

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.