

STANDARDS SUB-COMMITTEE AGENDA

TUESDAY 18 DECEMBER 2012
5.00 PM

ROOM 2
CIVIC OFFICES
CENTRAL MILTON KEYNES

Councillors: Eastman, Hopkins and Jury (Milton Keynes Council)

Independent Member: M Collins-Jones

Parish Council Reps: N Wilkes (Parish Council)

If you have any enquires about this agenda please contact Katrina Holland, Solicitor, Tel: (01908) 252342 or E-mail: Katrina.holland@Milton-keynes.gov.uk

AGENDA

STANDARDS COMMITTEE SUB-COMMITTEE

1. Chair

To Elect a Chair.

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 cannot be elected as the Chair as they are not recognised as a member of the Committee.

2. Apologies for Absence

3. 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.

4. Procedure

The Chair to outline the procedure and to confirm that the assessment arrangements (Item 6 Annex A) and criteria are understood by all those present. (Item 6 Annex A, para. 7.5)

5. Exclusion of the Public and Press

To consider excluding the public and press representatives 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. As on these grounds it is considered that the need to keep information exempt outweighs the public interest in disclosing the information.

To consider appendices and annexes, 1 to 6 of Item 6.

6. Report of the Investigating Officer

To consider Item 6 (**Pages 3 to 81**)

ITEM 6

ASSESSMENT SUB-COMMITTEE

18 DECEMBER 2012

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

Contact Officer: Philip McCourt (Assistant Director Law and Governance and Monitoring Officer) – Tel: 01908 252962

Katrina Hulatt – Solicitor: Employment and Governance – Tel: 01908 252342

1. Purpose

- 1.1 The Standards Committee of Milton Keynes Council has received a number of complaints about elected Members of Stony Stratford Town Council and Milton Keynes Council regarding alleged breaches of their Code of Conduct.
- 1.2 The purpose of the initial assessment decision is to decide whether any action should be taken on the complaint, either as an investigation or some other action. The Sub-Committee makes no findings of fact and this is not a hearing.

2. Recommendations

- 2.1 That the Assessment Sub-Committee, in considering the complaint decide whether: -
 - (a) to reject the complaint, with reasons
 - (b) refer the complaint to the Monitoring Officer
 - (i) for investigation; or
 - (ii) for other action; or
 - (c) Refer the complaint for action by the Police

3. Issues and Choices

- 3.1 This report outlines the purpose of this meeting of the Assessment Sub-Committee, the process that is to be followed and the options that are open to the committee.
- 3.2 As supporting materials, the Assessment Sub-Committee should have received;
 - Copies of the letters of complaint and other documents submitted by the complainant
 - Where submitted, Subject Member responses
 - The copy of the Code relevant at the time of the complaint

- Any other documents that are considered relevant
- 3.3 Before assessment of a complaint begins, the Assessment Sub-Committee should be satisfied that the complaint meets the following tests;
- It is a complaint against one or more named members of the authority or an authority covered by the standards committee
 - The named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time
 - The complaint, if proven, would be a breach of the Code under which the member was operating at the time of the alleged misconduct.
- 3.4 If these tests are satisfied, the Sub-Committee must make an assessment of the complaint against the Milton Keynes Council Standards Committee Assessment criteria which are attached at Annex A.
- 3.5 The Assessment Sub-Committee is required to reach one of the three following decisions on a complaint about a member's actions in relation to the Code of Conduct:
- Referral of the complaint to the monitoring officer of the authority concerned
 - No action should be taken in respect of the complaint
 - Referral to the Police

