

**ROBERTO TAMBINI  
CHIEF EXECUTIVE**

*Please reply to:*

Contact: Gillian Hobbs  
Service: Corporate Governance  
Direct line: 01784 444243  
E-mail: [g.hobbs@spelthorne.gov.uk](mailto:g.hobbs@spelthorne.gov.uk)  
Our ref: GH/MCCC  
Date: 11 June 2014

**Notice of meeting:**

**Members' Code of Conduct Committee**

**Date: Thursday 19 June 2014**

**Time: 7.30pm**

**Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames**

**To: Members of the Members' Code of Conduct Committee**

**Councillors:**

F. Ayers  
C.A. Bannister  
P.A. Broom  
R.D. Dunn  
A.E. Friday  
D. Gohil  
I.T.E. Harvey  
A.J. Mitchell

**Independent Members**

Mr. M. Litvak (Chairman)  
Miss S. Faulkner (Vice-Chairman)



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### **1. Apologies**

To receive apologies for non attendance.

### **2. Minutes**

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### **3. Disclosure of Interests**

To receive any disclosures of interest from members in accordance with the Council's Code of Conduct

### **4. Independent Person Protocol**

To consider a report from the Monitoring Officer on the draft Independent Person Protocol. (Copy attached) 4 - 8

### **5. Staff Code of Conduct - update**

To receive an update report from the Head of Human Resources on the Staff Code of Conduct. (Copy attached) 9 - 22

### **6. Member Training and Registers of Interest- update**

To receive an update from the Monitoring Officer on Members' training on the revised Code of Conduct and Registration of Non-Pecuniary Interests. (Copy attached) 23 - 25

### **7. Work Programme**

To consider and approve the Committee's Work Programme for 2014 - 2015. (Copy attached) 26 - 27

### **8. Any Other Business**

To consider any other business



**Minutes of the Members' Code of Conduct Committee  
4 February 2014**

**Present:**

Murray Litvak (Chairman)

**Councillors:**

F. Ayers

A.E. Friday

C.A. Bannister

I.T.E. Harvey

P.A. Broom

A.J. Mitchell

**Apologies:** Councillor R.D. Dunn and Sue Faulkner, Vice-Chairman.

**22/14 Minutes**

The minutes of the meeting held on 2 July 2013 were agreed as a correct record.

**23/14 Disclosures of Interest**

There were none.

**24/14 Reports on complaints against Councillors**

The minutes of the Assessment Panel hearing held on 24 September 2013 were received and noted.

The Committee noted that the Assessment Panel hearing scheduled for 3 December 2013 in relation to a complaint against Councillor K was resolved informally before the Assessment Panel met.

**25/14 Review of Members' Training**

The Monitoring Officer reminded members that three training sessions had been provided for councillors on the revised Code of Conduct, since its adoption by Council on 25 July 2013.

The Committee noted that 15 members were yet to receive the training and discussed the value of holding a further session. The Chairman gave an expectation that all members of the Committee should attend the training even though they had previously been briefed about the revisions to the Code.

The Monitoring Officer explained his intention to circulate the new disclosure of interest form, which included non-pecuniary interests once all members had been trained. The Committee discussed whether to circulate the form without further delay and agreed that this was preferable.

## Members' Code of Conduct Committee, 4 February 2014 - continued

**RESOLVED that:**

- (1) a final date be offered for the remaining councillors to undertake training on the revised Code of Conduct and
- (2) the revised Notification form for Disclosable Pecuniary and Non-Pecuniary interests now be circulated to all councillors for completion.

**26/14 Arrangements**

The Monitoring Officer reminded the Committee that the arrangements for dealing with allegations of misconduct under section 28 of the Localism Act 2011 were intended to reassure the public that the Council has measures in place to ensure a high standard of conduct by councillors in public life. It was inevitable that disputes would arise between councillors. However, the changes brought in by the Localism Act were designed to remove such complaints from a formal complaint procedure.

The Committee discussed a suggested additional paragraph to be included within the arrangements which would give responsibility to Group Leaders for resolving matters between councillors. The Committee was concerned that provision should be made to enable such complaints to be referred back to the Monitoring Officer if the Group Leaders failed to bring about a resolution within a set timescale.

**RESOLVED** that an additional paragraph be included in the Arrangements for dealing with complaints as follows:

“Where a complaint concerns an issue between two Spelthorne Borough Councillors, the Monitoring Officer will initially refer the matter to the appropriate Group Leader(s) to resolve amongst themselves, if at all possible. Every effort should be made to resolve the matter within 28 days and if this is not possible the matter may be referred back to the Monitoring Officer.”

**27/14 Planning applications**

The Monitoring Officer reminded members that under the Planning Code, any planning applications made by a member or officer of the Council were determined by the Planning Committee and not by the Head of Planning and Housing Strategy under his/her delegated powers.

