

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards Committee/
Panel on the Constitution

DATE: 13/14th June 2012

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WARD(S): All

PART I

FOR COMMENT AND RECOMMENDATION to FULL COUNCIL

REVISED MEMBER CODE OF CONDUCT

1. Purpose of Report

- 1.1 The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors and for Parish Councils.
- 1.2 This report outlines the council's response to the new legislation including proposals for a new Members' Code of Conduct and the establishment of the role of the Independent Person.
- 1.3 Standards Committee/ Panel on the Constitution views are sought and make recommendation for a way forward and for approval at Council.
- 1.4 Much of the detailed provisions and guidance within the Localism act are yet to be published by central government, therefore the proposals outlined in this report may be subject to amendments as the final regulations are published. Guidance and regulations on the Declaration of Pecuniary interests, which become a criminal offence under the Localism act is particularly unclear with extensive feedback on the draft guidance by professional bodies. Clearer guidance will be provided to council and members regarding these important new elements around disclosure when the intentions of the legislation and accompanying guidance gains clarity.

2. Recommendations

2.1 The Standards Committee/Panel on the Constitution is recommended to:

- (i) Approve the new arrangements and recommend Council adopts the new code and arrangements at the next full council meeting on 26th June 2012
- (ii) Request a further report describing in detail the obligations for councillors on disclosure of pecuniary interests once the guidance from central government is clear.
- (iii) Recommend to Council to create a new Standards Advisory Committee consisting of an Independent member and three Independent co- opted

members and 6 elected councillors (on a proportionate basis) at its meeting on 26th June 2012

- (iv) The current four Independent Members of the Standards Committee be reappointed as Co-Optees to the new Standards Advisory Committee
- (v) Subject to the regulations permitting, the Council appoint the current chair of standards Mr Michael Field as the Local Authority Independent Person
- (vi) Recommend to council the new format and structure of the Member code of conduct guidance including
 - Simplified chapter headings
 - Consolidation of sections
 - Summarised list of Do's and Don'ts at the end of section
 - Reduction in Duplication
- (vii) Recommend to Council the new arrangements for dealing with Breaches of the code and the three tiered system
 - Monitoring Officer Informal Intervention
 - Monitoring officer Formal Notice to Group Leaders
 - Standards Committee Investigation
- (viii) Recommend to council the implementation plan including the arrangements for use of the code as part of normal business at council meetings and events and mandatory participation in trainings by all members.

3. Community Strategy Priorities

- **Being Safe, Feeling**

4. Other Implications

(a) Financial

Resources for independent member allowances and the running of the standards committee can be met from the existing Democratic Services budget

(b) Human Rights Act and Other Legal Implications

The Localism Act 2011 places the Council under a statutory duty to establish a newly ordered ethical framework:

- Under section 27(2) it must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity,
- Under section 29 (1) the Monitoring Officer must establish and maintain a members' register of interests,

- Under Section 28 (6) it must have in place arrangements under which allegations of breach of the code can be investigated and decisions made upon the allegations,
- Under section 28(7) the arrangements put in place must include provision for the appointment of at least one Independent Person whose views are to be sought and taken into account by the Council before it makes its decision on allegations which have been investigated and whose views upon an allegation may be sought by the Council at any other time and may be sought by a member who is the subject of an allegation.

5. Supporting Information

- 5.1 The Council has a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. The Localism bill has brought a number of changes to the arrangements for ensuring that this happens. The changes have necessitated 1 amendments and revisions to the current way in which the council deals with member conduct and behaviour.
- 5.2 The council in common with other authorities has taken the opportunity to improve as well as amend its code, with a particular focus on clarity, simplified guidance and practical examples of implementation.

6. The Major Changes - Standards Committee

- 6.1 The Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. So, there will be no requirement for a Standards Committee. However, the council will still require an effective body to deal with standards issues and case-work. The new standards body will therefore be a normal Committee of Council. As a result the composition of the Committee will be governed by proportionality. The current co-opted independent members will cease to be formal members. Independent member involvement in the standards regime has historically served the council well, providing neutrality, transparency and a degree of external scrutiny. In order that these elements are not lost, the current independent members are to be co-opted onto a new standards advisory committee as. It is also proposed that independent members continue to take part in determination sub committees of the Standards advisory Committee. The composition of which will be two independent members and two councillors. Independent members will take full part in the examination of the investigation, be able to ask questions and to contribute to the deliberation.
- 6.2 The Act establishes for a new category of Independent Persons (see below) who must be consulted at various stages of the process
- 6.3 An Independent Person is someone whose views are sought and taken into account by the authority before it makes its decisions on an allegation that it has decided to investigate. The Independent Person's views may also be sought by the authority in relation to an allegation at any other stage in the process or by a member or co-opted member if that person's behaviour is the subject of an allegation.