The stages of the complaint are shown at Annex B

- 3.6 If the Assessment Sub-Committee decides to take no action over a complaint, then as soon as possible after making the decision it will give notice in writing of the decision and set out clearly the reasons for that decision. This notice must be given to the relevant parties.
- 3.7 The relevant parties will be the complainant and the subject member. If the subject member is a parish or town councillor, their parish or town council will also be notified. The Assessment Sub-Committee should send out its decision notice within five working days of the decision being made.
- 3.8 If the Assessment Sub-Committee decides that the complaint should be referred to the monitoring officer, it must send a summary of the complaint to the relevant parties. The decision notice must explain why a particular referral decision has been made. The Assessment Sub-Committee should take advice from the monitoring officer in deciding whether it is against the public interest to inform the subject member of the details of the complaint made against them. It should also take advice from the monitoring officer in deciding whether informing the subject member of the details of the complaint would prejudice a person's ability to investigate it.
- 3.9 Due to the changes made by the Localism Act 2011, each authority may now adopt their own Code of Conduct. The Codes of Conduct relevant to the matters before the Sub-Committee are at annex C (Statutory Code of Conduct, 2007 – 30 June 2012), D (Milton Keynes Council Code of Conduct,

adopted 11 July 2012) and E (Nolan Principles, applied where no Code has been adopted from July 2012) to this report.

3.10 A further document, s83 of the Local Government Act 1972 is at annex F.

Appendix 1 - Complaint MKSC-03-12 (pages 40 to 45)

Annex A – Complaint form

Appendix 2 – Complaint MKCSC-04-12 (pages 46 to 53)

Annex A – Complaint form

Annex B – Response from Subject Member

Appendix 3 – Complaint MKCSC-05-12 (pages 54 to 59)

Annex A – Complaint form

Annex B – Response from the Subject Member

Appendix 4 – Complaint MKCSC-08-12 (pages 60 to 68)

Annex A – Complaint form

Appendix 5 – Complaint MKCSC-09-12 (pages 69 to 74)

Annex A – Complaint form

Annex B – Transcript of Cllr's speech from the meeting

Appendix 6 – Complaint MKCSC-10-12 (pages 75 to 81)

Annex A – Complaint form

Annex B – Response from the Subject Member

Annex C – Transcript of Councillor's speech during the Council Meeting on 11 July 2012

ANNEX A

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 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.

There is a memorandum of understanding which fully sets out the roles and responsibilities of the Independent Persons and their role in respect to Standards of Conduct in Milton Keynes.

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.

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, and will keep both the complainant and the Member informed about the progress of the complaint.

5 Informal Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other appropriate remedial action.

The Monitoring Officer will explore the possibility of informal resolution where the Complainant has either indicated that this would be acceptable to them, or has remained silent on the matter.

The Monitoring Officer will approach the Subject Member within 5 days of the complaint being received and ask whether they would be willing to consider informal resolution of the matter. The Monitoring Officer will then facilitate any informal resolution.

No view will be taken at this time as to whether there has been a breach of the Code.

If the matter is resolved by way of informal resolution, the Monitoring Officer will report this to the next meeting of the Standards Committee.

If the matter cannot be resolved by way of informal resolution the Monitoring Officer will inform both parties of this and inform the complainant of their right to have the complaint determined formally if they so wish.

Where either the Subject Member or the complainant makes a reasonable offer of informal resolution, but the other party is unwilling to accept that offer, the Monitoring Officer will provide evidence of this to the Assessment Sub Committee when they are determining the complaint.

6 Formal Resolution – Assessment Sub Committee meeting

If the Complainant or Subject Member indicates that they do not wish to have the complaint resolved informally, the Monitoring Officer will write to both parties, informing them of the process and informing the Subject Member of the contact details of an Independent Person.

The Monitoring Officer will then convene an Assessment Sub Committee to consider the complaint.

7 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

7.1 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.

7.2 Co-option

1 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.

7.3 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.

7.4 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 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.

7.5 Criteria considered by the Assessment Sub Committee

Before determining the complaint the Assessment Sub Committee will apply some preliminary tests to the complaint;

Initially they will consider

- Was the Member complained about acting in their capacity as a Member at the time of the alleged incident?
- Was the Member complained about in office at time of alleged misconduct?

If they answer yes to these questions, the Assessment Sub Committee will then confirm the Code to be applied. If it is a Parish matter, they will check with the Monitoring Officer that they have the correct version of the Code of Conduct for that Parish/Town/Community Council.

The Assessment Sub Committee will then consider;

- Is additional information (short of investigation) required before any decision can be made?
- Is the complaint;
 - Very minor or trivial matter?
 - Vexatious or malicious?
 - Historical?
 - A potential breach of the Code?
- The Assessment Sub Committee will then make an assessment of whether investigation is necessary in the public interest.

