

## **DRAFT REVISIONS TO MEMBERS' CODE OF CONDUCT RELATING TO DECLARATION OF INTERESTS**

### **4.1 Registration of interests**

You must register in the Council's Register of Members' Interests your Disclosable Pecuniary Interests and your Personal Interests as set out in Appendix 2. You must do so by writing to the Monitoring Officer within 28 days of:

- your appointment as a Member of the Council; and
- any change taking place in your interests.

Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence as well as a breach of this code.

### **4.2 Personal Security**

Where you think that disclosure of the details of any of your interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have an interest, but withhold the details.

### **4.4 Declaration at Meetings**

All Members are required to disclose their Disclosable Pecuniary or Personal Interests at any meeting where a matter under discussion affects one or more of those interests.

Members should also declare as a Personal Interest where the subject matter under discussion:

- might reasonably be regarded as affecting the wellbeing or financial standing of them or a member of their family or a person with whom they have a close association to a greater extent than it would affect the majority of Council Tax payers, rate payers or inhabitants of their ward or Slough, or
- relates to or is likely to affect any of the interests listed in the Table in Appendix 2 of this Code, but in respect of a member of the Member's family or a person with whom they have a close association

### **4.6 Action following declaration**

If you have declared a **Disclosable Pecuniary Interest**, you must withdraw from the room without participating in any discussion of or vote on the matter unless a written dispensation has been granted.

If you have declared a **Personal Interest** 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 then you must withdraw from the room without participating in any discussion of or vote on the matter.

If this test is not met, you may remain, speak and vote on the matter

See Appendix 3 for the Declaration of Interests Flow Chart and Appendix 4 for the Declaration of Receipt of Gifts or Hospitality.

#### **4.7 Dispensations from the restriction from participating and voting in meetings**

A Members may apply for a dispensation from the requirement not to participate in or vote in respect of a matter at a meeting by written request to the Monitoring Officer. The Monitoring Officer (or in his/her absence the Deputy Monitoring Officer) may grant a dispensation where s/he considers, after having regard to all relevant circumstances that:

- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation would be in the interests of persons living in Slough;
- (d) without the dispensation each Member of the Cabinet would be prohibited from participating in any particular business to be transacted by the Cabinet; or
- (e) it is otherwise appropriate to grant a dispensation.

A dispensation will be granted in writing setting out the ground or grounds on which it is agreed and it will be published on the Council's website within 7 days of the decision. The dispensation must be for a fixed time not exceeding a period beyond the next Council elections and will normally cover only a specific matter or meeting.

#### **General Dispensations**

A general dispensation is granted to all Members to be present, speak and vote where they would otherwise have a Disclosable Pecuniary Interest 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 (this is included for the avoidance of doubt even though they are not a DPI)
- (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 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.

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.

Dispensations do not affect a Member's obligation under Section 106 of the Local Government Finance Act 1992 to declare and not vote on the Council's budget if they are two months or more in arrears with their Council Tax.

#### **4.5 Participation in Overview and Scrutiny Committees and its Panels**

A Member should not sit as part of an O&S Committee or Panel for a discussion relating 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 of which that Councillor was a member and was present when that decision was made or action was taken.

#### **4.8 Gifts and Hospitality**

You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the borough Council.

The Monitoring Officer will place the notification on the public register of gifts and hospitality.

## DISCLOSABLE PECUNIARY INTERESTS

You must register not only your own interests, but also those of your spouse, civil partner or person with whom you live as if you are spouses or civil partners, in so far as you are aware of your partner's interests.

Disclosable Pecuniary Interest	Guidance
<p>Any <b>employment</b>, 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, this mirrors what you 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><b>Sponsorship</b> Any payment or provision of any other financial benefit (other than from Slough BC) 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.</p>

<p><b>Contracts</b> Any contract which is made between the Member or their spouse/partner (or a body in which they have a beneficial interest) and Slough BC –</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>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><b>Land</b> Any beneficial interest in land which is within the Slough BC area.</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 you own or rent it.</p> <p>You should also include any property from which you receive rent, of which you are the mortgagee, or which is owned by an organisation of which you or your spouse/partner is a trustee.</p> <p>“Land” includes any buildings or parts of buildings.</p>
<p><b>Licences</b> Any licence (alone or jointly with others) to occupy land in Slough for a month or longer.</p>	<p>You should include land in Slough 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><b>Corporate Tenancies</b> Any tenancy where (to your knowledge) –</p> <p>(a) The landlord is Slough BC; and</p> <p>(b) The tenant is a body in which you or your spouse/partner has a beneficial interest.</p>	

<p><b>Securities</b> Any beneficial interest in securities of a body where –</p> <p>(a) That body (to your knowledge) has a place of business or land in Slough; and</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 should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that 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>You have a substantial interest if you or your partner 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 Slough if it has land or a place of business in Slough.</p>
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### Personal Interests 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>