6.4 Following feedback from many local Authorities the Department for Communities and Local Government has indicated that it will be introducing a transition phase for the introduction of the Independent Person. Previously the regulations in The Act provides that a person is not independent if he/she is a member, a co-opted Member or an officer of the authority or a relative or close friend of thereof. Furthermore a person is not eligible for appointment if during the preceding 5 years the person was a member, co-opted member or an officer of the authority. This meant that our current Independent Standards Board members could not take this role. This change may allow former standards board members to undertake the role of Independent member and is contained within the draft commencement and transitional order. These transition arrangements may enable the appointment of the current Chair of Standards Committee to take on the role of Independent Person for the first year of the new standards regime.

7. Parish Councils

7.1 The Borough Council will continue to have responsibility for dealing with standards complaints against elected and appointed members of Parish Councils, Parish Councillor will have similar co-opted rights to co-opted independent members.

7.2 How many Parish Council representatives it wants. The choice is between establishing a Standards Committee as a Committee of the Borough Council, with co-opted but non-voting Parish Council representatives (which could then only make recommendations in respect of Parish Council members), or establishing a Standards Committee as a Joint Committee with the Parish Councils within the District (or as many of them as wish to participate) and having a set number of Parish Council representatives as voting members of the Committee (which could then take operative decisions in respect of members of Parish Councils, where the Parish Council had delegated such powers to such a Joint Standards Committee).

8. The Code of Conduct

8.1 The current ten General Principles and Model Code of Conduct will be repealed, and members will no longer have to give an undertaking to comply with the Code of Conduct. However, the Council will be required to adopt a new Code of Conduct governing elected and co-opted member's conduct when acting in that capacity. The Council's new Code of Conduct must, viewed as a whole, be consistent with the following seven principles –

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

8.2 The Council current code sits across a number of sections of the ethical framework that include;

- Model code of conduct
- Local Code Governing Relations Between Elected Members and Council Employees

This has on occasions caused confusion and makes it difficult to explain particularly for new members. It is proposed that the revised code sets out content in a more logical format with a natural progression i.e

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

The Council has discretion as to what it includes within its new Code of Conduct, provided that it is consistent with the seven principles.

9. Disclosure of Interests

- 9.1 A significant change in the standards regime is the abolition of personal and prejudicial interests and the creation of Disclosable Pecuniary Interests. Whilst we know that registration and declaration of such interests are legal requirements with criminal penalties for failure to comply, detailed guidance is still to be issued. Regulations to be made under the Act will require the registration and disclosure of “Disclosable Pecuniary Interests” (DPIs), broadly equating to the current prejudicial interests. The provisions of the Act also require an authority’s code to contain appropriate requirements for the registration of other pecuniary interests and non-pecuniary interests.
- 9.2 We do know that a Disclosable Pecuniary Interest has to be declared if the interest is the member’s or the member’s spouse or partner and the member is aware of the interest. This is the first time that an interest of a third party has to be disclosed when it does not relate back to the member’s own circumstances except by association. Moreover, the statutory requirement is not merely to declare such interests but to register them. Previously it was necessary for such an interest to have a beneficial effect on the member’s financial position or well-being in order to be declarable.

10. Dealing with Misconduct - Complaints

- 10.1 The Localism Act requires that the Council adopt “arrangements” for dealing with complaints of breach of Code of Conduct. The Act repeals the requirements for separate Referrals, Review and hearings Sub-Committees, and enables the Council to establish its own process, which can include delegation of decisions on complaints.
- 10.2 In practice, the Standards for England guidance on initial assessment of complaints provided a reasonably robust basis for filtering out trivial and tit-for-tat complaints and it is proposed that It is sensible to take advantage of the new flexibility to delegate to the Monitoring Officer the initial decision on whether a complaint requires investigation, subject to consultation with the Independent

Person and the ability to refer particular complaints to the Standards Committee where he feels that it would be inappropriate for him to take a decision on it, for example where he has previously advised the member on the matter or the complaint is particularly sensitive.

