

APPENDIX 2

Part 5.1 Councillors' Code of Conduct [EXISTING]

CONTENTS

Introduction

Part 1 Rules of Conduct

Section One	Overarching Principles
Section Two	Relationship with others
Section Three	Interests
Section Four	Management of Information

Part 2 The Complaints Process

Part 3 Investigation & Determination of Complaints

APPENDICES

1. Glossary
2. What All Members should know - Flowchart
3. Disclosable Pecuniary Interests - Definition and Guidance
4. Declaration of Interests - Flow Chart
5. Code of Conduct for Members - Declaration of Interests at Meetings Form
6. Declaration of Receipt/Offer of Gifts or Hospitality
7. Predetermination / Predisposition - Guidance
8. Request for a Dispensation
9. Members Complaints Procedure - Flowchart
10. Members Complaints Assessment Criteria

INTRODUCTION

Purpose of the Code

The Localism Act 2011 requires this Council to promote and maintain high standards of conduct by its Members and Co-opted Members. In discharging its duty, the Council is required to adopt a Code of Conduct which sets out the conduct expected of its Councillors.

The Council's Code of Conduct is divided into 3 sections:

1. the Rules of Conduct
2. the Complaints process
3. the Investigation & Determination of complaints

The purpose of this Code of Conduct is to assist all Members in the discharge of their obligations to the Council, to their constituents and to the public at large by:

- (a) establishing the standards and principles of conduct expected of all Members in undertaking their duties;
- (b) ensuring public confidence in the standards expected of all Members and in the commitment of the Council to upholding the Code through an open and transparent process

Who does the Code apply to:

Any reference to "member" in this Code is taken to apply to Members & Co-opted Members of Slough Borough.

What does the Code apply to:

The Code applies to a Member's conduct which relates in any way to their membership of the Council. The Code does not seek to regulate the conduct of Members in their purely private and personal lives or in the conduct of their wider public lives unless such conduct significantly damages the reputation and integrity of the Council as a whole or of its Members generally.

Parish Councils

Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, you should inspect any website operated by the parish council or request the parish clerk to allow you to inspect the parish council's Code of Conduct.

PART 1: RULES OF CONDUCT

This Code applies to all Members of Slough Borough Council, including co-opted members.

It is a Member's responsibility to comply with the provisions of the Code of Conduct and to follow any advice given to them on the interpretation or application of this Code.

SECTION 1 – OVERARCHING PRINCIPLES

As a Member of the Council:

- 1.1 It is your responsibility to comply with the provisions of Slough Borough Council's Councillors Code of Conduct.
- 1.2 You must comply with this Code whenever you -
 - (a) conduct the business of the Council or
 - (b) you are acting as a representative of the Council,
- 1.3 Where you act as a representative of the Council--
 - (a) for another relevant authority, you must, when acting for that other authority, comply with that other body's Code of Conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your 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 Principles of Conduct

- 1.4 When acting in your role as a Member of the Council, you must ensure that you conduct yourself in such a manner that complies with the Seven Principles of Public Life (referred to in the Code as the "7 Principles"). These general principles of conduct were identified by the Committee on Standards in Public Life in its First Report (and subsequently updated in its 14th Report). These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the Rules of Conduct.
- 1.5 A breach of any of the 7 Principles will be seen as breach of the Rules of Conduct.

1.6 The Seven Principles of Public Life are:

Preamble

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education and social services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Principle 1. Selflessness

Holders of public office should act solely in terms of the public interest.

Principle 2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

Principle 3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Principle 4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Principle 5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Principle 6. Honesty

Holders of public office should be truthful.

Principle 7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support principles and be willing to challenge poor behaviour wherever it occurs.

Key points

Do ensure, that when you are acting in the capacity as a Member, you abide by the Council's Code of Conduct.

Do remember that it is Member's responsibility to comply of the Code.

SECTION 2 – RELATIONSHIP WITH OTHERS

- 2.1 Members must treat others with respect.
- 2.2 Members have a duty to uphold the law, including the general law against discrimination.
- 2.3 Members shall never undertake any action which would cause significant damage to the reputation and integrity of the Council as a whole, or of its Members generally.
- 2.4 Members must not undertake any act or omission that would undermine the Council's duty to promote and maintain high standards of conduct of members.
- 2.5 When reaching decisions on any matter, Members must have regard to any relevant advice provided to them by the Council's Chief Finance Officer and or the Monitoring Officer.
- 2.6 It is contrary to law for a Member to accept a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in kind, in connection with the promotion of, or opposition to, any, Motion, or other matter submitted, or intended to be submitted to the Council.
- 2.7 Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources. 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.
- 2.8 Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is applied for the support or in assistance of the carrying of their duties as Members.
- 2.9 Members must not use their position as a Councillor to exert influence on relations with Council Officers or attempt to undermine the independence or impartiality of Council Officers when such Officers are acting in the course of their duties. This includes attendance at Individual/Case Management meetings whereby the presence of a member may affect impartiality, professional decision making and risk assessment.
- 2.10 Members must ensure that all contact with Council Officers will be through a Director/ Assistant Director/Third Tier Officer in the first instance. A distinction is made between contacts with junior staff as part of day to day enquires and council business and contact by members where contentious or political issues may arise.