7.6 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 or resolution
- If the matter is a potential breach of the law, refer the matter to the police

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.

8. Investigation or resolution

8.1 Resolution

If the Assessment Sub Committee believes that the matter can be resolved, they may ask the Monitoring Officer to take other action than investigation.

The Monitoring Officer will contact both parties and attempt to resolve the complaint, in line with what has been agreed at the Assessment Sub Committee meeting.

The Monitoring Officer will report back to the Assessment Sub Committee. The Assessment Sub Committee can;

- **Agree that the resolution has been successful and take no further action**
- **Agree further resolution**
- **Agree that the complaint should be investigated**

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.

8.2 Investigation

If the Assessment Sub Committee 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. Further details about the Investigative process are contained at Annex B.

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 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, the Complainant and any relevant parish council within 10 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 is attached as Annex C to these arrangements.

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 member's 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)
- 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 Appellants view, an unfair decision.

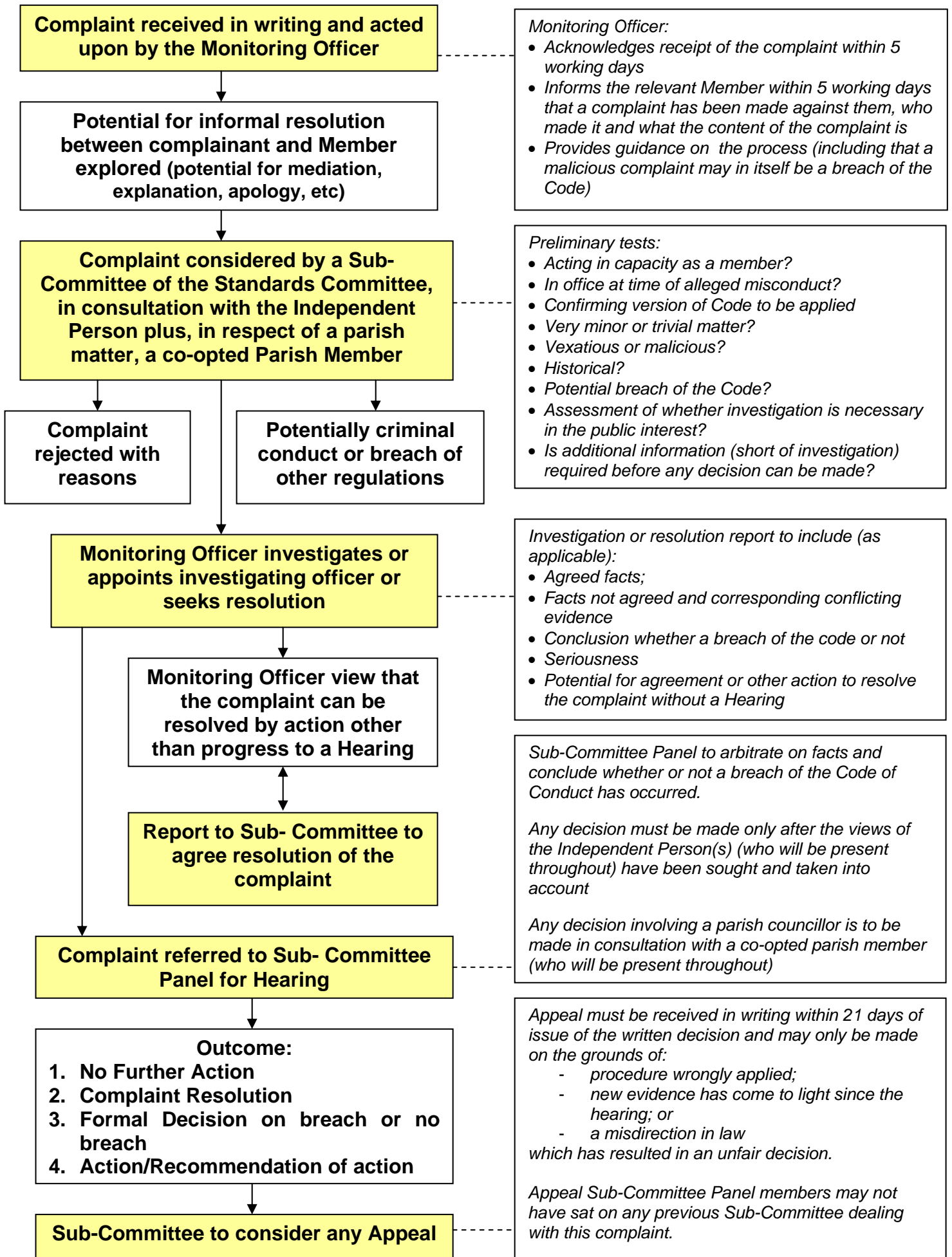
A review will be undertaken by the Appeals Sub Committee made up of members who have not previously been involved in the consideration of the complaint.