10.3 These arrangements would also offer the opportunity for the Monitoring Officer to seek to resolve a complaint informally, before taking a decision on whether the complaint merits formal investigation. A suggested model for this is ;

- Monitoring Officer Informal Intervention
- Monitoring officer Formal Notice to Group Leaders
- Standards Committee Investigation

10.4 If this function is delegated to the Monitoring Officer, it is right that he should be accountable for its discharge. For this purpose, it would be appropriate that he make a quarterly report to Standards Committee, which would enable him to report on the number and nature of complaints received and draw to the Committee’s attention areas where training or other action might avoid further complaints, and keep the Committee advised of progress on investigations and costs.

11. Implementation of the new code

11.1 Implementation of the new code will require publicity and training for members and officers. To help embed the new approach it is important to establish routines for referring to the code as part of everyday council business. Although the code applies across all council business the following areas of activity will benefit from this increased focus.

Council Reports	New section of the report outlining the type of interests members should declare based upon the subject of the report – note the list will not be exhaustive and the onus will still be on individual members to make the declaration.
Start of all council meetings	Explicit reminder that build upon the standard agenda item around duty to declare interest. Chair to invite members to declare that they do not have any interest in line with that section of the code
Quasi Judicial committees	As above As part of proceedings Legal representative at the committee to provide advice on the application of the code as it relates to ; Predetermination

11.2 In addition to the new proactive measure a series of short awareness events and E-Learning courses will be put together for members and officers. These will be available at the start of the new municipal year. Coaching for the Chairs of Quasi Judicial Committee in the practical application of the code in that particular setting will also be provided

12. Appendices Attached

Appendix A - Offences under the localism Act 2012

Appendix B - Revised code of Conduct

Offences under the Localism Act 2012

If a member

(a) fails to notify the Monitoring Officer of any disclosable pecuniary interest before the end of 28 days beginning with the day on which he/she becomes a member [Section 30(1) Localism Act 2011], or

(b) fails to disclose to a meeting at which he/she is present a disclosable pecuniary interest in any matter to be considered or being considered which is not entered in the Council's Members' Interests Register [Section 31(2) Localism Act 2011], or

(c) fails to disclose to a meeting at which he/she is present a disclosable pecuniary interest in any matter to be considered or being considered which is a sensitive interest which requires disclosure of the interest itself though not the detail [Section 31(2) Localism Act 2011], or

(d) fails to notify the Monitoring Officer before the end of 28 days beginning with the date of disclosure any disclosable pecuniary interest which is not entered in the Council's Register of Members' Interests [Section 31(3) Localism Act 2011], or

(e) fails to notify the Monitoring Officer before the end of 28 days beginning with the date when he/she became aware that he/she had a disclosable pecuniary interest in any matter to be dealt with or being dealt with by the member in the course of discharging a Council function [Section 31(7) Localism Act], or

(f) provides information that is false or misleading in relation to any matter covered by paragraphs (a) – (e) knowing that the information is false or misleading or is reckless as to whether the information is true and not misleading. [Section 34(2) Localism Act 2011], or

(g) has a disclosable pecuniary interest in a matter and participates or participates further in any discussion of the matter at a meeting, or participates in any vote or further vote taken on the matter at a meeting except where he/she has been granted a dispensation relieving him/her of either or both of the restrictions. [Section 31(4) Localism Act 2011], or

(h) takes any steps or any further steps in relation to a matter where he/she is discharging a Council function, having become aware that he/she has a disclosable pecuniary interest in the matter. [Section 31(8) Localism Act 2011],

he/she is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000).

Slough Borough Council Councillors Code of Conduct

Slough Borough Council

Councillors' Code of Conduct

Introduction

Part 1 Rules of Conduct- How Members are expected to Behave

Section One Overarching Principles

Section Two Relationship with others

Section Three Interests

Section Four Management of Information

Part 2 What happen if something goes wrong - The Complaints Process

Part 3 Investigation & Determination

Appendix

Parish Councils Contact Information

Glossary

What Members should know Flowchart

Declaration of Interests Flow Chart

Declaration of Interests Form

Complaints Procedure Flowchart

Anonymity Flowchart

Complaints Assessment Criterion

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.

Becoming a Member of a council and taking public office does place restrictions on what an individual can do. Being a member means sometimes an individual has less power to intervene in Council matters and this code of conduct sets out these situations.

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 and request the parish clerk to allow you to inspect the parish council's Code of Conduct

Part 1: Code 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.

<h3>Section 1 Overarching Principles</h3>

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.
- 1.1 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,
- 1.2 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 . These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the Rules of Conduct.

