



## **Part 1: Guide to the Code of Conduct for Members of Simpson & Ashland Parish Council**

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### **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, but Members should be aware that they have a public and visible role.
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 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 Parish documentation, specifically:
  - the Parish Council Standing Orders
  - the Protocol for Member and Officer Relations

### **III. Definitions**

5. For the purposes of this Code, a 'co-opted member' has the identical rights and responsibilities of an elected Member, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.
6. For the purposes of this Code, a 'meeting' is a meeting of the Council, or any of its sub-group(s)/committee(s) or working group.
7. For the purposes of this Code, and unless otherwise expressed, Authority is the Parish Council.

### **IV. Public Duties of Members**

8. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act (2011), and to act on all occasions in accordance with the public trust placed in them.
9. Members have an overriding duty to act in the interests of the Parish as a whole, but also have a special duty to represent the views of the residents and communities of their community.

### **V. Principles of Conduct**

10. 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 (2011) and
      2. Other pecuniary interests: and
    - (ii) interests other than pecuniary interests as evidenced in the register of interests
11. 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 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 decisions and actions 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 public interest.

### *Leadership*

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

## **VI. General Expectation of Conduct**

12. 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.
13. 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.
14. 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.

## **VII. Registration and Declaration of Interests**

15. 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 sub group(s)/committee(s) or working group, 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

## **VIII. Duties in respect of Milton Keynes Council Standards Committee and the Monitoring Officer**

16. The application and guidance on this Code shall be a matter for Milton Keynes Council Standards Committee and, as appropriate, the Monitoring Officer, to assist parish (town or community) councils to promote and maintain high standards of conduct acting in accordance with their terms of reference or duties as set out in Chapter 7 to the Localism Act (2011).
17. 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.
18. No Member shall lobby a member of the Milton Keynes Council Standards Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.

## **IX. Criminal offences in relation to Conduct**

19. The Code and associated arrangements are prepared pursuant to the Council's and Members' duties under Chapter 7 of the Localism (Act 2011).
20. The following are criminal offences relating to the registration and disclosure of interests created under the Localism Act (2011).
- (a) Where the Member fails, without reasonable excuse to
    - (i) notify the Milton Keynes Council monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given, which is required to be given before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority; or

- (ii) notify the Milton Keynes Council authority's monitoring officer of an interest before the end of 28 days of an event where a Member is present at a meeting of the authority, or is discharging an executive (Cabinet) function, and is aware that he or she has a disclosable pecuniary interest in any matter to be considered, or being considered, and that interest is not entered in the authority's register or is not the subject of a pending notification.
  - (b) Where a Member notifies the Milton Keynes Council authority's monitoring officer of such an interest but the person provides information that is false or misleading and the person—
    - (i) knows that the information is false or misleading; or
    - (ii) is reckless as to whether the information is true and not misleading.
  - (c) Where a Member is present at a meeting of the authority, is aware that they have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and either
    - (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.
21. 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.



## **Simpson & Ashland Parish Council**

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### **Part 2: The Code of Conduct for Members and Co-Opted Members**

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**Adopted at the Annual Meeting of Council held on Monday 12<sup>th</sup> May 2014**

**Updated May 2015 and Adopted at Parish meeting on Monday 6 July 2015**

**Reviewed and Approved with no changes at Parish meeting on Monday 4 July 2016**

**Reviewed and Approved with minor changes at Parish meeting on Monday 3 July 2017**

## **Part 1: Member obligations**

When a member of the Council acts, they have the following obligations to:

