



Kents Hill & Monkston Parish Council Code of Conduct

This Code of Conduct was revised in April 2018 and adopted by Kents Hill & Monkston Parish on 29th October 2018, Minute ref: 30/2018

Code of Conduct for elected, co-opted and appointed Members of Kents Hill & Monkston Parish Council

I. Purpose of the Code

Pursuant to section 27 of the Localism Act 2011, Kents Hill & Monkston Parish Council has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct business of the Council, or when they claim to act or give the impression of acting as a representative of the Council. The code is based on the 7 Nolan principles of:

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.

II. Member obligations

When an elected or co-opted member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

- a) He/She shall behave in such a way that a reasonable person would regard as respectful.
- b) He/She shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- c) He/She shall not seek to improperly confer an advantage or disadvantage on any person.
- d) He/She shall use the resources of the Council in accordance with its requirements.



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- e) He/She shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

- f) Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
- g) Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A and B.
- h) A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
- i) A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register could lead the member or a person connected with the member to be subject to violence or intimidation.

Declarations of interests

- j) Where a matter arises at a meeting which relates to an interest in Appendix A or B the member shall not participate in a discussion or vote on the matter. He/She only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the monitoring officer.
- k) Where a matter arises at a meeting which relates to an interest in Appendix A or B which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the monitoring officer, the member shall disclose he/she has an interest but not the nature of it.
- l) Where a matter arises at a meeting which relates to a financial interest of a friend, close relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensation

- m) On written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part at the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

General Expectations of Conduct

- n) 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.
- o) 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.



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- p) 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.

III. Public Duties of Members

1. Members have a duty to uphold the law, including the general law against discrimination, the requirements of the Localism Act and the Data Protection Act (1998) (to be replaced with the General Data Protection Regulation from 25th May 2018), and to act on all occasions in accordance with the public trust placed in them.
2. 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 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.

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Openness

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



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15. The application and guidance on this Code shall be a matter for Milton Keynes Council Standards Committee and, as appropriate, the Monitoring Office, to assist parish (town or community) council's to promote and maintain high standards of conduct 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 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



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- (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.