decision.

There is no further right to appeal.

Time line for initial Standards Complaint decisions

Complaint received	Monitoring Officer acknowledges receipt and sends copy to subject member					Response from subject member										Monitoring Officer discusses matter with Independent Person and makes a decision OR refers to Assessment sub committee					Monitoring Officer sends out decision					Date agreed for Committee and parties informed Papers published	5 clear days					Meeting held and decision issued
																					Committee members asked to respond											
Day 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32-37	

Principle	MKC Code of Conduct	Revised description
<i>Preamble</i>		The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	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.	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	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.	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 declare and resolve any interests and relationships.
<i>Objectivity</i>	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.	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	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.	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.
<i>Openness</i>	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.	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.
<i>Honesty</i>	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.	Holders of public office should be truthful.
<i>Leadership</i>	Holders of public office should promote and support these principles by leadership and example.	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.

LOCALISM ACT – ARRANGEMENTS IN MILTON KEYNES: UPDATE AND WORK PROGRAMME

Report Author	Ifty Ali –	Monitoring Officer
		Acting AD Law and Governance
	Katrina Hulatt -	Solicitor
		Employment and Governance

1. Purpose

1.1 To update the Standards Committee as to the current position with regard to Localism Act arrangements in Milton Keynes.

2. Recommendations

2.1 That the Committee note the report.

2.2 That the Committee agree to form a shortlisting and interview panel on a 1-1-1 basis and authorise officers to engage one Independent Member to sit on that panel in an advisory capacity.

2.3 That the Committee approve the letter to parishes and recruitment pack at Annex C.

2.2 That the Committee approve the work programme attached at Annex A.

2.3 That the Committee note the case status table attached at Annex B.

3. Issues and Choices

3.1 Since 1 July 2012 both Milton Keynes Council and all Parish/Town/Community Councils in the Milton Keynes area have been under a duty to;

a) Promote and maintain high standards of conduct

b) Adopt a Code which is

i. Consistent with the 7 Nolan principles of

ii. Which contains provision for the disclosure of Disclosable Pecuniary Interests and other interests

c) Place details of Councillors register of interests on their website

Members individually have been under a duty to;

- d) Disclose Pecuniary Interests in line with legislation
- e) Complete a register of interests (although not a strict legal provision, suggested as best practice by Central Government Guidance and part of some Codes of Conduct) and send it to the Monitoring Officer

3.2 This report details the role of MKC in this process and invites the Committee to make comments regarding work for the future.

4. Current outstanding issues

Parish Member recruitment

4.1 There has been some delay in taking this action, which was anticipated in January 2013, however a draft letter and recruitment pack is attached at Annex C and if approved, will go to all parish/town/community councils.

4.2 Councils will be asked to put forward Members and an interview panel will be formed on a 1-1-1 basis, with one Independent Person to consider the applications, shortlist and hold a short interview with the applicants.

4.3 The agreed persons will then be formally co-opted onto the Committee.

Independent Persons

4.4 The current Memorandum of Understanding is still being discussed by the partner Councils and Independent Persons. There has been some resistance to the document, as some feel that it fetters their independence, however, we have taken the position that some documents containing these sort of terms (confidentiality, secure treatment of documentation, contact with the press, access to whistleblowing) should be agreed in order to protect both the Independent Persons and the authority.

4.5 There are two other documents of this type that have been released by other Councils and these are being reviewed to see if there are any additions (or reductions) that can be made in the current documentation.

4.6 Discussions are to continue and a full report will come back to the next Standards Committee.

Outstanding complaints

4.7 There is currently one outstanding complaint. The Subject Member has been written to in respect of considering informal resolution, however, no reply has been received to date, and therefore a Sub-Committee meeting will be convened. The case status update table is at Annex B.