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.



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MILTON KEYNES COUNCIL

3RD FLOOR CIVIC OFFICES

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Source: All Subscribed Legislation Sources

Project ID: None

UK Parliament SIs 2000-2009/2007/1151-1200/Local Authorities (Model Code of Conduct) Order 2007 (SI 2007/1159)/SCHEDULE The Model Code of Conduct/Part 1 General Provisions

SCHEDULE

THE MODEL CODE OF CONDUCT

Part 1

General Provisions

Introduction and interpretation

1

- (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code--
"meeting" means any meeting of--
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

- (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2

- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you--
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority--

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3

(1) You must treat others with respect.

(2) You must not--

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be--

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4

You must not--

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where--

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is--

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6

You--

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority--
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7

- (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by--
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

NOTES

Initial Commencement

Specified date

Specified date: 3 May 2007: see art 1(1).

UK Parliament SIs 2000-2009/2007/1151-1200/Local Authorities (Model Code of Conduct) Order 2007 (SI 2007/1159)/SCHEDULE The Model Code of Conduct/Part 2 Interests

Part 2

Interests

Personal interests

8

- (1) You have a personal interest in any business of your authority where either--
- (a) it relates to or is likely to affect--
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body--
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- of which you are a member or in a position of general control or management;
- (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have 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);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of--
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is--
- (a) a member of your family or any person with whom you have a close association; or

- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9

- (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10

- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business--
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of--
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11

You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where--

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12

- (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority--
 - (a) you must withdraw from the room or chamber where a meeting considering the business is being held--
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

NOTES

Initial Commencement

Specified date

Specified date: 3 May 2007: see art 1(1).

UK Parliament SIs 2000-2009/2007/1151-1200/Local Authorities (Model Code of Conduct) Order 2007 (SI 2007/1159)/SCHEDULE The Model Code of Conduct/Part 3 Registration of Members' Interests

Part 3

Registration of Members' Interests

Registration of members' interests

13

- (1) Subject to paragraph 14, you must, within 28 days of--
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14

- (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

NOTES

Initial Commencement

Specified date

Specified date: 3 May 2007: see art 1(1).

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act 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 seek to 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.

These principles apply to all aspects of public life. The Committee has set them out here for the benefit of all who serve the public in any way.

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

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

Leadership

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

V. General Expectations of Conduct

9. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
10. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.
11. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

VI. Registration and Declaration of Interests

14. Members shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in
 - (a) Part 2 of the Code of Conduct; and
 - (b) the Council's standing orders 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

D. Gifts and Hospitality

* 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

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> |
|--|---|

| 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) |

ANNEX F

UK Parliament Acts/L/LO-LT/Local Government Act 1972 (1972 c 70)/Part V General Provisions as to Members and Proceedings of Local Authorities (ss 79-100)/83 Declaration of acceptance of office

Acceptance, resignation and vacation of office, and casual vacancies

83 Declaration of acceptance of office

(1) The person elected to any of the following offices, that is to say, the office of chairman, vice-chairman, . . . councillor [or elected mayor] of the council of a county[, county borough], district or London borough . . . shall not, unless he has made a declaration of acceptance of office in a form prescribed by [an order made by the Secretary of State], and the declaration has within two months from the day of the election been delivered to the proper officer of the council, act in the office except for the purpose of taking such a declaration.