A breach of any of the 7 Principles will be seen as breach of the Rules of Conduct.

The Seven Principles of Public Life are:

Principle 1. 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.

Principle 2. Integrity

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

Principle 3. 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.

Principle 4. 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.

Principle 5. Openness

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

Principle 6. Honesty

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

Principle 7. Leadership

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

Key points

Do ensure, that when they 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 with 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 Members must only represent their ward constituents when dealing with Council Officers on matters that affect those ward residents. Where a Member has represented or assisted a ward resident and you sit on any regulatory Committee of the Council as a decision maker you should either refrain from acting for that ward resident because of the possible impact on your role as a decision maker or you should not take part in any decision making that may relate to the that ward resident.

- 2.7 Members must not use their position as a Councilor 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.
- 2.8 Members must ensure that all contact with Council Officers will be through an Director/ Assistant Director in the first instance. Contact with Council officers would normally be carried out at Third Tier Level.
- 2.8 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.
- 2.9 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.
- 2.10 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.

Key points

Councillors should normally communicate with Directors and Assistant Directors and restrict contact to third tier officers.

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.

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.

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) do 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.

Disclosure and participation at Meetings

3.2 At a meeting where any 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.

3.6 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.

Oral declaration of interests

3.18 An oral declaration of any relevant interest, should be made at any Committee meeting if it relates specifically to a particular issue under consideration and should be recorded.

Predetermination and Bias

3.28 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, just 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.

3.29 Where a Member has been involved in campaigning in a political role on an issue, provide 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.

3.30 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

3.2 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.

3.3 Members who sit as Committee Members, namely as a decision maker at meetings, need to be aware, that when they have an interest in the matter being discussed or being deciding, the role as a decision maker is subject to extra scrutiny.

3.4 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.

3.5 Members should seek advice in advance of a meeting when a matter is know or should reasonably have been known to involve an interest affecting a Committee Member and complete the Declaration of Interests at Meetings Form (Appendix X)

3.4 Therefore, if as a Member you have either a disclosable pecuniary interest, any other pecuniary interest or a non-pecuniary interest, you must disclose to a relevant meeting the existence and nature of that interest, whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Committee Members with interests

3.5 Paragraphs XX to XX only apply to Committee Members acting as a decision maker at a meeting and where such Member has an Interest in the matter being discussed or considered or that arises during the course of the meeting.

3.6 If a Committee Member has an interest in a matter that is either on the agenda of the meeting they are attending or a matter that is discussed at a meeting, then they need to consider if they have an interest and if that interest is Disclosable Pecuniary Interest¹

3.9 If you as a Committee Member have a Disclosable Pecuniary Interest (“DPI”) at a relevant meeting:

(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

3.7 In the case of a 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 non pecuniary interest as so significant that it is likely to prejudice your judgement of the public interest . If the Committee Member believes this to be the case or is 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

Disclosure of Sensitive Interests

3.9 Where you have 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 and that the interest is a disclosable pecuniary interest you need not disclose the nature of the interest to the meeting

Other decision making

3.8 Where a Member has a DPI or a pecuniary interest in any business of the Council and a function of the of the Council is discharged by that Member acting alone ,that Member may not take any steps or any further steps in relation to the matter, except for the purpose of enabling the matter to be referred to someone else to be dealt with.

¹ Awaiting definition of DPI pursuant to section 30 LA – regulations to address what is meant.

3.7 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. Therefore any such interested Member must take not part or have any role in the decision making process.

3.8 There are some decisions that the Council will need to make that could affect every Member. Members may take part in these decisions unless they fall into one of the exceptions set out below, in which case they should take no role or part in the decision making process:

- (i) housing, where you are a tenant of the Authority unless those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to an that Member;
- (v) any ceremonial honour given to that Member; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Interests arising in relation to overview and scrutiny committees

11. Members would be should be aware that they would be seen to have a prejudicial interest in any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where-
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-

committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

In such a case, provided the Public have a right to speak at such a meeting 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.

Gifts and Hospitality

3.20 Members should exercise the utmost care in accepting hospitality or gifts where there could be a real or perceived conflict with their membership of the Council. They should declare in a register all such gifts or hospitality (whether accepted or not).

3.21 Do not accept any gifts or hospitality in excess of £50.00 (Fifty Pounds).

3.22 You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

Personal liability of Committee members

3.22 Legal proceedings by a third party against individual Committee members of advisory bodies are very exceptional. A Committee member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if he or she misuses information gained through their position.