Standards Committee Work Programme

From October 2012 – July 2013

Action	Who is responsible	Completion date
1. Undertake Local Assessment of Complaints and (where required), Investigation Reports, resolution reports and conduct Hearings.	Monitoring Officer and Deputy Monitoring Officer to advise Sub - Committees	Ongoing. Localism Act 2011 effective from July 2012. Assessment and other processes to be agreed Case status table to be submitted to each Standards Committee
2. Consider and adjudicate on dispensation requests from Milton Keynes Council	Standards Committee	To be determined as and when requests for dispensations received.
3. Promotion of the role and work of the Standards Committee in supporting town and parish councils	Monitoring Officer & Standards Committee	Monitoring Officer and Deputy Monitoring Officer to organise training as appropriate (and after 2014 elections)
4. Support for Independent Persons and development of the role	Monitoring Officer and Standards Committee	Draft a Memorandum of Understanding to be finalised before December 2012. 6 monthly sessions organised for Independent Persons to meet
5. Standards Training	Monitoring Officer	Code of Conduct training to be run as appropriate and after 2014 elections). Standards Committee training to be run for new Parish co-optees and Standards Committee Members in May/June 2013.
6. Review of Register of Interests	Monitoring Officer	Monitoring Officer to review register of interests of Members of Milton Keynes Council and Town and Parish Councillors at least annually and to issue reminders to update the register.

Action	Who is responsible	Completion date
7. Linkage with Audit Committee through issues common to ethical governance of Milton Keynes Council	Chair Monitoring Officer S.151 Officer and Head of Audit & Risk	Ongoing
8. Code of Conduct review	Standards Committee working group Monitoring Officer	Commence review in January and report back to next meeting of the Standards Committee (February 2013) for recommendation to Council as appropriate. Referred to Committee 28/02/2013

CASE STATUS REPORT UPDATE

ANNEX B

Case No	Council	Complainant	Informal Resolution y/n	Date assessed	Outcome
MKCSC/02/12	Parish	Member of the public	Initially, Y. Complainant stated not resolved but no further complaint made	N/A	N/A
MKCSC/03/12	Parish	Member of the public	N	18/12/2012	No further action
MKCSC/04/12	Parish	Member of the public	N	18/12/2012	No further action
MKCSC/05/12	Parish	Member of the public	N	18/12/2012	No further action
MKCSC/06/12	Parish	Member of the public	N	18/12/2012	No further action
MKCSC/07/12	Parish	Councillor (x2)	N	31/01/2013	No further action due to resignation but letter sent
MKCSC/08/12	MKC	Member of the public	N	18/12/2012	No further action
MKCSC/09/12	MKC	Member of the public	N	18/12/2012	No further action
MKCSC/10/12	MKC	Member of the public	N	18/12/2012	No further action
MKCSC/11/12	MKC	Member of the public	Not progressed as no answer returned re informal resolution		
MKCSC/01/13	MKC	Member of the public	Awaiting response from subject member although time limit has expired so likely to move to Cttee		

Tim Hannam
Corporate Director - Resources

Philip McCourt - FCIS Solicitor
Assistant Director – Law & Governance

Our Ref: KH/LIT-000637

Your Ref:

Reply To: Ifty Ali

Direct Line: 01908 252962

19 February, 2013

Dear Chairperson

Re: Milton Keynes Council Standards Committee Parish Members

From 1 July 2012 it has been the duty of every authority (including Parish/Town and Community Councils) to have a Code of Conduct and further it has been the duty of the principal authority to have in place arrangements for the consideration and determination of complaints made against both Borough Councillors and Town/Parish/Community Councillors under that Code.

Milton Keynes Council has formed a 'Standards Committee' to discharge these duties.

In recognition of the role that Town/Parish/Community Councils play in upholding high standards across Milton Keynes, the Standards Committee has the power to co-opt between 2 and 4 Parish Councillors who may sit on the main Committee in an advisory capacity. Further to this, Milton Keynes Council Standards Committee complaints arrangements require that one Parish Council co opted Member must sit on any Sub Committee tasked with determining complaints about the Conduct of Parish Councillors.

The Standards Committee is wish to co-opt between two and four new parish members onto the Standards Committee and would welcome applications from Parish Councils, putting forward members for this task.

Short listing will take place in early April and interviews will take place at the end of April.

The successful candidates will be required to sit on the Committee from May in the 2013/2014 municipal year and will be invited to attend sub committees as appropriate.

Co-opted members are subject to the Milton Keynes Council Members Allowances scheme and will be able to claim for reasonable mileage and parking expenses for attendance at meetings.