Examples of day to day contact with Junior Officers.	Examples of Matters that should be addressed at Director/ Assistant Director/Third Tier
Requests for information on timescales of applications e.g. planning applications, licensing, housing allocation	Specific complaints about not granting planning consent. Complaints about the application of eligibility criteria for housing
Requests for routine information on a case or issue on behalf of a resident, ie who is dealing with a case or issues when is it likely to be resolved	Application of threshold or entitlement to Adult Social care Services.
Requests for information on how processes work and how services are run.	Suggestions for improving services. Observations on service efficiency and effectiveness.

Use of Council Resources

- 2.11 When using or authorizing the use by others of Council resources, Members must ensure that they:
- (a) 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) when using or authorising the use by others of the resources of the Council-
 - i. act in accordance with the Council’s reasonable requirements;
 - ii. ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 2.12 A member must, if he or she becomes aware of any conduct by another member which he or she reasonably believes involves a failure to comply with the Council’s Code of Conduct, speak to the Council’s Monitoring Officer who can advise as to how the matter can be resolved. In doing so the Monitoring Officer can decide that the Member informal resolution route is the most suitable route.

Key Points

- Do** respect the impartiality and integrity of the Council’s Officers.
- Do** follow the advice given by Statutory Officers
- Do not** bully, intimidate or attempt to intimidate others.

SECTION 3 – INTERESTS

General

- 3.1 As a public figure, a Member's public role may, at times, overlap with their personal and/or professional life and interests, however when performing a public role as a Member, you must,
- (a) act solely in terms of the public interest and
 - (b) not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
- 3.2 Members shall fulfil conscientiously the requirements in respect of the registration and declaration of interests.
- 3.3 Members shall always be open and frank in drawing attention to any relevant interest in any proceeding of the Council or its Committees, and in any communications with Members, public officials or public office holders. Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office as Councillors/Co-opted Members. Interests must be recorded and be capable of audit.

Registering and declaring interests

- 3.4 You must, within 28 days of this Code being adopted or applied by the Council or taking office as a member or co-opted member (whichever is the later), notify the monitoring officer of any disclosable pecuniary interest (DPI) as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 3.5 In addition, you must, within 28 days of taking office as a member or co-opted member, notify the monitoring officer of other pecuniary or non-pecuniary interests as set out in Appendix 3 to the Code as the Council has decided that these should be included in the Register. (See Appendix 3 to the Code for the definition of a DPI, guidance to Members on completion of the DPI interests form and those other interests to be registered).
- 3.6 If as a Member you have either a DPI, any other pecuniary interest or a non-pecuniary interest, you have an interest in any business to be considered at a meeting of the Council you must disclose the existence and nature of that interest at the meeting, whether or not such interest is registered on your Register of Interests.
- 3.7 Following any disclosure of an interest not on the authority's register you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Declaration of Members Interests

- 3.8 All Members required to disclose as appropriate any personal and personal prejudicial interests in matters that arise at meetings which might influence their judgement or which could be perceived (by a reasonable member of the public) to do so. Members should declare:
- (i) relevant personal direct and indirect pecuniary interests;
 - (ii) relevant direct and indirect pecuniary interests of close family members of which Members could reasonably be expected to be aware; and
 - (iii) relevant personal non-pecuniary interests, including those which arise from membership of clubs and other organisations.
 - (iv) 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.
 - (v) Any body exercising a function of a public nature, directed to charitable purposes or whose principal purpose includes the influence of public opinion or policy.
 - (vi) Your well being or financial position or the well being or financial position of a member of your family with whom you have a close association.
- 3.9 The Personal interest becomes **prejudicial** if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest. A Member's DPIs are always prejudicial.
- 3.10 A Member must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by the Council.

Disclosure of Sensitive Interests

- 3.11 Sensitive Interests arise when a Member and the Monitoring Officer consider that the disclosure of the details of the interest could lead to the Member or person connected with the Member being subject to violence or intimidation. The Monitoring Officer will ensure all recorded interests that are of a sensitive nature are recorded in a manner that do not disclose the details of such an interest
- 3.12 Where a Member has an interest in any business of the Council which would be disclosable but the details of the interest are not registered in the Council's published Register of Members Interests because they are classed as Sensitive Interests a Member need not disclose the nature of the interest to the meeting.
- 3.13 A Member must, within 28 days of becoming aware of any change of circumstances which means that information excluded on the grounds of being sensitive is no longer sensitive information, notify the Council's monitoring officer.

Disclosure and participation at Meetings General Principles

- 3.14 At a meeting where a Member is being asked to make a relevant decision, or is speaking, a Member must not compromise any of the 7 Principles when arriving at or making such a decision.
- 3.15 Members should declare any personal and/or professional interests relating to their public duties and must take steps to resolve any conflicts arising in a way that protects the public interest.
- 3.16 A declaration of an interest made at any meeting relating specifically to a particular issue under consideration shall be recorded. The declaration shall appear in the minutes of the meeting and will be published on the Council's website.

Interests arising in relation to overview and scrutiny committee and its Panels

- 3.17 Members have a prejudicial interest in any business before an Overview and Scrutiny Committee of the Council (or Panel) where-
- (a) that business relates to a decision made (whether implemented or not) or action taken by the Council's Cabinet or another committee, sub-committee, joint committee or joint sub-committee; and
 - (b) at the time the decision was made or action was taken, you were a member of the Cabinet, 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.
- 3.18 In such a case, provided the Public have a right to speak at such a meeting, as a Member you are able to make any representations or answer any questions once you have declared the nature of the interest you have. You must then withdraw from the room.