What is a Disclosable Pecuniary Interest

3.6 The definition of a Disclosable Pecuniary interest is set out by regulations, and is defined as follows²:

.....(to add)

3.7 As a Member you have a DPI in any business of the Council, if that DPI is :

- (a) a Members interest or
- (b) is an interest of that Members' spouse, civil partner or someone who lives with the Member as if they were a civil partner

² Meaning of DPI from regulations to be inserted.

and you are aware that the other person has the interest

What is a Pecuniary Interest

3.6 As a Member you will have a pecuniary interest in any business of the Council where it relates to or is likely to affect:

- i. any employment or business carried on by you;
- ii. any person or body who employs or has appointed you;
- iii. any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- iv. any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- v. any contract for goods, services or works made between the Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph (iv);
- vi. any land in the Council's area in which you have a beneficial interest;
- vii. any land where the landlord is the Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (iv) is, the tenant;
- viii. any land in the Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 1. a decision in relation to that business might reasonably be regarded as affecting your financial position or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision

What is a Non-Pecuniary Interest

3.7 As a Member you have a non-pecuniary interest in any business of the Council where:-

- (a) the interest relates to or is likely to affect-
 - i. any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
 - ii. any body-
 1. exercising functions of a public nature;
 2. directed to charitable purposes; or
 3. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);of which you are a member or in a position of general control or management;

- iii. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- iv. a decision in relation to that business might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent that the majority other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

What is a “Relevant Person”

3.8 For the purposes of the Code of Conduct a relevant person is-

- (a) A member of your family or any person with whom you have a close association;
- (b) Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company or 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 which such persons are a member or in a position of general control or management and to which you are appointed or nominated by your authority
- (e) any body of a type described in paragraph 8(a) i. and ii. of which such persons are members or in a position of general control or management

9. Disclosure of Interests generally³

11.1 You do not have a disclosable pecuniary interest in any business of your authority where that business-

- i. does not affect your financial position or the financial position of a person or body described in paragraph 8.1 (a) i. and ii.;
- ii. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8.1 (a) i and ii; or
- iii. relates to the functions of the Council in respect of-
 - i. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - ii. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - iv. an allowance, payment or indemnity given to members;
 - v. any ceremonial honour given to members; and

³ Regulations from the Secretary of State are currently awaited as to the definition of “pecuniary interests and disclosable pecuniary interests”. This paragraph may become superfluous

- vi. setting council tax or a precept under the Local Government Finance Act 1992

Registration of Members Interests

3.13 Members shall fulfil conscientiously the requirements in respect of the registration of interests in the Register of Members Interests.

3.15 All Members should register in the Register of Interests, any private interest which might influence their judgement or which could be perceived (by a reasonable member of the public) to do so. Members should register:

- (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.

3.16 In this paragraph "relevant" interest, whether pecuniary or non-pecuniary and whether direct or indirect, means any such interest which might influence the judgement of a Committee member or which could be perceived (by a reasonable member of the public) to influence his or her judgement in the exercise of his or her public duties; "indirect pecuniary interest" means an interest which arises from connection with bodies which have a direct pecuniary interest or from being a business partner of, or employed by, a person with such an interest.

The Council is required to publish the Councillors Register of Interests

Register of Interests

3.23 Members must before the end of 28 days beginning with the day on which the person becomes a Member notify the Council's Monitoring Officer of any disclosable pecuniary interests which the person has at the time when the notification is given

The Monitoring Officer will note all such interests disclosed to be registered irrespective of whether or not they are disclosable.

3.25 The Monitoring Officer will ensure all recorded interests that are of a sensitive nature will be recorded in a manner that do not disclose the details of such an interest

3.26 Sensitive Interests will arise when the 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

Members must, within 28 days of—

- (a) this Code being adopted by or applied to the Council or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Council

register in the Council's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- i. disclosable pecuniary interests⁴ that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
 - ii. pecuniary interests you have
- (c) within 28 days of becoming aware of any new disclosable pecuniary interest that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner or change to any disclosable pecuniary interest already registered by providing written notification to your authority's Monitoring Officer

14.1 You 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 your authority's monitoring officer

⁴ Regulations from the Secretary of State are currently awaited as to the definition of "pecuniary interests and disclosable pecuniary interests"

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.

Part 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:

- (i) they have the express consent of the person authorised to give it;
- (ii) 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);
- (iii) 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;
- (iv) 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.

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.

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.