He explained a new procedure introduced under recently amended planning regulations called ‘prior notification’ whereby the Local Planning Authority consulted neighbours on proposals by householders to build rear extensions under permitted development. If no objections are received, or if the Council fails to issue a decision within 6 weeks, then there will be a deemed approval for the proposals.

The Committee discussed whether a prior notification submitted by a member or officer should be referred to Planning Committee for determination or dealt with under delegated powers. In view of the fact that a prior notification would only be made in respect of what was in any case, ‘permitted development’,

Members' Code of Conduct Committee, 4 February 2014 - continued

the Committee felt that the matter should be dealt with under delegated powers.

**RESOLVED** that any prior notification submitted by a member or officer be dealt with under delegated powers.

**28/14 Work Programme**

The Committee received the work programme for the remainder of the Municipal year 2013-2014.

**RESOLVED** to note the work programme as submitted.

**29/14 Urgent Business**

No other business was reported.





## **Independent Person Protocol**

### **Members Code of Conduct Committee – 19 June 2014**

#### **Report of the Monitoring Officer**

##### **For decision**

1. Council approved the appointment of three Independent Persons for Spelthorne Borough Council under a panel arrangement with Guildford Borough Council, Mole Valley District Council and Waverley Borough Council in July 2012. These were Roger Pett, Tony Allenby and Vivienne Cameron.
2. The role of Independent Person is a consultative position required under the Localism Act 2011. They are involved in complaints against members under the Code of Conduct. At various points in the new arrangements the Independent Person is required to be consulted. They do not have any decision making powers.
3. This Committee has already agreed the arrangements for dealing with an allegation that a Member of the Council has failed to comply with the Council's Code of Conduct for Members.
4. There is also a need for some protocol for the involvement of an Independent Person in relation to the assessment of such allegations as to:
  - a. their expected conduct;
  - b. their roles and responsibilities;
  - c. the Council's role and
  - d. the allocation of an Independent Person by the four councils on a case.
5. A draft Protocol was prepared and circulated to officers from the four authorities in the panel arrangement and to the Independent Persons. I have taken on board the comments made from all quarters and the final draft is attached at Appendix 1.
6. Unfortunately the hearings arrangements for the four councils are not identical so it has been necessary to make provision for this within the Protocol in order to produce a single generic document to make it easier for the Independent Persons to get to grips with.
7. The Members' Code of Conduct Committee is asked to consider and approve the Independent Person Protocol as attached.

Contact: Michael Graham, Monitoring Officer, 01784 446227

Report Author: Gillian Hobbs, Committee Manager, 01784 444243

## Appendix 1

**INDEPENDENT PERSON PROTOCOL**

Spelthorne Borough Council in conjunction with 3 other County authorities, namely Guildford Borough Council, Mole Valley District Council and Waverley Borough Council has appointed a pool of Independent Persons to be drawn from when required.

Any reference in this document to 'the Council', applies to each of the four Local Authorities. Any reference in this document to 'the Committee' applies to any Committee of the Council which may have responsibility for promoting the maintenance of high standards of conduct by councillors and any co-opted members of the Council. The four Councils follow a similar approach, but the committee structures vary between them according to each Council's Constitution and Arrangements.

This Protocol sets out the expected roles and responsibilities of an Independent Person (IP) when they are carrying out their function in relation to the assessment of an allegation that a Member of the Council has failed to comply with the Council's Code of Conduct for Members.

**Principles****Appointment**

1. Each Independent Person (IP) will initially be appointed until May 2015. In respect of Waverley Borough Council, only two of the three IPs have been appointed for 2012 – 2015.
2. Thereafter appointments will be made on the basis of a four year term, which reflects the ordinary term of office of a councillor, with serving IPs being eligible for re-appointment.

**Role and Obligations**

3. The role of the IP is a consultative position required under section 28 of the Localism Act 2011.
4. The purpose of the IP role is to assist the Council in promoting high standards of conduct by elected and co-opted members of the Council and in particular to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
5. The IP is expected to develop a sound understanding of the ethical framework as it operates within the Council.
6. The IP may be invited to attend or participate in training events organised or promoted by the Committee.
7. The views of an IP must be sought by the Council before it takes a decision on whether an allegation may be investigated, and may be

## Appendix 1

sought by the Council at any other stage (e.g. before a final hearing is arranged or where a local resolution may be appropriate), or by a Member against whom an allegation has been made.

8. The Council is expected to support the IP in his/her role by:
- providing information on its processes and procedures
  - adhering to this Protocol
  - providing training which meets the needs of the IP
  - supporting the IP by dealing with from press enquiries
  - providing advice if an IP is unsure of their role or conduct
  - paying reasonable travelling and subsistence expenses claimed by the IP for undertaking this role. The IP will receive no other remuneration.

