

Chapter 4

CODES AND PROTOCOLS

Milton Keynes Council

The Code of Conduct for Councillors and Co-Opted Councillors

Part 1: General Obligations

Councillors 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 Councillor:-
 - (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 Councillor 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 Councillors and Co-Opted Councillors

A. Disclosable Pecuniary Interests

Councillors 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

Councillors 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 Councillor (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 Councillors' register of interests for reasons of openness and transparency.

C. Compliance with Standing Orders relating to Interests

Councillors 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

D. Gifts and Hospitality

Councillors 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 Councillor 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 Councillor 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 capital of that class. "Securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society. The nominal value of shares is the face value of those shares (the value recorded on the share certificate)

TABLE 2	
Other Interests (Voluntary addition)	
8. Public Bodies	Bodies of which you are a member or hold a position of general control or management which exercise functions of a public nature
9. Charitable bodies	Bodies of which you are a member or hold a position of general control or management which are directed to charitable purposes
10. Bodies which influence public opinion or policy	Bodies of which you are a member or hold a position of general control or management whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)