Predetermination and Bias

- 3.19 A Member is not taken to have had, or to have appeared to have had, a closed mind when making/acting as a decision maker, merely because
- (i) they had previously done anything that directly or indirectly indicated what view, they as decision maker would or might take in relation to a matter and
 - (ii) the matter was relevant to the decision being taken.

When making a decision, Members must consider the matter before them, with an open mind and on the facts before the meeting at which the decision is to be taken.

- 3.20 Where a Member has been involved in campaigning in a political role on an issue, provided this does **not** impact on a Member's personal and/or professional life, a Member is not be prohibited from participating in a decision in their political role as Member.

- 3.21 Members must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence their performance of their official duties.
- 3.22 Members who sit as Committee Members need to be aware that when they have an interest in the matter being discussed or being decided, the role as a decision maker is subject to extra scrutiny.
- 3.23 Members who are not Committee Members, but are attending a Committee to speak, also need to be aware that if they have an interest in the matter they are speaking on, their role as an interested member is also subject to extra scrutiny.
- 3.24 Members should seek advice in advance of a meeting when a matter is known or should reasonably have been known to involve an interest affecting a Committee Member and complete the Declaration of Interests at Meetings Form. Guidance on Predetermination is set out at Appendix 7 to the Code.

Action following declaration

- 3.25 If you are acting as a decision maker at a meeting where you have an Interest in the matter being discussed or that arises during the course of the meeting you need to consider if your interest is a Disclosable Pecuniary Interest.
- 3.26 If it is
- (a) you must withdraw from the room where the meeting considering the business, is being held, unless a written dispensation has been granted.
 - (b) you are not permitted to participate in any discussion of a matter that relates to your DPI at the meeting,
 - (c) you are not permitted to participate in any vote on the matter where you have a DPI.
- 3.27 In the case of any other Pecuniary or Non Pecuniary Interest, the Committee Member will need to consider whether a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice your judgement of the public interest. If you believe this to be the case or you are advised that this is the case then that Member must:-
- (a) disclose the existence and nature of the interest at the meeting
 - (b) withdraw from the room or chamber where the meeting considering the business is being held.
- 3.28 However, provided the public have a right to speak at such a meeting the Member is able to make representations or answer any questions when the nature of the interest has been declared. The Member must then withdraw from the room.

Other decision making

- 3.29 Certain types of decisions, including those relating to a permission, licence, consent or registration for a Member, their friends, family members, employer or their business interests, are so closely tied to their personal and/or professional life that their ability to make a decision in an impartial manner in their role as a Member may be called into question and in turn could raise issues about the validity or veracity of the decision of the Council. In such situation Members have the same rights as an ordinary member of the public but must take not part or have any role in the decision making process.

Dispensations

- 3.30 A general dispensation is granted to all Members to be present, speak and vote where they would otherwise have a DPI on the grounds that it is appropriate to grant a dispensation to allow all Members to participate fully in the following matters:
- (a) Housing: where the member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not only relate to the member's particular tenancy or lease*.
 - (b) school meals or school transport and travelling expenses where the member is a parent or guardian of a child in full time education, or is a parent governor of a school, provided that the matter does not only relate to the particular school which the child attends;
 - (c) Housing Benefit: where the member (or spouse or partner) directly receives housing benefit in relation to their own circumstances
 - (d) Allowances, travelling expenses, payments or indemnity for members; [looked as though it could be one payment to one]
 - (e) Setting the Council Tax or a Precept; and
 - (f) Decisions in relation to Council Tax Benefit.

*Any general housing related dispensations afforded to members will not negate the need for members to declare a personal or prejudicial interest; particularly where the member or spouse holds a tenancy or lease with the Council and a matter requiring a decision may/will impact their own Council tenancy.

For example in cases where the matter particularly affected their local neighbourhood and was considered to affect their own tenancy more than other people in the Authority's area, the Member should consider whether it is appropriate to participate in the decision making process.

- 3.31 For the avoidance of doubt and to ensure adherence to the member code of conduct, members should seek guidance from the Council's Monitoring Officer.
- 3.32 Members' allowances are included in this general dispensation for the avoidance of doubt and for completeness even though they are not a DPI.

- 3.33 It is recommended that the general dispensation applies until the next election (May 2018) and that the Council considers granting general dispensations annually at its annual meeting.
- 3.34 Dispensations for Council Tax relate to Members' DPIs, and do not affect a Member's obligation under Section 106 of the Local Government Finance Act 1992 to declare and not vote if they are two months or more in arrears with their Council Tax when voting on setting the Council's budget.
- 3.35 The Council can grant a dispensation to enable Members to participate in certain circumstances and the Monitoring Officer is authorised to determine written requests for a dispensation. A form to request a dispensation is attached at Appendix 8.