1. provide leadership to the Parish Council and communities within its area, by personal example;
2. behave in such a way that a reasonable person would regard as respectful;
3. not act in a way which a reasonable person would regard as bullying or intimidatory;
4. not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf, of the Parish Council;
5. not do anything which may cause the Parish Council to breach its equality duties;
6. not seek to improperly confer an advantage or disadvantage on any person;
7. use the resources of the Council in accordance with its requirements;
8. not disclose information which is confidential or where disclosure is prohibited by law:
  - (a) not disclosing information to third parties unless
    - (i) required by law to do so; or
    - (ii) where there is 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;
9. not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Parish Council into disrepute;
10. not use or attempt to use their position as a Councillor improperly to confer or secure for themselves or for any other person, an advantage or disadvantage;
11. when using or authorising the use by others of the resources of the Parish Council:
  - (a) act in accordance with the Parish Council's reasonable requirements: and
  - (b) ensure that such resources are not used improperly or for political purposes (including party political purposes);
12. 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;
13. submit themselves to whatever scrutiny is appropriate to their office;
  14. whilst exercising their duties, ensure that they uphold the rule of law; and.
  15. fully comply with their roles and responsibilities as stipulated in Appendix A.

### **Part 2: Registration of interests**

Members and co-opted Members of Simpson and Ashland Parish Council must:

16. within 28 days of this Code being adopted by the Council, shall register with the Monitoring Officer the interests which fall within the categories set out in Appendix B, Table 1 and 2.
17. upon their re-election or re-appointment shall within 28 days re-register with the Monitoring Officer any interests in Appendix B, Table 1 and 2.
18. shall register with the Monitoring Officer any change to interests or new interests in Appendix B, Table 1 and 2 within 28 days of becoming aware of it.
19. only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

### **Part 3: Declaration of interests at meetings**

Members and co-opted Members of Simpson and Ashland Parish Council must:

20. where a matter arises at a meeting which relates to an interest in Appendix B Table 1, not participate in a discussion or vote on the matter. They only need to declare what the interest is if it is not already entered in their register of interests or if it has not been notified with the Monitoring Officer.
21. where a matter arises at a meeting which relates to an interest in Appendix B Table 1, which is a sensitive interest, they shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, they shall disclose the interest but not the nature of it.



22. where a matter arises at a meeting which relates to an interest in Appendix B Table 2, they shall not vote on the matter, but may speak on the matter only if members of the public are also allowed to speak at the meeting.
23. only has to declare an interest in Appendix B Table 2, if it is not already entered in their register of interests or has not been notified to the Monitoring Officer, or they speak on the matter. If they hold an interest(s) in Appendix B Table 2, which is a sensitive interest not already disclosed to the Monitoring Officer, they shall declare the interest but not the nature of the interest.
24. where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix B Table 1), they shall disclose the nature of the interest and not vote on the matter. They may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' they shall declare the interest but not the nature of the interest.
25. where an interest is disclosed arising from a personal interest, when prompted by the agenda item, at the commencement of that consideration or when the interest becomes apparent, must disclose to the meeting the existence and nature of that interest and may not participate or vote on the matter.
26. where an interest is disclosed arising from an other interest, and 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 the member's judgement, may not participate or vote on the matter at the meeting and must retire to the public gallery.

#### **Part 4: Dispensations**

27. On a written request made to the Council's proper officer (the Parish Clerk/Responsible Officer), the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if they have an interest in Appendix B, Table 1 and 2 and if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

#### **Part 5: Gifts and Hospitality**

Members and co-opted Members of Simpson and Ashland Parish Council must:

28. For inclusion in the Register of Interests for a period of four 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.

### Roles and Responsibilities of Simpson and Ashland Parish Councillors

The following Roles and Responsibilities are supplemented by:

- Items 1 to 15 Part 2 of the Code of Conduct,
- Item 4 of the Protocol for Member/Officer Relations,
- Simpson and Ashland Parish Council Standing Orders