### **Allocation of Independent Person**

9. This Protocol covers all the IPs appointed by the authorities and any reference in this Protocol to an IP covers reference to all IPs.
10. The four authorities will endeavour to choose IPs from the pool on an even and fair basis, as far as possible. In order to assist this, each authority will inform the other authorities at the time an IP first becomes involved in a complaint.
11. The authorities will keep a log on Sharepoint and update it promptly when a new case arises.
12. Before approaching an IP, the Council will consider the number of complaint cases each IP has been allocated by all the Local Authorities using the pool.
13. An IP is not obliged to accept a request to be involved in a complaint, should they either have other commitments or have recently been involved in a complaint at one of the other authorities.

### **Independent Person's Conduct**

14. In carrying out the role, the IP will ensure that they -
- a. act in accordance with -
    - i. any relevant legislation or guidance and the Council's Code of Conduct in force at the time; and
    - ii. the agreed processes/ procedures approved by the Committee and the Council's Constitution; and
  - b. act impartially at all times, without political bias or prejudice and in accordance with the rules of natural justice; and
  - c. maintain confidentiality at all times.

## Appendix 1

**The Committee**

15. The Monitoring Officer's (MO) role is to give advice to the Committee.
16. The IP is not a member of the Committee but is welcome to attend meetings and can be asked to give their views to the Committee.
17. The IP does not have any voting rights when attending a meeting of the Committee and shall speak at the invitation of the Chairman.

**Involvement in hearings**

18. The MO will consult the Independent Person for advice on action to take in accordance with the Council's hearing arrangements, which may include any of the following stages:
  - Upon receipt of a complaint, (either before referring the matter to any Assessment Panel with a recommendation as to whether it merits formal investigation or in consultation with the Chairman of the Committee to decide whether or not to investigate, depending on the individual authority's arrangements).
  - When the Monitoring Officer feels it is appropriate to resolve the complaint informally, without the need for a formal investigation.
  - Following a formal independent investigation, on the outcomes or recommendations of the Investigating Officer.
  - Where an Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, on whether any form of local resolution is possible.
19. When the MO is deciding how to progress with a complaint, he/she should consult with the IP and should consider the following:
  - a. Was the Member/ co-optee acting in their official capacity at the time of the alleged misconduct?
  - b. Was the Member/ co-optee in office at the time of the alleged misconduct?
  - c. Can the complaint be considered as being of a very minor or trivial nature; or vexatious, frivolous or politically motivated?
  - d. Has the complaint been made within the appropriate time scales?
  - e. Is there a potential breach of the Council's Code of Conduct?
  - f. Is there public interest in the matter?
  - g. Is there sufficient information to enable him/her to make a decision?  
If not, what information is required?

**Feedback and Learning**

20. Upon the resolution of the complaint, whether there is a formal investigation or not, the MO will advise the IP of the outcome of the complaint.

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21. The MO and IP may have a discussion on the lessons learnt, from both the hearings arrangements process and following this Protocol, and whether any improvements are required.

**Conflicts of Interest and Confidentiality**

22. The IP should inform the MO if they feel there are circumstances which would suggest that they had a conflict of interest e.g. being a friend of either the complainant or Member concerned; or have previously been involved in the matter.
23. If the IP approached has a conflict of interest, another IP will be consulted.
24. All contact with the IP should be made through the MO and if the IP is contacted directly by a complainant, they are expected to inform the MO immediately. Where the subject Member wishes to speak to the IP then the MO will try to facilitate this in a planned way between the IP and the Member.
25. In terms of confidentiality, the IP should not discuss any matters about a complaint, either past or present, with the media or any other third party without appropriate advice having been taken from the MO.

**Contact**

26. The IP is requested to provide the MO with appropriate methods of contact e.g. email and telephone numbers, and is expected to make themselves available at all reasonable times.
27. The IP is asked to inform the MO with as much reasonable notice as possible if they will not be contactable for any extended period once they have first become involved in an investigation, so that one of the other IPs can be advised that they would be required to stand-in as necessary during this period.



## Members' Code of Conduct Committee 19 June 2014

### Staff Code of Conduct – update

#### Report of Head of Human Resources

#### For Information

#### Issue of Code of Conduct and returns

The new Staff Code of Conduct was issued to all staff in October 2013, with a letter from the Chief Executive, copy of the Code of Conduct for staff to retain for reference and a Declaration of Interests form for 2013 to be completed and returned.

The target date for return of the Declaration of Interests form was 8 November 2013 with staff asked to complete and return the form even if they do not have anything to declare. The Code of Conduct and Declaration of Interests form are also sent to any new starters.

The Human Resources team sent out the Code of Conduct letters, collate responses for a central record and forward to the relevant Chief Officers for their information/any follow up action (i.e. forwarded to the Chief Executive or appropriate Assistant Chief Executive) . When time has allowed HR have chased staff periodically where Declarations have not been submitted, but there is insufficient resource to systematically follow up non-completions.