Gifts and Hospitality

- 3.36 Members should exercise the utmost care in relation to hospitality or gifts received in their role as a Member as there could be a real or perceived conflict with their membership of the Council. Members should declare any disclosable gift or hospitality to the Monitoring Officer using the form provided and these declarations will be included in a register maintained by the Monitoring Officer that is open to public inspection.
- 3.37 The following gifts and types of hospitality do not need to be disclosed/registered:
- civic hospitality provided by another public authority
 - modest refreshment in connection with any meeting
 - tickets for sporting, cultural and entertainment events which are sponsored by the Council
 - a modest alcoholic or soft drink on the occasion of an accidental social meeting
 - small gifts of low intrinsic value below £25 and modest souvenir gifts with a value below £25 from another public authority given on the occasion of a visit by or to that Authority.
- 3.38 A Member should never accept any gift or hospitality as an inducement or reward for anything, if acceptance might be open to misinterpretation or which puts the Member under an improper obligation. A Member should never solicit a gift or hospitality.
- 3.39 Where it is impracticable to return any unsolicited gift, or the return would cause offence, the Member must, as soon as practicable after the receipt of the gift notify the Monitoring Officer in writing (form attached) and pass the gift to the Mayor's Executive Officer for donation to a charity raffle as appropriate.
- 3.40 Even if the value of an unsolicited gift or hospitality is less than £25, if the Member is concerned that its acceptance might be misinterpreted, the Member may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.
- 3.41 A Member must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

Updating the Register of Interests

- 3.42 You must within 28 days of becoming aware of any new disclosable pecuniary interest or change to any disclosable pecuniary interest already registered provide written notification to the Monitoring Officer via an amendment form obtainable from Democratic Services.

Do seek advice if you are unsure whether to make a declaration
Do be aware of the definitions of interest
Do make all decisions on merit
Do keep your register of interests up to date
Do not place yourself in situations where your honesty and integrity maybe questioned
Do not use your position improperly for personal gain or to advantage family, friends or close associates.

SECTION 4 – MANAGEMENT OF INFORMATION

- 4.1 Information which Members receive in confidence in the course of their duties as Members should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.
- 4.2 Members must not disclose information given to them in confidence by anyone, or information acquired by them which is believed, or ought reasonably to be believed to be confidential nature. Members can only do so if:
- (a) they have the express consent of the person authorised to give it;
 - (b) they are required by law to do so (Members must ensure they seek the advice of the Council’s Monitoring Officer in this regard before any disclosure);
 - (c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person;
 - (d) they have sought the consent of the Monitoring Officer prior to its release; or
- 4.3 Members must not prevent another person from gaining access to information to which that person is entitled by law.
- 4.4 Members must ensure that they do not improperly use knowledge gained solely as a result of your role as a Member for the advancement of yourself, your friends, your family members, your employer or your business interests.
- 4.5 Members must ensure that that do not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations.

Do not disclose information given to you in confidence by anyone.

PART 2: THE COMPLAINTS PROCESS

- 5.1 This Part of the Code of Conduct sets out how the Council will deal with allegations of a failure to comply with the Council's Code of Conduct.
- 5.2 The Monitoring Officer may investigate a specific matter relating to a Member's adherence to the Rules of Conduct under the Code or a complaint made against a member for breach of the Council's Code of Conduct. Members shall cooperate, at all stages, with any such investigation by or under the authority of the Council. No Member shall lobby a member of the Audit & Corporate Governance Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.

Complaints against Members

- 5.3 All complaints against members must be in writing and on the Council's prescribed form. The Council will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 5.4 The "Member's Complaint's Procedure Flowchart" , contained at Appendix 5, sets out the process the Monitoring Officer will follow in relation to complaints against members.
- 5.5 The Monitoring Officer will consider complaints according to the Code of Conduct's "Member's Complaint Assessment Criteria" contained at Appendix of the Code. **Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.**
- 5.6 The Monitoring Officer will acknowledge receipt of a complaint within 5 working days of receiving it. The Subject Member will be advised that a complaint has been made but will not be advised of the contents of the complaint nor of the Complainant's details.
- 5.7 The Monitoring Officer will determine every complaint received and, may after as the Monitoring Officer may deem appropriate consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of a complaint. Where the Monitoring Officer has taken a decision, he will inform the Complainant and the Subject Member of his decision and the reasons for that decision.
- 5.8 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 5.9 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

PART 3: INVESTIGATION & DETERMINATION OF COMPLAINTS

- 6.1 If the Monitoring Officer decides that a complaint merits formal investigation, he will appoint an Investigating Officer to investigate the complaint that has been referred on for investigation.
- 6.2 The Investigating Officer would normally write to the Subject Member.
- 6.3 The Subject Member will be provided with a copy of the complaint. The Subject Member will be requested to provide any relevant information the Investigating Officer needs to investigate the Complaint.
- 6.4 In exceptional cases, where it is appropriate to keep the identity of the Complainant confidential or disclosure of details of the complaint to the Subject Member might prejudice the investigation, the Monitoring Officer withhold the Complainant's details or delay notifying the Subject Member until the investigation has progressed sufficiently.
- 6.5 At the end of his/her investigation, the Investigating Officer will produce a draft report. This draft will be sent in confidence to the Complainant and the Subject Member, to give them an opportunity to identify any matter in that draft report which is either factually incorrect or which may require further consideration. Having received and taken account of any comments on the Draft Report, the Investigating Officer will send the Final Report to the Monitoring Officer.
- 6.6 The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the Subject Member and the Complainant notifying them of either :
- (a) he is satisfied that no further action is required, and provide them both a copy of the Investigating Officer's final report, or
 - (b) following review of the Investigating Officer's report that either the complaint will be
 - (i) sent for determination before a Standards Determination Sub Committee or,
 - (ii) after consulting the Independent Person, seek a local resolution.