(2) If such a declaration is not made and delivered to the proper officer within the appointed time, the office of the person elected shall at the expiration of that time become vacant.

(3) The declaration shall be made before either--

(a) two members of the council to which the declarant is elected; or

[(aa) an elected mayor of the council to which the declarant is elected; or]

(b) the proper officer of the council; or

(c) a justice of the peace or magistrate in the United Kingdom, the Channel Isles or the Isle of Man; or

(d) a commissioner appointed to administer oaths in the [Senior Courts].

[(3A) . . .]

(4) A person elected to the office of chairman of a parish or community council or parish or community councillor shall--

(a) in the case of the chairman, at the meeting at which he is elected;

(b) in the case of a councillor, before or at the first meeting of the parish or community council after his election; or

(c) in either case if the council at that meeting so permit, before or at a later meeting fixed by the council;

make in the presence of a member of the council or of the proper officer of the council and deliver to the council a declaration of acceptance of office in a form prescribed by [an order made by the Secretary of State], and if he fails to do so his office shall thereupon become vacant.

(5) Any person before whom a declaration is authorised to be made under this section may take the declaration.

NOTES

Initial Commencement

Royal Assent

This Act received Royal Assent on 26 October 1972: for provision as to the application of this section see s 273(6)-(9) hereof.

Extent

This section does not extend to Scotland: see s 274(2).

Amendment

Sub-s (1): first words omitted repealed by SI 1997/1710, art 3(c).

Sub-s (1): words "or elected mayor" in square brackets inserted by the Local Government Act 2000, s 46, Sch 3, para 9(1), (2).

Date in force (in relation to England): 26 October 2000: see SI 2000/2849, art 2(e).

Date in force (in relation to Wales): 28 July 2001 (unless the National Assembly for Wales by order provides for this amendment to come into force before that date): see the Local Government Act 2000, s 108(4), (6)(b).

Sub-s (1): words ", county borough" in square brackets inserted by the Local Government (Wales) Act 1994, s 66(5), Sch 15, para 23.

Sub-s (1): second words omitted repealed by the Local Government Act 1985, s 102, Sch 17.

Sub-s (1): words "an order made by the Secretary of State" in square brackets substituted by the Local Government and Housing Act 1989, s 30(2).

Sub-s (3): para (aa) inserted by the Local Government Act 2000, s 46, Sch 3, para 9(1), (3).

Date in force (in relation to England): 26 October 2000: see SI 2000/2849, art 2(e).

Date in force (in relation to Wales): 28 July 2001 (unless the National Assembly for Wales by order provides for this amendment to come into force before that date): see the Local Government Act 2000, s 108(4), (6)(b).

Sub-s (3): in para (d) words "Senior Courts" in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 2, para 4(1), (3).

Date in force: 1 October 2009: see SI 2009/1604, art 2(d).

Sub-s (3A): inserted by the Local Government Act 1985, s 84, Sch 14, para 5, with effect in accordance with s 84(3) thereof, repealed by the Education Reform Act 1988, s 237, Sch 13, Part I.

Sub-s (4): words "an order made by the Secretary of State" in square brackets substituted by the Local Government and Housing Act 1989, s 30(2).

See Further

See further: the Local Government and Housing Act 1989, s 31(7).

Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

Subordinate Legislation

Local Elections (Principal Areas) (Declaration of Acceptance of Office) Order 1990, SI 1990/932 (made under sub-s (1)).

Local Elections (Declaration of Acceptance of Office) (Welsh Forms) Order 1991, SI 1991/1169 (made under sub-ss (1), (4)).

Local Elections (Declaration of Acceptance of Office) (Amendment) (Wales) Order 2001, SI 2001/2963 (made under sub-ss (1), (4)).

Local Elections (Declaration of Acceptance of Office) (Wales) Order 2004, SI 2004/1508 (made under sub-ss (1), (4)).

Local Elections (Declaration of Acceptance of Office) Order 2012, SI 2012/1465 (made under sub-ss (1), (4)).