#### **Main role and responsibilities for all Parish Councillors:**

1. To participate fully in the development and scrutiny of the Parish Council policies, budgets, strategies and service delivery.
2. To ensure, with other Councillors, that the Parish Council is properly managed.
3. To keep up to date with significant developments affecting the Parish Council at local, regional and national levels.
4. To promote the economic, social and environmental well-being of the Parish taking account of strategic effects on other communities and the Parish Council as a whole.
5. To take an active part in the Parish Council's arrangements to build community capacity and promote measures that contribute to the Parish Council's Vision.
6. To represent effectively the interests of the ward for which the Councillor is elected and deal with parishioners enquiries, representations and complaints in a fair and unprejudiced way.
7. To attend Parish Council meetings, to prepare for meetings and be properly informed about the issues to be discussed.
8. To take part in meetings and form sound judgements based on what is best for the community and then abide by majority decisions.
9. To represent the Parish Council and its community on outside bodies to which the Councillor is appointed by the Parish Council.
10. To maintain proper standards of behaviour as an elected representative of the people. Refer also to the Parish Council's Code of Conduct, Standing Orders and Protocol for Member/Officer Relations.
11. To fulfil national statutory and locally determined requirements of an elected member of a Local Authority and the Parish Council, including compliance with all relevant codes of conduct, compliance with current financial regulations etc and maintain high ethical standards, (including not disclosing confidential information and not using Council

resources for political purposes or for other reasons unless agreed by the Parish Council).

12. To participate effectively as a member or representative of any sub group(s)/committee(s) or working group to which the Councillor is appointed.
13. To uphold the Parish Council's Standing Orders and ethical standards (ensuring that the impartiality of council staff is not compromised).
14. To deal professional and effectively with partner councils, agencies and other bodies, as and when required.

**Additional role and responsibilities for Chair/Vice Chair:**

1. To plan the meeting with the Parish Clerk and ensure that everything on the agenda is legal.
2. To ensure they are well briefed and fully prepared for the meeting.
3. To welcome Councillors, the public and any visiting speakers as they arrive.
4. To check there is a quorum (minimum number of members needed to make the meeting legal).
5. To call the meeting to order, declare it open and formally welcome Councillors, the public and visiting speakers to the meeting.
6. To introduce the agenda and ensure all Councillors and visiting speakers know what they have to achieve and how they might do it.
7. To run the meeting in accordance with the relevant clauses from the Parish Council Standing Orders and Code of Conduct.
8. To ensure when decisions are made everyone is clear on the decision.
9. To sign off the minutes from the previous meeting once agreed.
10. To sign off the periodical financial update on income and expenditure once agreed.
11. To bring the meeting to a close and remind all attending the date of the next scheduled meeting of the Parish Council.
12. To produce an annual report to enhance accountability to the public and by providing details of official activities and the contribution made to the effective operation of the Parish Council.

Interests defined by regulations described in the table below.

The following table is in line with the latest “Register of Interest” form provided by Milton Keynes Council (May 2015).

<b>Table 1: Disclosable Pecuniary Interests (2012 Regulations)</b>	
<b>Subject</b>	<b>Description</b>
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 you within the 12 month period preceding this notification in respect of any expenses incurred by you in carrying out your duties as a member or towards your 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 full 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 or rent it.
5. Licences	Address or other description of any land in the Council’s area for which you and / or your 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 you and/or your spouse or civil partner has a beneficial interest.
7. Securities	<p>Name(s) of any person or body who (to your knowledge) has a place of business or land in the Council’s area and in whom you and/or your 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 you, your spouse or civil partner has a beneficial interest that exceeds one hundredth of the total issued share 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>

	The nominal value of shares is the face value of those shares (the value recorded on the share certificate).
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**Table 2: Disclosable Pecuniary Interests (2012 Regulations)**

**Gifts and Hospitality**

<b>Subject</b>	<b>Description</b>
8. Gifts and hospitality	Names of any person or body, other than the Council from whom you have received any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member.

**Other Interests (voluntary additions)**

9. 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.
10. Charitable Bodies	Bodies of which you are a member or hold a position of general control or management which are directed to charitable purposes.
11. 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).