Local Resolution

- 6.7 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and the Complainant and seek to agree fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Subject Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit & Corporate Governance Committee for information, but will take no further action.

Process for the Determination of Complaints

- 6.8 If the Monitoring Officer considers that local resolution is not appropriate, then the Monitoring Officer will convene a Standards Determination Sub Committee to determine the complaint. It will conduct a hearing which will decide whether the member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the member.
- 6.9 The set up and structure of the Standards Determination Sub-Committee is provided for by the Council's Constitution
- 6.10 The Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and may issue directions as to the manner in which the hearing will be conducted.

Conduct of a Sub Committee hearing

- 6.11 The Monitoring Officer will present the Investigating Officer's report to the Sub Committee.
- 6.12 The Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Subject Member has failed to comply with the Code of Conduct. The Subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.
- 6.13 If the Sub Committee, with the benefit of any advice from the Independent Person, concludes
- (a) that the Subject Member did not fail to comply with the Code of Conduct, then they can dismiss the complaint
 - (b) that the Subject Member did fail to comply with the Code of Conduct, the Chair will inform the Subject Member of this finding and the Sub Committee will then consider what action, if any, the Sub Committee should take as a result of the Subject Member's failure to comply with the Code of Conduct. In doing this, the Sub Committee will give the Subject Member an opportunity to make representations to the Sub Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.
- 6.14 The Council has delegated to the Sub Committee powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub Committee may authorise the Monitoring Officer to –
- (a) Publish any findings in respect of the Subject Member's conduct;
 - (b) Report the findings to the Audit & Corporate Governance Committee for information;

- (c) Recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - (d) Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - (e) Arrange training for the Subject Member;
 - (f) Remove from all outside appointments to which the Subject Member has been appointed or nominated by the Council;
 - (g) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
 - (h) Exclude the Subject Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 6.15 The Sub Committee has no power to suspend or disqualify the Sub Member or to withdraw members' or special responsibility allowances.
- 6.16 At the end of the hearing, the Chairman will state the decision of the Sub Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub Committee resolves to take.
- 6.17 The Monitoring Officer will issue a decision notice, in consultation with the Chairman of the Sub Committee. The decision notice will be sent to the Complainant and the Subject Member. Thereafter a summary of the decision may be available for public inspection and the decision will be reported to the next convenient meeting of the Audit & Corporate Governance Committee.

Appeals

- 6.18 There is no right of appeal against a decision of the Monitoring Officer or of the Standards Determination Sub Committee to the Council.

Independent Person

- 6.19 The Independent Person is invited to attend all meetings of the Sub Committee and his/her views are sought and taken into consideration before the Sub Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Revision of these arrangements

- 6.20 In the interests of fairness, the Monitoring Officer may vary any of these arrangements as appropriate. The Chair of the Standards Determination Sub Committee may depart from the arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

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GLOSSARY

In this Code the following words will have the following meanings:—

“Authority”	means Slough Borough Council
“Council”	means Slough Borough Council
“Parish Council”	means the following Parish Councils: Britwell Parish Council, Colnbrook with Poyle Parish Council, <i>Wexham Court Parish Council</i>
“Code of Conduct”	section 1 part 1 of the Code of Conduct also referred to as the “Rules”.
“Code of Conduct Protocol”	means the document entitled
“Independent Person”	The Independent Person is a person who complies with the requirements section 28 Localism Act 2011.
“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; whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members
“Member”	means a co-opted member or an appointed member of Slough Borough Council
“Co-opted Member”	means a co-opted member of Slough Borough Council
“Subject Member”	means a Member who is the subject of a complaint for a breach of the Councillors Code of Conduct
“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 connected to you may be subject to violence or intimidation.
“7 Principles”	means the general principles of conduct identified by the Committee on Standards in Public Life in its First Report, namely : Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership

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WHAT ALL MEMBERS SHOULD KNOW

Members CODE OF CONDUCT

- Relationship with Others
- Management of information (access to confidentiality)
- Objectivity and Impartiality
- Guidance on representing members of public and involvement in casework (including Members' involvement in Housing and Council Tax Benefits Work)