Resources: Finance, HR & Governance
Civic Offices, 1 Saxon Gate East, Central Milton Keynes MK9 3EJ
Tel: (01908) 691691 Fax: (01908) 252273 Hays DX 31406 Milton Keynes

If you would be interested in nominating a member of your Council for this role, I would be grateful if you could complete the attached application form and return to;

Standards Committee
c/o The Monitoring Officer
Law and Governance division
Milton Keynes Council
Civic Offices
1, Saxon Gate East
Milton Keynes
MK9 3EJ

No later than 29 March 2013.

Please contact me on the number above if you require any further details.

Yours faithfully,

Ifty Ali
Monitoring Officer
Acting Assistant Director Law and Governance

RECRUITMENT PACK FOR APPOINTMENT OF CO-OPTED PARISH MEMBERS



APPOINTMENT OF CO OPTED PARISH MEMBER – BACKGROUND INFORMATION

Under the provisions of the Localism Act 2011 the way that an authority will deal with complaints about the conduct of its elected members and town and parish councillors in its area has changed.

The current statutory regulatory framework has been abolished and each council or authority is responsible for deciding how to deal with standards issues at a local level, including adopting its own local code of conduct for members. Milton Keynes Council is also responsible for determining what arrangements it will adopt to deal with complaints in respect of town and parish councillors in their area as well as their own members.

At the same time, each authority and council will adopt a code of conduct, consistent with what are known as the Nolan Principles, by which the conduct of their members will be judged. As part of that code, members will also be required to complete a register of personal interests for publication and take steps to ensure that a conflict of interest does not arise between those personal interests and the public interest that they serve as a councillor, which will be supported in addition by a number of criminal offences if they fail in those steps.

The Nolan 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 declare 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.

CO OPTED PARISH MEMBER

SELECTION CRITERIA - SKILLS AND COMPETENCIES

Co-opted parish members will:

- be a current elected member of a Parish/Town/Community Council in the Borough of Milton Keynes.
- have a keen interest in standards in public life.

Co-opted parish members will:

- be a people in whose integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of the previous and new standards regime.
- knowledge and understanding of judicial/quasi-judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

NOTE: You will be required to attend ordinary Standards Committee meetings (approximately 5 per year) which take place in the evening.

You may be invited to attend sub committee meetings which will also take place in the evenings, or hearings, which may take place in the day.

ROLE OF CO OPTED PARISH MEMBER

ROLE DESCRIPTION

Responsible to: The Authority

Liaison with: Monitoring Officer, members of the Standards Committee, officers and members of the Authority and Town and Parish Councillors within the Authority's area, key stakeholders within the community.

1. To assist the Authority in promoting high standards of conduct by elected and co-opted members Milton Keynes Council and in particular to uphold the Code of Conduct and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Authority through the Standards Committee both on matters of policy and specific Conduct matters involving Parish Council members.
3. To develop a sound understanding of the ethical framework as it operates within the authorities listed and its town and parish councils.
4. To attend training events organised and promoted by the Milton Keynes Council Standards Committee.
5. To act as advocate and ambassador for the Authorities in promoting ethical behaviour.

Co opted Parish member for Standards – Person Specification

CRITERIA	Essential / Desirable
Skills and Abilities	
Ability to actively contribute to a meeting effectively	E
Ability to remain calm under pressure	E
Inclusive and empathetic approach to making enquiries	E
Experience	
Experience of hearing and adjudicating cases in a judicial or quasi-judicial capacity.	D
Experience of working closely with local government officers or councillors	E
Knowledge	
Ability to obtain or hold a sound knowledge of the administrative framework of local government	D
Sound knowledge of the role of councillors and officers within a local authority	E
Other Requirements	
Demonstrate a desire to serve the local community and uphold democracy.	E
Ability to demonstrate your personal integrity.	E
A current elected councillor at a parish/town/community council in the Milton Keynes Borough	E

You should demonstrate in your application how you meet the above criteria as this will assist the short listing process.

Means of assessment: - will be by assessment of application form and by interview.

APPLICATION FOR THE POSITION OF CO-OPTED PARISH MEMBER

Individuals who wish to be considered for appointment as co-opted parish member at Milton Keynes Council are requested to provide the following information to support their application. All information provided will be treated in the strictest confidence and will only be used for the purposes of selection. Please feel free to use a separate continuation page if you wish to expand upon your answer to any question outlined below.