The responses received to date are given below with a higher rate of return from permanent staff than those employed on a casual/occasional basis:

	Sent out	Number returned	Number outstanding
Permanent staff	347	299 (86%)	48 (14%)
Casual/occasional staff	120	61 (51%)	59 (49%)
Totals	467	360	107

#### Issues arising

The majority of staff have returned completed Declarations and have been open and honest in providing what could be difficult information. A small number initially responded by saying “it's none of your business” or “why are we doing this, mine hasn't changed from last time”. It did also raise questions about what needs to be included, for example, if bankrupt.

It is not possible to give definitive answers on all that should be disclosed as it depends on personal circumstances, the job role and the level of responsibility. Some staff have been comfortable with an 'if in doubt declare it' approach, whereas others have not wanted to disclose more personal information than the minimum required. Some have found it excessively bureaucratic and intrusive, particularly at a time when we are also having to undertake a number of more stringent employment

checks for other purposes (for example increased reference checking / employment history checking /criminal records checks to the level required by the government's Baseline Personnel Security Standard to meet the Code of Connection requirements).

One member of staff declined to complete the form having a number of concerns which he emailed and are listed in the appendix (most queries were verbal).

There are practical difficulties with managing such an exercise requiring responses from all staff. It is a significant undertaking with a lot of chasing and resources required to undertake the administration. Human Resources do not have the spare resources to complete such an exercise annually (or, indeed, properly finish off the original exercise due to other workload pressures). Individual Chief Officers do not have administrative resource for such an undertaking either. Where updates are received by HR they are forwarded to Chief Officers.

We have not fully resolved what employment action should be taken if individuals persist in not returning Declarations.

### **Annual update**

When the new Code of Conduct was launched the intention was for an annual update to be completed at appraisal time and forwarded to the appropriate Chief Officer. As some initial returns are outstanding, the Code of Conduct has not been formally reissued to staff for 2014 and we rely on the Appraisal checklist which asks staff whether a new form or updated Declaration of Interest is required. Where updates are received by HR they are forwarded to Chief Officers.

In future years we could add a 201X Code of Conduct Declaration form for completion at Appraisals, available with other appraisal documentation for staff to complete. However there is no central administration or retention of appraisal records and this would not guarantee a 100% completion rate.

The Members' Code of Conduct Committee may want to review the practicality of a mandatory annual declaration.

Jan Hunt  
Head of Human Resources

4 June 2014

### **Appendices:**

Appendix 1 - Concerns raised by a member of staff

Appendix 2 – Declarations of Interest Form

Appendix 3 – Staff Code of Conduct

Appendix 4 - Conflicts of Interest Policy



**Appendix 1****Concerns raised by a member of staff, suggesting some amendment / review**

We spoke at the end of the week before last about the recent letter to all staff on the Staff Code of Conduct. I expressed my concern that the guidance on what should be declared was ambiguous.

For the record I set out my concerns.

Para 1.2 (f) of the document 'Conflicts of Interest' refers to declaring interests that relate to '*public duties*' – which is repeated at para 5.1 (f) of the document 'Staff Code of Conduct'. However para 3.1 of the same document refers to '*any*' interests being required to be reported. This includes '*any*' financial interest and '*any*' commitment or memberships of outside organisations.

The Declaration of Interest form also uses the word '*any*' when referring to interests.

In my view it is unreasonable to require interest's wholly unrelated to work to be declared and goes beyond the Nolan principles which it appears the Council is seeking to follow.

In my view the Guidance notes and declaration form are not fit for purpose and should be withdrawn, amended to remove any ambiguity and ensure consistency in line with the Nolan principles, and then reissued.

In view of the above I will not be signing the current form.

Could you confirm what actions will be taken to remedy the problems I have identified?

Appendix 2

**Staff Code of Conduct**

**Declaration of Interests 2013**

Name: .....

Position: .....

Dept: .....

<b>Interest</b>	<b>Details – state “None” if you have nothing to declare</b>
Any interest in <b>property</b> in Spelthorne other than your main residence	
Any <b>outside employment or business interests</b> outside the Council	
Any other <b>financial interests</b> outside the Council	
Any commitments or <b>memberships of outside organisations</b> or other public appointments	
Any relevant <b>relationships</b> with councillors, other members of staff, contractors, potential contractors or people in partner organisations	
<b>Any other connection</b> to the Council's work which may be relevant	

**Signed:** ..... **Date:** .....

## Staff Code of Conduct

### 1. Introduction

- 1.1 The Code of Conduct is a guide to help give staff advice on some of the problem areas and pitfalls of working in public service. The Code of Conduct is issued to all new staff. The Code of Conduct covers all staff although some aspects may apply only to staff at a senior level.

### 2. Purpose of code

- 2.1 The Code has been designed to protect and safeguard the position of individual members of staff as much as those of the Council, and to avoid situations where members of staff might be accused of having some potentially conflicting interest in anything they might be involved in through their work with the Council. Its aim is to encourage staff to inform their managers confidentially on certain personal matters that could affect their duties at the Council. Failure to follow the Code could lead to embarrassing and/or difficult situations and ultimately to an investigation under the Council's disciplinary procedure.