WHAT YOU NEED TO KNOW ATTENDING COUNCIL MEETINGS

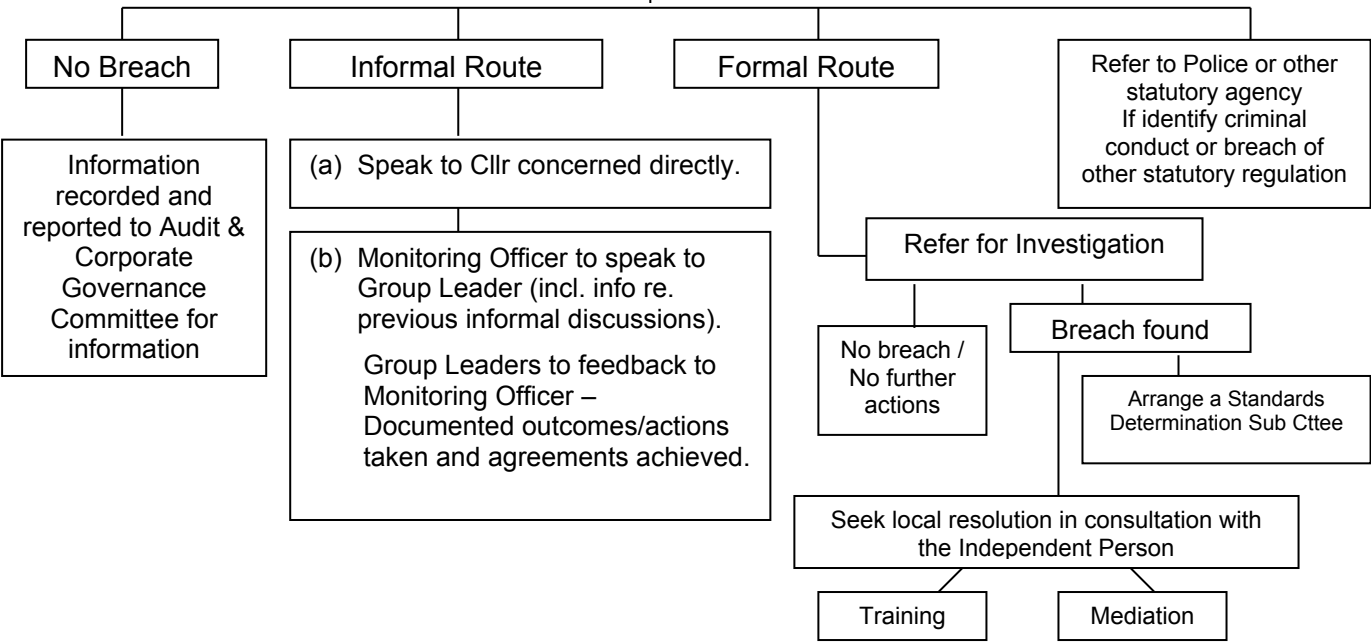
Declarations of Interest

What Members on Licensing and Planning should know

- Licensing Code of Conduct
- Planning Code of Conduct

WHAT HAPPENS IF YOU BREACH THE CODE

Assessment of Complaint – Monitoring Officer in consultation with Independent person



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DISCLOSABLE PECUNIARY INTERESTS DEFINITION AND GUIDANCE NOTES

The Localism Act 2011 provides that this will cover the interests not just of the member, but also his/her spouse, civil partner or person with whom he/she lives as if they were spouses or civil partners, in so far as the member is aware of his/her partner's interests.

These notes give general guidance on what items Members should include on the disclosable pecuniary interests form. The onus is on the individual member to make their own judgement about making a declaration and they should not rely on direction from an officer, though if in doubt they can seek advice.

Disclosable Pecuniary Interest	Guidance
<p>Employment, office, trade, profession or vocation Any employment, office, trade, profession or vocation carried on for profit or gain.</p>	<p>You should show every employment, office, trade, profession or vocation that you and your spouse/partner receive remuneration for other than simply repayment of expenses – a good example is what you would have to declare for income tax purposes.</p> <p>Give a short description of the activity concerned; for example 'Computer Operator' or 'Accountant'.</p> <p>Where you hold an office, give the name of the person or body which appointed you. In case of a public office, this will be the authority which pays you.</p>
<p>Sponsorship Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a member or towards election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>	<p>You should declare the name of any person or body who has made any payments to you towards your expenses as a councillor or towards your election expenses. You do not need to declare the amounts of any payments, only the name of the person or body making them.</p> <p>It refers to payment of election expenses by a third party – you do not need to declare if you pay your election expenses yourself. This would usually mean a political party at election time.</p>
<p>Contracts Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –</p>	<p>You should list any contract made between yourself or your spouse/partner or a body in which either of you have a beneficial interest and Slough Borough Council (or an organisation contracted to carry out business on its behalf):-</p>

<p>(a) Under which goods or services are to be provided or works are to be executed; and (b) Which has not been fully discharged.</p>	<p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
<p>Land Any beneficial interest in land which is within the area of the relevant authority.</p>	<p>You should include any land and buildings in the area of the Borough in which you or your spouse/partner have a beneficial interest. You should give the address or a brief description to identify it.</p> <p>If you live in the Borough you should include your home under this heading whether as owner or lessee.</p> <p>You should also include any property from which you receive rent, or of which you are the mortgagee.</p> <p>The Monitoring Officer has also advised that any land in the Borough area in the ownership of a charity or organisation of which you or your spouse/partner are a trustee should also be included in this section.</p> <p>“Land” also includes any buildings or parts of buildings.</p>
<p>Licences Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>	<p>You should include land in the area of the Borough which you or your spouse/partner have a right to occupy, but neither own nor have tenancy of. You should give the address or a brief description to identify it.</p> <p>“Land” includes any buildings or parts of buildings.</p>
<p>Corporate Tenancies Any tenancy where (to your knowledge) – (a) The landlord is the relevant authority; and (b) The tenant is a body in which the relevant person has a beneficial interest.</p>	
<p>Securities Any beneficial interest in securities of a body where – (a) That body (to your knowledge) has a place of business or land in the area of the relevant authority; and</p>	<p>You should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) are active in the Borough and in which you or your spouse/partner have a substantial interest. You do not need to show the extent of your interest.</p>