Section 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.
- 6.0 The Monitoring Officer may investigate a specific matter relating to a Member's adherence to the rules of conduct under the Code. 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 Standards Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.

Consideration and Determination of Complaints

- 5.1 The Monitoring Officer is a senior officer of the Council who is responsible for administering the system in respect of complaints of member misconduct.

Complaints against Members

- 5.2 All Member complaints 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.
- 5.3 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.
- 5.4 The Monitoring Officer will review every complaint received and, 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.

- 5.5 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.
- 5.6 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.

Section 2:

Investigation & Determination of Complaints

- 5.7 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.
- 5.8 The Investigating Officer would normally write to the Subject Member.
- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 Having received and taken account of any comments on the Draft Report, the Investigating Officer will send the Final Report to the Monitoring Officer.
- 5.13 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 :

5.13.1 he is satisfied that no further action is required, and then both a copy of the Investigating Officer's final report, or

5.13.2 following review of the Investigating Officer's report that either the complaint will be

5.13.2.1 sent for determination before a Standards Sub Committee or,

5.13.2.2 after consulting the Independent Person, seek a local resolution.

Local Resolution

5.14 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 Standards Committee for information, but will take no further action.

Hearing

5.15 If the Monitoring Officer considers that local resolution is not appropriate then the Monitoring Officer will report the Investigating Officer's report to the Standards Sub Committee which will conduct a local hearing before deciding 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.

Hearings protocol :

5.16 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.

5.17 At the hearing, 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 Standards Sub Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

5.18 If the Standards Sub Committee, with the benefit of any advice from the Independent Person, concludes

5.18.1 that the Subject Member did not fail to comply with the Code of Conduct, then they can dismiss the complaint

5.18.2 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.

5.19 The Council has delegated to the Standards 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 –

5.19.1 Publish any findings in respect of the Subject Member's conduct;

5.19.2 Report the findings to the Standards Committee for information;

- 5.19.3 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;
- 5.19.4 Recommend to the Leader of the Council that the Subject Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 5.19.5 Arrange training for the Subject Member;
- 5.19.6 Remove from all outside appointments to which the Subject Member has been appointed or nominated by the Council;
- 5.19.7 Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 5.19.8 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.
- 5.20 The Sub Committee has no power to suspend or disqualify the Sub Member or to withdraw members' or special responsibility allowances.
- 5.21 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.
- 5.22 The Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Sub *Committee and send such to the Complaint and the Subject member. Thereafter a summary of the decision may be available for public inspection and report the decision to the next convenient meeting of the Standards Committee.*

Appeals

5.23 There is no right of appeal against a decision of the Monitoring Officer or of the Standards Sub Committee

General - Council Structure

5.24 The Sub-Committee of the Council's Standards Committee. The Standards Committee has decided that it will comprise a maximum of five members of the Council, including not more than one member of the Council's Executive and comprising members drawn from at least 2 different political parties. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

5.25 The Independent Person is invited to attend all meetings of the Hearings Panel and his views are sought and taken into consideration before the Hearings Panel 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.

Who is the Independent Person?

5.26 The Independent Person is a person who complies with the requirements section 28 Localism Act 2011.

Revision of these arrangements

5.27 The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Standards Sub Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Glossary