### 3. Responsibility of staff

- 3.1 Staff are required to report to Chief Officers and record on the appropriate form, full details of:
- (a) Any financial interests outside the Council;
  - (b) Any interest in property in Spelthorne other than your main residence;
  - (c) Any relevant relationship with councillors, other members of staff, contractors, potential contractors or people in partner organisations;
  - (d) Any outside employment or business interests;
  - (e) Any outside commitments or memberships of outside organisations or other public appointments; and,
  - (f) Any other connection to the Council's work which may be relevant (e.g. an interest in a property which may be subject to a planning application, or a family member who may be seeking financial support).
- 3.2 A simple pro forma for recording details of any of these matters is available on Spel-net and should be completed by all members of staff affected and forwarded to the appropriate Chief Officer, in confidence, as soon as possible. In any event, staff are required to report:
- (a) On entering the organisation during the induction process;
  - (b) Annually at appraisal time; or,
  - (c) Whenever a significant new matter arises under this Code.
- 3.3 Previous declarations need to be resubmitted on a new form so that the current form is comprehensive. It is important that information is updated as and when circumstances change. If there are any problems (e.g. about the extent of details required) staff should consult their Chief Officer.

- 3.4 Any information given about interests etc. will be maintained in confidence in the Council's Register. It will be available for inspection by the following people:
- (a) Your Head of Service
  - (b) Head of Human Resources
  - (c) Head of Audit Services
  - (d) Head of Corporate Governance
  - (e) Management Team
- 3.5 Advice or clarification on any matters covered by the Code of Conduct is available from Human Resources, the Head of Corporate Governance or your Chief Officer.
- 4. Other rules applicable to employees**
- 4.1 The main rules relating to the work of the Council are included within the Council's Constitution. Some of the other documents from the Constitution with which you should be familiar are:
- (a) Contract Standing Orders
  - (b) Financial Regulations
  - (c) Policy on Gifts and Hospitality
  - (d) Policy on Anti-Fraud and Corruption
  - (e) Confidential Reporting Code (Whistleblowing policy)
- 4.2 In addition, the Council has numerous other policies for guiding the work of staff and these are available on Spel-net. You should be familiar with these policies because they affect your work, they are relevant to this Code and if you do not abide by them, then they could be disciplinary matters under the Disciplinary Policy, such policies are:
- (a) The Disciplinary Policy
  - (b) Acceptable use policy (for the internet)
  - (c) ICT security policy
  - (d) Data protection policy
  - (e) Any specific departmental policy about access to restricted data or computer systems
- 5. Code of conduct - standards**
- 5.1 The Council has adopted the Nolan Committee's Seven Principles of Public Life as part of its Member Code of Conduct and this Staff Code of Conduct, hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Accordingly, when employed by the Council -
- (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

- (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- (g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

## **6. Disclosure of information and confidentiality**

- 6.1 The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. Other information is subject to confidentiality. You must be aware of the types of information, which in Spelthorne Borough Council are open and those which are not, and act accordingly.
- 6.2 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way. Any particular information received by you from a councillor or a fellow employee which is personal to that person and does not belong to the Council, should not be divulged by you without the prior approval of that person.
- 6.3 If you have any doubts about your ability to share or restrict access to information then you should contact the Council's Data Protection Officer, Victoria Statham on ext 6241.

## **7. Political neutrality**

- 7.1 You serve the Council as a whole. It follows you must serve all councillors and not just members of any controlling group of councillors, and must ensure that the individual rights of all councillors are respected.
- 7.2 Whether or not your post is politically restricted, you must follow every lawful expressed policy of the Council and must not allow your personal or political opinions to interfere with your work. Information on politically restricted posts can be obtained from the Head of Human Resources or the Head of Corporate Governance. Guidance is also available on Spel-net.

## **8. Relationships**

- 8.1 You must never become involved in dealing with or determining any application or request you or a member of your family or personal friend make to the Council, for example an application for planning permission or for council tax or housing benefit.

### **Councillors**

- 8.2 You are responsible to the Council through its senior managers. For some, your job is to give advice to councillors and the Council. Mutual respect between staff and councillors is essential to good local government. Close personal familiarity with individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Any close personal friendships with councillors should be declared to your Chief Officer.

### **The Local Community and Service Users**

- 8.3 You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.

### **Contractors**

- 8.4 All personal relationships with contractors or potential contractors (i.e. contractors who could bid for Council work) should be declared to your Chief Officer.
- 8.5 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against.
- 8.6 If you engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship (i.e. working or friendship) in a private or domestic capacity with a contractor or potential contractor, you should declare that relationship to your Chief Officer.