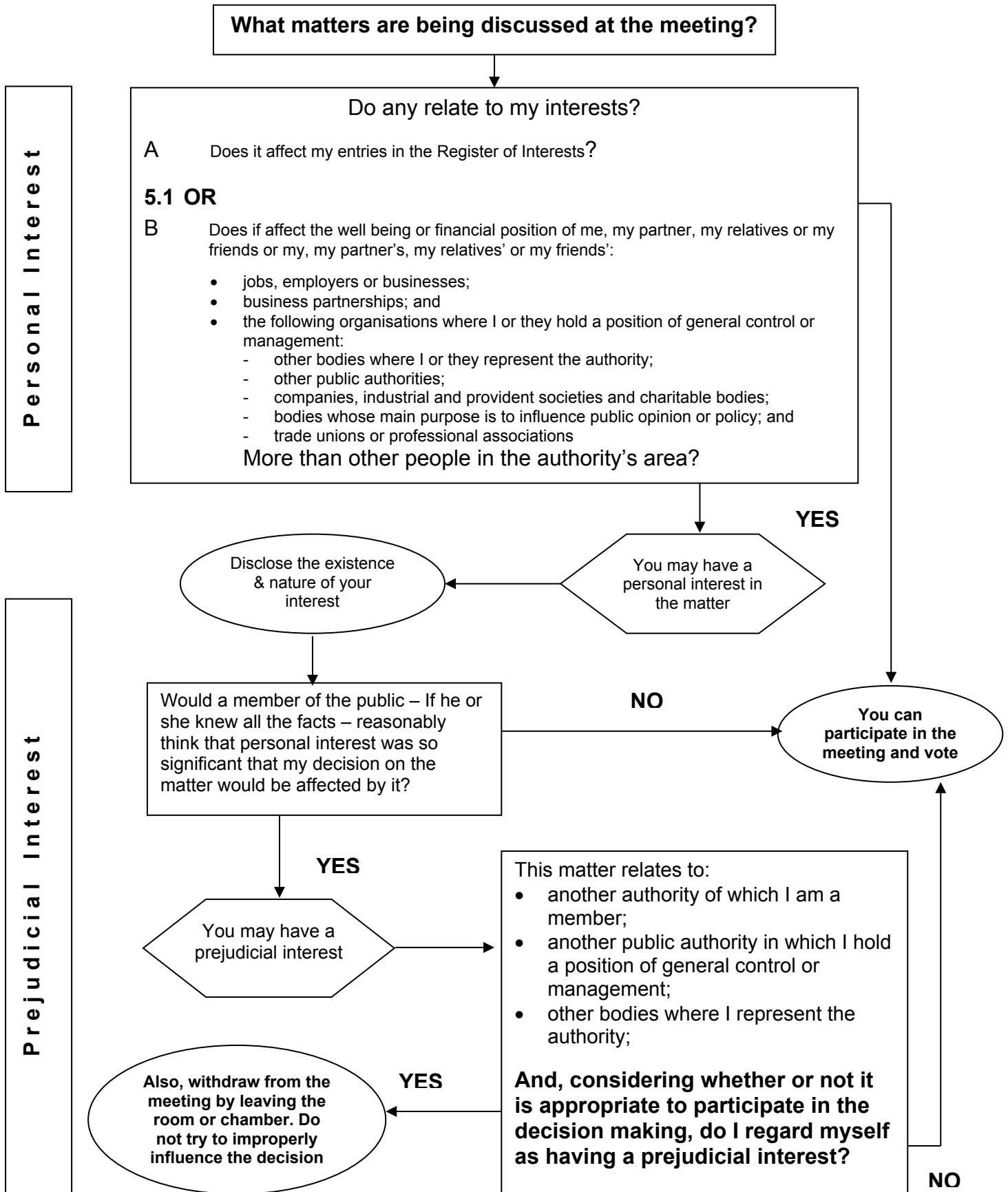
<p>(b) Either –</p> <p>(i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class</p>	<p>You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or more than 1/100th of the issued share or securities. If there are several classes of shares or securities, the fraction of 1/100th applies to any of these classes.</p> <p>The company or body corporate is active in the Borough if it has land or a place of business in the Borough.</p>
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Pecuniary and Non Pecuniary Information to be registered

<p><u>Membership of other bodies</u></p>	
<p>a. 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 the Council.</p>	
<p>b. Any body exercising functions of a public nature of which you are a member or in a position of general control or management.</p>	
<p>c. Any body directed to charitable purposes of which you are a member or in a position of general control or management.</p>	
<p>d. Any body 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.</p>	

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DECLARING INTERESTS FLOWCHART QUESTIONS TO ASK YOURSELF



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CODE OF CONDUCT FOR MEMBERS DECLARATION OF INTERESTS AT MEETINGS

This form should be completed by Members who declare an interest at any meeting of the Authority, the Executive of the Authority, or any of the Authority's or its Executive's Committees, Sub-Committees Joint Committees or Area Committees.

Name of Member

Meeting : Date:

Agenda Item: Time:

Type of Interest declared (Please tick as appropriate)

Personal Interest

A Member with a personal interest in any matter may remain, speak and vote when the matter is considered.

Personal/Prejudicial Interest

A Member with a Prejudicial Interest must:-

- withdraw from the room where the meeting is being held wherever it becomes apparent that the matter is being considered at that meeting.
- not seek improperly to influence a decision about the matter.

[Unless you are at a meeting where members of the public have a right to address the meeting in which case Members have the same rights as an ordinary member of the public but must take not part or have any role in the decision making process.]

Note: A Member's Disclosable Pecuniary Interests are always prejudicial.

Nature/Detail of Interest

.....