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

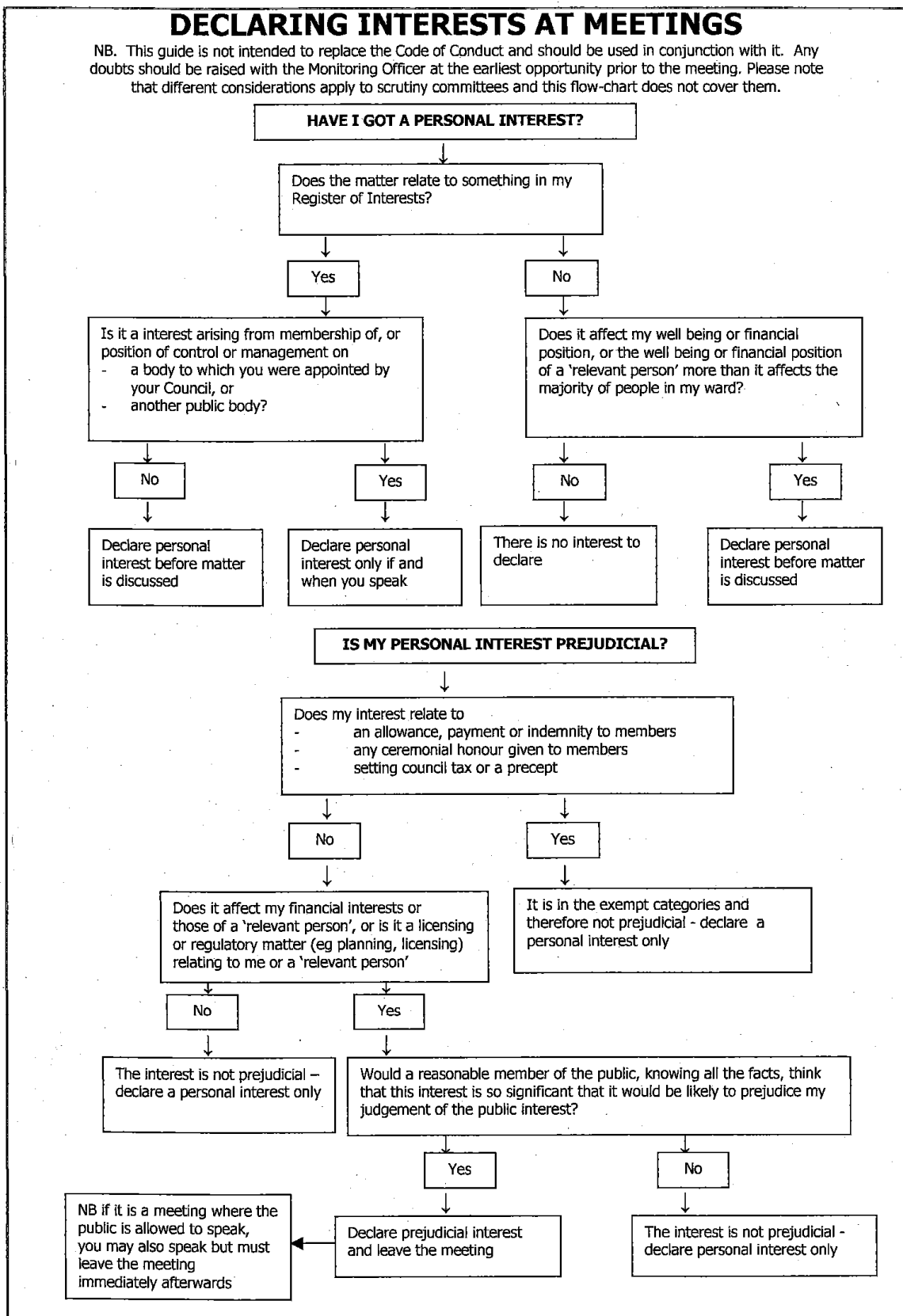
“Authority”	means Slough Borough Council
“Council”	means Slough Borough Council
“Parish Council”	means the following Parish Councils: Britwell Parish Council, Colnbrook with Poyle Parish Council, <i>Wexham Court Parish Council</i>
“Code of Conduct”	section 1 part 1 of the Code of Conduct also referred to as the “Rules”.
“Code of Conduct Protocol”	means the document entitled
“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.
“Independent Person”	means