## **9. Appointment and other employment matters**

- 9.1 If you are involved in appointments you should ensure that these are made on the basis of merit. It would be unlawful to make an appointment which was based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a personal relationship (including friendship) outside work with him or her. You should declare any such relationship to your Chief Officer in advance.
- 9.2 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.

## **10. Outside commitments**

- 10.1 You are required to obtain written consent from your Chief Officer to take any other paid employment or occupation in addition to the post held with the Council. This includes directorships, consultancies and sponsorships by any

company, organisation or individual. It also includes any other business interests you pursue on your own account. You should be clear about your contractual obligations to the Council and should not take outside employment which conflicts or might conflict in the future with the Council's interests.

- 10.2 You may not carry out work arising from additional employment in office time nor use Council resources or facilities for those purposes.
- 10.3 Payment for personal use of Council facilities, e.g. making telephone calls, using fax or photocopiers, should be dealt with through the Council's Honesty Box scheme.
- 10.4 You should follow the Council's policies on the ownership of intellectual property or copyright created during your employment i.e:-
  - (a) all creative designs, writings and drawings produced by you in the course of your duties, belong to the Council;
  - (b) all inventions made by you are the property of the Council if made during the course of your duties.

## **11. Other personal interests**

- 11.1 You must declare to your Chief Officer any financial interests which could conflict with the Council's interests e.g. any pecuniary interest in a business or company within Spelthorne or with which the Council might do business.
- 11.2 You must declare to your Chief Officer, any interest you have as freeholder, lessee, licensee or tenant in any land or property in Spelthorne except your main residence as recorded in your personnel records.
- 11.3 You must declare to your Chief Officer all non-financial interests which you consider could bring about conflict with the Council's interests or activities. Examples might be membership of the committee of an organisation seeking or receiving grant aid from the Council, membership of a National Health Service Trust Board operating in Spelthorne or involvement with an organisation or pressure group which may seek to influence the Council's policies. Ordinary membership of organisations whether local or national (e.g. National Trust, RSPB etc) will not usually be relevant.

## **12. Equality issues**

- 12.1 You have an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.
- 12.2 You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.

## **13. Separation of roles during tendering**

- 13.1 You must be clear on the separation of client and contractor roles within the Council. If you are a senior employee with both a client and contractor

responsibility, you must be aware of the need for accountability and openness. Regulations for compulsory competitive tendering have particular requirements for ensuring that contractor units are not involved in tender evaluation. If in doubt, please consult Legal Services.

- 13.2 If you are in a contractor or client unit you must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.
- 13.3 If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any unauthorised party or organisation.
- 13.4 If you are contemplating a management buyout, you should inform your Chief Officer as soon as you have formed a definite intent and withdraw from the contract awarding process.
- 13.5 You should ensure that no special favour is shown to work colleagues or former employees of the Council or their partners, close relatives or associates, in awarding contracts.

#### **14. Use of financial resources**

- 14.1 You must ensure that you use public funds entrusted to you in a responsible manner, ensuring value for money to the local community and avoiding legal challenge to the Authority. If you are in doubt about your obligations, you must seek advice.



## Conflicts of Interest Policy

### 1. Who is this guide for?

- 1.1 This guide is for councillors and staff who will wish to ascertain whether they have an interest which should be declared under the Member Code of Conduct or the Staff Code of Conduct.
- 1.2 This guidance is supplemental to both documents. Both councillors and staff are obliged to follow the Nolan Committee's Seven Principles of Public Life:
  - (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
  - (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
  - (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
  - (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
  - (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
  - (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
  - (g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- 1.3 Under the Member Code of Conduct councillors are obliged to declare pecuniary interests and membership of outside bodies. However these formal definitions do not cover every possible conflict which could be encountered by councillors and this document provides additional guidance so that Members can meet their obligations under the Nolan Committee's Seven Principles.
- 1.4 Similarly, whilst the Staff Code of Conduct specifies numerous matters which must be reported to their Chief Officer, not every eventuality can be covered and there is a catch all category of "any other connection to the Council's work which may be relevant".
- 1.5 This document provides extra explanation of what conflicts ought to be recorded by you in your work for the Council. The intention of this guide is not to look in depth at any particular situations, but to provide an overview of conflicts of interest, and how to deal with them, and to signpost sources of further information.