.....

.....

.....

.....

Action to be taken following declaration (*tick as appropriate*)

Withdraw from meeting

Remain and speak

Remain and speak and vote

Signed: Date:

This form, once completed, will be available for inspection, on request during office hours, by any Member of the Council or member of the public.

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To: The Monitoring Officer

DECLARATION OF RECEIPT/OFFER OF GIFTS OR HOSPITALITY

Name of Member	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Did you accept it and were there any special circumstances justifying acceptance of this gift or hospitality?	
Signed	Date

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PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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REQUEST FOR A DISPENSATION

Request to Monitoring Officer

Please complete the following details and give as much information as possible (you can attach additional sheets of paper, if required).

1. **Please summarise the matter to which your interest relates**

2. **What is the nature of your interest?**

3. **For which meeting(s) or period are you seeking a dispensation?**

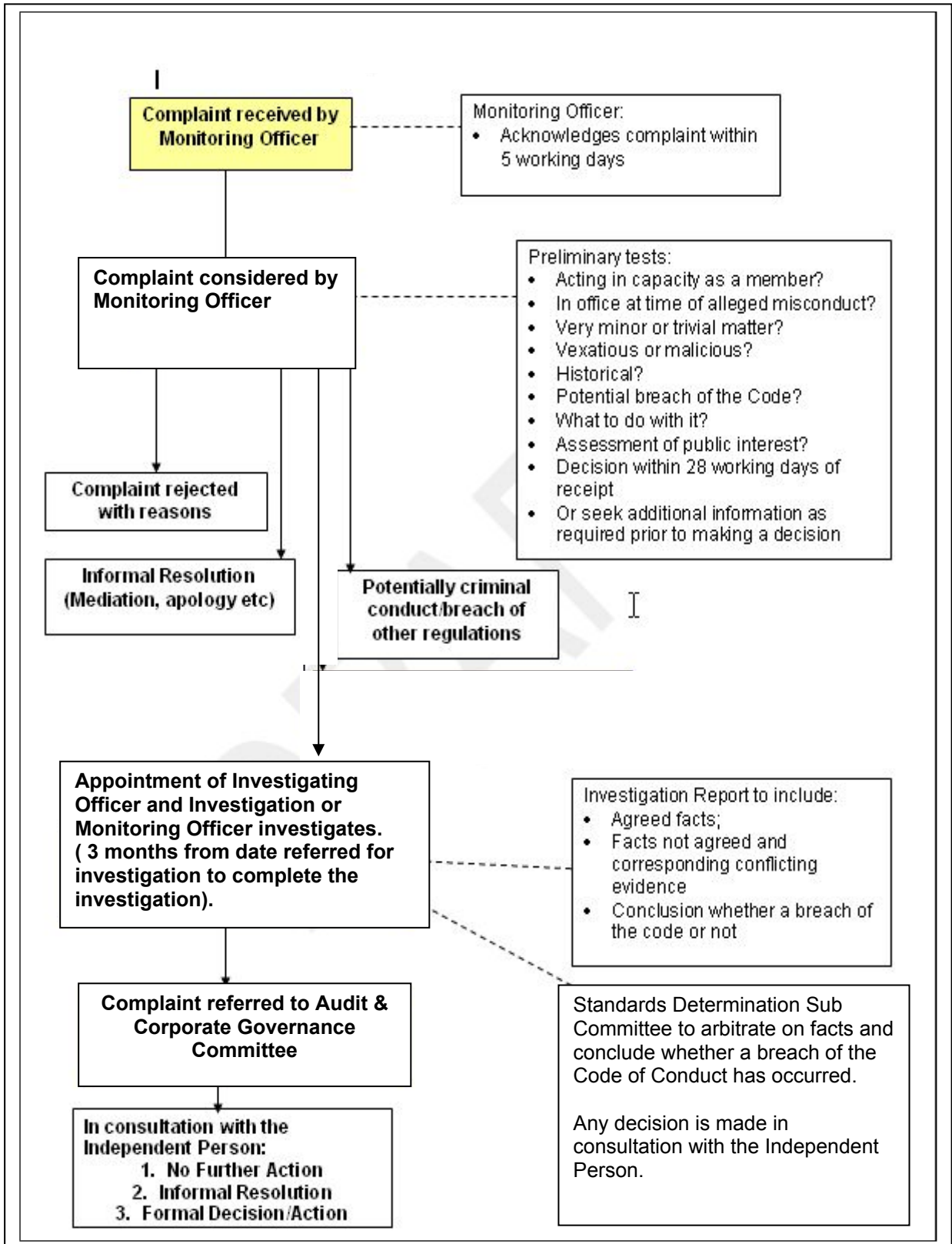
4. **Please set out in detail the reason(s) why you consider you should be granted a dispensation.**

	Name	Signature	Date

When completed, this form should be sent to the Monitoring Officer

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MEMBERS COMPLAINTS PROCEDURE FLOWCHART



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MEMBERS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for a referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances eg allegation of bullying, harassment etc.
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Audit & Corporate Governance Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
11. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

Complaints which may be referred to the Audit & Corporate Governance Committee

1. It is serious enough, if proven, to justify the range of actions available to the Standards Determination Sub-Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation.
3. When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or
4. The complaint is about a high profile Member such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate.
5. Such other complaints as the Monitoring Officer considers it would not be appropriate for him to investigate.