“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

Parish Council Details

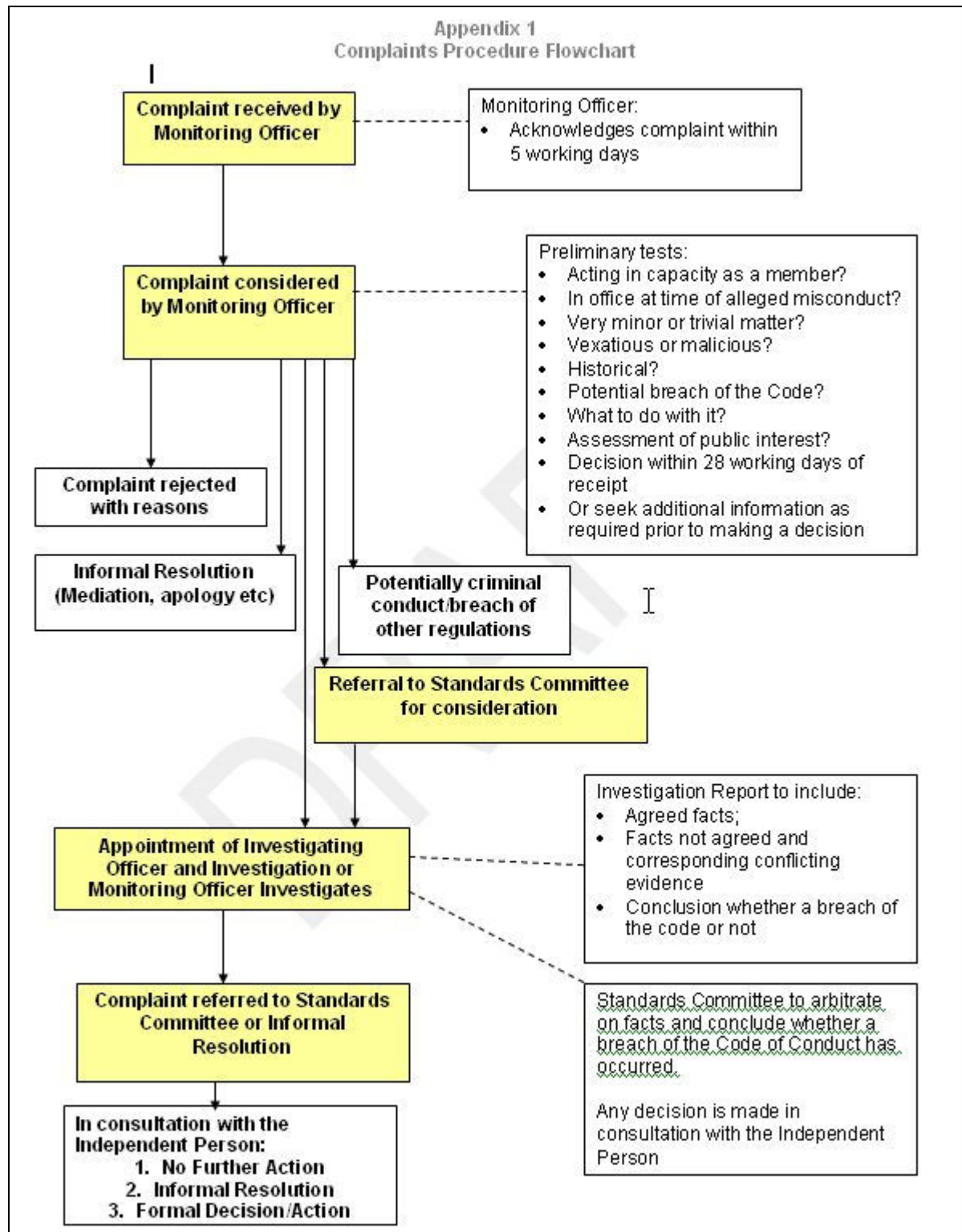
Name of Parish Council	Address	Email and telephone
Britwell Parish Council	Parish Community Centre, Long Furlong Drive, Britwell, Slough, Berks. SL2 2PH	Tel: 01753 532 933 Fax: 01753 823499 Email: info@britwell-pc.org.uk
Colnbrook with Poyle Parish Council	1 Swallow Gardens, Hatfield, Herts, AL10 8QR	Parish Clerk: (01753) 680048 Clerk: info@colnbrookwithpoyleparishcouncil.org.uk
Wexham Court Parish Council	Mrs Dianne L Egan Clerk to the Council Wexham Court Parish Hall, Norway Drive Wexham, Slough Berkshire, SL2 5QP	Email: Dianne_Egan@hotmail.com



Appendix 3 – Declarations of Interest Form (To Follow)

Appendix 4

Complaints Procedure Flowchart



Appendix 5

STANDARDS COMPLAINTS ASSESSMENT CRITERIA

A. 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
5. There is insufficient information available for a referral; or
6. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances eg allegation of bullying, harassment etc.
7. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
8. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Committee; or
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
10. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

B. Complaints which may be referred to the Standards Committee

1. It is serious enough, if proven, to justify the range of actions available to the Standards 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.

1. 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
2. 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
3. Such other complaints as the Monitoring Officer considers it would not be appropriate for him to investigate

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.

WHAT ALL MEMBERS SHOULD KNOW

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

No Breach

Info. recorded and reported to Standards Committee for info.

Informal Route

(a) Speak to Cllr concerned directly.

(b) Monitoring Officer to speak to Group Leader (incl. info re. previous informal discussions).
Group Leaders to feedback to Monitoring Officer – Documented outcomes/actions taken and agreements achieved.

Formal Route

Refer for Investigation

No breach / No further actions

Breach found

Arrange a Standards Local Det Mtg

Refer to Police or other statutory agency
If identify criminal conduct or breach of other statutory regulation

Seek local resolution in consultation with the Indep. person

Training

Mediation