**2. What is a conflict of interest and what issues does it raise?**

- 2.1 A conflict of interest is any situation in which your personal interests, or interests that you owe to another body or person, may (or may appear to) influence or affect your decision making.
- 2.2 It is inevitable that conflicts of interest occur. The issue is not your integrity, but the management of any situation where there is potential for criticism that your position or your decision has been influenced by conflicting loyalties. Even the appearance of a conflict of interest can damage your reputation and the Council's reputation, so conflicts need to be managed carefully.
- 2.3 It is the potential, rather than the actual benefit from which the conflict of interest arises and which requires attention. In order to ensure selflessness and transparency, a declaration is required where there is a possibility of people outside the Council assuming that you (or a friend or relative) may have some benefit from the Council's business or decision making. This will avoid accusations of impropriety, which could in turn have a damaging effect on the Council's reputation.
- 2.4 Some advantages of working for the Council are enjoyed by more than one person. Where this arises then it is not usually the case that a declaration has to be made. An example of this would be the allowances and expenses which councillors are entitled to claim. These decisions are always made in the open at public meetings and although it is correct that councillors will receive a personal benefit there is no real risk to accountability or transparent decision making if an interest is not declared in that situation. This is because the subject matter of the decision makes it clear that councillors will benefit. Similarly pay rises for staff will be recommended by staff and decisions made by councillors – it is clear what is going on and no declarations are required.
- 2.5 You should be more careful where decisions arise and it is not clear what is going on. For example, a planning application is made by someone you know. If you are a planning officer then you should declare to your manager that this is the case. Then the manager can make an informed decision if you should continue to work on the case. If you are a councillor on the planning committee and the application is referred to the committee then the public will know that the relationship exists only if you declare it. In these cases, a timely declaration of an interest will assure members of the public that there is nothing untoward to be worried about and that you are acting beyond reproach.
- 2.6 Similarly if you take advantage of benefits that are available to all, or that are of inconsequential or little measurable value, they will not normally need to be declared. E.g. you hire a village hall. This would not need to be declared, as the facilities are available to all members of the local community, which includes councillors and staff alike.
- 2.7 Issues may also arise where you have a conflict of interest or loyalties on a particular issue, but there is no potential for profit or advantage by any person. This may still be useful to declare so that it is clear that a decision has been made correctly. For instance you are a member of an outside body and the affairs of that body are raised at a meeting. It is helpful for all concerned to

know about the link to that other body even if nothing in the debate or the decision particularly turns on the declaration.

### **3. How do I identify a conflict of interest?**

3.1 Conflicts of interest may come in a number of different forms:

- direct financial gain or benefit
- the award of a contract to another organisation in which you (or a friend or relative) has an interest and from which you (or they) will receive a financial benefit
- indirect financial gain, such as employment by the Council of your spouse or partner
- non-financial gain, such as when the Council's decisions or policies affect another organisation of which you are a member.

3.2 The Council expects you to be able to identify possible conflicts of interest when they arise and to ensure, that you take advice and to make the appropriate declarations. If you are a member of staff then you can speak to your line manager, Human Resources or the Head of Corporate Governance. If you are a councillor you can speak to the Head of Corporate Governance, the Chief Executive or a member of his Management Team.

### **4. How can conflicts of interest be managed effectively?**

4.1 You need to be alert to possible conflicts of interest which you might have and how you can minimise their effects. A key aspect of minimising the effects of conflicts of interest is to be open and transparent about such situations when they arise. The Council therefore recommends that you declare any actual or potential conflicts of interest of which you are aware, as soon as they arise.

4.2 Where an interest is declared by staff members they can discuss actions to be taken as a consequence with their line manager. It is advisable that a note is made of these arrangements in case of any future queries.

4.3 Where an interest is declared by a councillor then that interest will be noted by the Committee Manager attending the meeting. At present Standing Orders of the Council only require the councillor to absent himself or herself when a "Disclosable Pecuniary Interest" arises. Where any other conflict of interest arises it is for the councillor to declare that interest. It will usually be the case that the councillor will stay in the room, speak and vote on such matters. However if the councillor feels that this would lead to criticism in the circumstances then they are entitled to say that they wish to absent themselves from the room whilst the debate and vote proceeds without them.

4.4 The Council has established a register of interests – one for staff and one for councillors. In recording interests openly, any actual or potential conflicts of interest can be identified more easily. The relevant register of interests should be regularly updated.

4.5 It is good practice at the beginning of a meeting to declare any interest which you have in an item to be discussed, and certainly before any discussion of the item itself. Sometimes this is not possible because an issue arises in the

meeting so that the interest can only be declared later. In such a case, the Council expects the interest to be raised as early as possible.

**5. What happens if there is a breach of the Policy?**

- 5.1 There are formal sanctions available to the Council for those who are in breach. It all depends on the circumstances of the case. Staff can be subject to the disciplinary procedure, and councillors can be referred to the Members' Code of Conduct Committee.
- 5.2 The Members Code of Conduct Committee is responsible under the Constitution for the operation of the Staff Code of Conduct and the Member Code of Conduct and will keep the operation of this policy under review.

