



Local Authorities (Model Code of Conduct) Order 2007 No.1159

CODE OF CONDUCT

for Shenley Brook End & Tattenhoe Parish Council

Part 1

General provisions

Introduction and interpretation

1.—(1) This Code applies to **all Elected and Co-opted Members (Members)** of this authority.

(2) All Members should read this Code together with the Ten principles of public life prescribed by the Secretary of State (see Annex to this Code).

(3) It is each Member's responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

(a) Shenley Brook End & Tattenhoe Parish Council (the council);

(b) any of the council's committees or sub-committees, joint committees or joint sub-committees;

(5) 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 Milton Keynes Council (the authority) 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), all Members must comply with this Code whenever Members—

(a) conduct the business of the council (which, in this Code, includes the business of the office to which each Member is elected or appointed); or

(b) act, claim to act or give the impression Members are acting as a representative of the council,

and references to Members official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to Members conduct other than where it is in Members official capacity.

(3) In addition to having effect in relation to conduct in Members 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 any Member has been convicted.

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

- (5) Where Members act as a representative of the council—
- (a) on another relevant authority, all Members must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, all Members must, when acting for that other body, comply with the council'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) All Members must treat others with respect.

(2) Members must not—

- (a) do anything which may cause a member or this authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
- (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 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, the council.

4. Members must not—

- (a) disclose information given to Members in confidence by anyone, or information acquired by Members which Members believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) Members have the consent of a person authorised to give it;
 - (ii) Members 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 council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

6. Members—

- (a) must not use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the council—
 - (i) act in accordance with their authority's reasonable requirements; and

- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Part 2

Interests

Personal interests

7.—(1) Members have a personal interest in any business of the council where either—

- (a) it relates to or is likely to affect—
 - (i) any body of which a Member is a member or in a position of general control or management and to which Members are appointed or nominated by the council;
 - (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 a Member is a member or in a position of general control or management;
 - (iii) any employment or business carried on by a Member;
 - (iv) any person or body who employs or has appointed a Member;
 - (v) any person or body, other than a relevant authority, who has made a payment to a Member in respect of a Member election or any expenses incurred by a Member in carrying out a Member's duties;
 - (vi) any person or body who has a place of business or land in the council's area, and in whom a Member 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);
 - (vii) any contract for goods, services or works made between the council and a Member or a firm in which a Member is a partner, a company of which a Member is a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom a Member has received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in the council's area in which a Member has a beneficial interest;
 - (x) any land where the landlord is the council and a Member is, or a firm in which a Member is a partner, a company of which a Member is a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the council's area for which a Member has 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 a Member's 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) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of a Member's family or any person with whom a Member has 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

8.—(1) Subject to sub-paragraphs (2) to (5), where a Member has a personal interest in any business of a Member's authority and a Member attends a meeting of the council at which the business is considered, a Member 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 a Member has a personal interest in any business of the council which relates to or is likely to affect a person described in paragraph 7(1)(a)(i) or 7(1)(a)(ii)(aa), a Member need only disclose to the meeting the existence and nature of that interest when a Member addresses the meeting on that business.

(3) Where a Member has a personal interest in any business of the council of the type mentioned in paragraph 7(1)(a)(viii), a Member 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 a Member is aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where a Member has a personal interest but, by virtue of paragraph 12, sensitive information relating to it is not registered in a Member's authority's register of members' interests, a Member must indicate to the meeting that he or she has a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

9.—(1) Subject to sub-paragraph (2), where a Member has a personal interest in any business of the council a Member 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 a Member's judgement of the public interest.

(2) A Member does not have a prejudicial interest in any business of the council where that business—

- (a) does not affect a Member's financial position or the financial position of a person or body described in paragraph 7;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to a Member or any person or body described in paragraph 8; or
- (c) relates to the functions of the council in respect of—
 - (i) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where a Member is in receipt of, or are entitled to the receipt of, such pay;
 - (ii) an allowance, payment or indemnity given to members;
 - (iii) any ceremonial honour given to members; and
 - (iv) setting council tax or a precept under the Local Government Finance Act 1992.

Effect of prejudicial interests on participation

10.—(1) Subject to sub-paragraph (2), where a Member has a prejudicial interest in any business of the council—

- (a) a Member 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 a Member has obtained a dispensation from a Member's authority's standards committee; and
- (b) a Member must not seek improperly to influence a decision about that business.

(2) Where a Member has a prejudicial interest in any business of the council, a Member may attend a meeting 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.

Part 3

Registration of Members' Interests

Registration of members' interests

11.—(1) Subject to paragraph 12, a Member must, within 28 days of—

- (a) this Code being adopted by or applied to the council; or
- (b) a Member's election or appointment to office (where that is later),

register in a Member's authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of a Member's personal interests where they fall within a category mentioned in paragraph 7(1)(a), by providing written notification to a Member's authority's monitoring officer.

(2) Subject to paragraph 12, a Member 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 a Member's authority's monitoring officer.

Sensitive information

12.—(1) Where a Member considers that the information relating to any of a Member's personal interests is sensitive information, and a Member's authority's monitoring officer agrees, a Member need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 11.

(2) A Member 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 a Member's authority's monitoring officer asking that the information be included in a Member's 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 a Member or a person who lives with a Member may be subjected to violence or intimidation.

Annexure - The Ten General Principles

The general principles governing Member's conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.