1. PERSONAL DETAILS

Name:

Address:

Postcode:

Contact Details:

Daytime Telephone Number:

Email Address:

2. CURRENT ROLE

3. SUMMARY OF EXPERIENCE

(Please give a brief account of your experience including public and voluntary work)

4. RELEVANT EXPERTISE/SKILLS

(Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an co-opted parish member having regard to the selection criteria and role description)

5. ADDITIONAL INFORMATION

(Please provide any additional information you may wish to give in support of your application)

7. References will be taken up for all applicants who are invited for interview

1. Name:	2. Name:
.....
Address:	Address:
.....
.....
.....
.....
Telephone No.	Telephone No.
Email:	Email

Signed

Date

Please return this application form by:

lfty.ali@milton-keynes.gov.uk

**Standards Committee
c/o The Monitoring Officer
Law and Governance division
Milton Keynes Council
Civic Offices
1, Saxon Gate East
Milton Keynes
MK9 3EJ**

No later than 29 March 2013

- 3.3 At the Standards Committee meeting on 30 August 2012 the Standards Committee, on legal advice, granted a number of dispensations for all members and for four years, including a dispensation with regard to setting the Council Tax. These dispensations mirrored the statutory exemptions under the 2007 Statutory Code.
- 3.4 A letter sent by Brandon Lewis MP is attached, and states the government's view on this matter, which appears to suggest that those matters that apply to the generality of the population, and under which Councillors have no unique position, are not subject to the law on disclosable pecuniary interests.
- 3.5 The legal officers welcome this view as helpful, however we would remind members that there is no statement which suggests this within the legislation and as yet there is no case law in respect of this. It is advised that the dispensation remains in place until the law is tested on this matter.



Department for
Communities and
Local Government

Brandon Lewis MP
Parliamentary Under Secretary of State

Department for Communities and Local
Government
Eland House
Bressenden Place
London SW1E 5DU

To all Local Authority Leaders

Tel: 0303 444 3430
Fax: 0303 444 3986
E-Mail: brandon.lewis@communities.gsi.gov.uk

www.communities.gov.uk

5 February 2012

Dear Colleague,

REMOVING UNNECESSARY RED TAPE: COUNCIL TAX SETTING

As you will know, the Localism Act 2011 abolished the last Administration's bureaucratic and controversial Standards Board regime. We have intentionally sought to move to a lighter-touch regime which focuses on openness and transparency.

In August 2012, we published a practical guide for councillors, to complement the illustrative local code of conduct we published in April 2012. However, as highlighted in a recent Parliamentary debate on the topic, we are keen to avoid unnecessary and bureaucratic gold-plating of the new regime.

That debate and associated correspondence has highlighted that some council monitoring officers are informing their councillors that being a council tax payer is a disclosable pecuniary interest in any Budget debate. Councillors are then informed they would be committing a criminal offence if they speak or vote in that debate unless they obtain a formal dispensation.

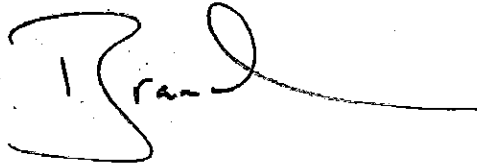
Whilst my department does not issue legal advice, in our opinion, such dispensations are unnecessary. Council tax liability applies to the generality of the population; councillors have no unique position in that regard.

Being a council taxpayer or being eligible for a discount under the new local arrangements for council tax support are pecuniary interests, but are **not disclosable pecuniary interests** as specified in regulations. Therefore a **councillor does not need to seek a dispensation** in order to participate in discussions or vote on decisions in the council tax setting process or local arrangements for council tax support. I made this clear in the Parliamentary debate, which I would encourage you to read.

Holders of public office should be guided by the Nolan Principles. I believe that the blanket act of every councillor declaring the obvious (that residents are liable for council tax) adds nothing to that cause. Indeed, Section 106 of the Local Government Finance Act 1992 prohibits councillors who are in council tax arrears (by two or more months) from voting on Budgets. So there is a clear expectation that the generality of councillors are paying council tax.

I hope this is helpful in reducing your council's administrative paperwork and we will shortly be updating our practical guide for councillors to reflect this view.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Brandon Lewis', with a long horizontal flourish extending to the right.

BRANDON LEWIS MP