## Members Code of Conduct Committee – 19 June 2014

### Members' Code of Conduct Training 2013/14 and Registration of Non-Pecuniary Interests

#### Report of the Monitoring Officer

#### For Information

1. At its meetings in 2013 the Members' Code of Conduct Committee made revisions to the Code to include provisions in relation to membership of outside bodies and disclosure of non-pecuniary interests. Other guidance was also developed to assist members to meet the aspirations of the Code, in the form of a Policy of Gifts, Hospitality and Sponsorship and a Conflicts of Interest Policy.
2. The revised Code of Conduct was adopted by the Council at its meeting on 25 July 2013.
3. Officers organised three training sessions on the new provisions contained within the Code and other guidance, to enable all members to carry out their role in accordance with the required standards.
4. The Monitoring Officer, Michael Graham facilitated these sessions on 23 September 2013, 14 October 2013, 19 November 2013 and 24 March 2014.
5. The Members' Code of Conduct Committee was advised at its meeting on 4 February 2014 of the attendance to date and agreed that one final training session should be offered to those members who had not so far received it.
6. At its meeting in February the Committee also agreed to circulate the new disclosure of interest form, which includes non-pecuniary interests, without further delay or awaiting completion of the training. An initial request was sent on 11 February to all councillors and the independent non-members. All forms have now been completed and returned.
7. A record of member's attendance at the four training sessions is attached at **Appendix 1**. You will note that there remain a handful of councillors who have not attended a training session.
8. The Chairman of the Members' Code of Conduct Committee has written to the relevant Group Leaders asking them how they propose to ensure that all their group members are fully apprised of the new requirements for disclosure of interests at meetings. He will update the Committee at the meeting on any responses he has received to this request.
9. In order to ensure that everyone knows what the framework is under the revised Code of Conduct and that they can declare interests when they need to do so to keep themselves "safe" and to avoid complaints from the public, the Members' Code of Conduct Committee is asked to:

- a. Note the record of attendance at training and any responses from Group Leaders on addressing the remaining training need;
- b. Consider how the Monitoring Officer should address the remaining training need.

Contact: Michael Graham, Monitoring Officer 01784 446227

Report Author: Gillian Hobbs, Committee Manager 01784 444243

## Appendix 1

### Record of Attendance at Members' Code of Conduct Training 2013/14

Councillor (Conservatives)	Attendance at Training on Code of Conduct
Ayub	23/09/13
Broom	N
Dale	24/3/14
Davis	N
Evans	19/11/13
Forbes-Forsyth	24/3/14
Francis	14/10/13
Frazer	23/09/13
Friday	19/11/13
Gething	N
Gohil	N
Harman	19/11/13
Harvey	23/09/13
Leighton	14/10/13
Madams	24/3/14
Mitchell	24/3/14
Patel	14/10/13
Pinkerton	19/11/13
Rough	19/11/13
Saliagopoulos	N
Sexton	23/09/13
Sider	23/09/13
Smith-Ainsley	23/09/13
Taylor	N
Watts	14/10/13
Webb	14/10/13

<b>Councillor (Spelthorne Independent Party)</b>	<b>Attendance at Training on Code of Conduct</b>
Ayers	23/09/13
Bannister	12/3/14
<b>Budd</b>	<b>N</b>
Bushnell	23/09/13
Forsbrey	23/09/13
Grant	23/09/13
Patterson	14/10/13

<b>Councillor (Liberal Democrats)</b>	<b>Attendance at Training on Code of Conduct</b>
Beardsmore	24/3/14
R. Dunn	23/09/13
S. Dunn	23/09/13
Spoor	24/3/14

<b>Councillor (Independents)</b>	<b>Attendance at Training on Code of Conduct</b>
<b>Spencer (Elected Independent)</b>	<b>N</b>
Strong (Independent)	14/10/13





## Members' Code of Conduct Committee – 19 June 2014

### Work Programme 2014 - 2015

#### Resolution Required

#### 1. Work Programme

1.1 This report covers the Work Programme for 2014 - 2015.

1.2 The Committee's terms of reference are set out in Part 3(b) of the Council's Constitution and are as follows:

'Promoting the maintenance of high standards of conduct by councillors and any co-opted members of the Council.

In addition to the broad functions of the Committee set out in Article 10 it is also delegated to undertake the following work on behalf of the Council:

- to keep an overview on the arrangements for dealing with complaints under the code of conduct, making alterations and publishing them where it considers necessary;
- to devise such further protocols and procedures as are necessary for the efficient management of complaints which have to be considered by a hearings panel;
- to consult with the Independent Person on any matters which have broad implications for the promotion of high standards by the Council;
- to make recommendations to Council on standing orders for the registration and declaration of Disclosable Pecuniary Interests and other interests; and,
- to make recommendations to Council on any revisions to the Members' Code of Conduct and the registration of interests.'

#### 2. Current Work Programme

2.1 Three further meetings have been scheduled in the Council's Diary for the 2014-15 municipal year and the dates for these are:

- 9 October 2014
- 5 February 2015
- 23 April 2015

2.2 Details of items currently identified for inclusion in the Work Programme are as follows:

Date of meeting	Lead	Purpose
9 October 2014		
Updates on complaint cases	Michael Graham	As appropriate

5 February 2015		
Re-appointment of Independent Persons (May 2015)	Michael Graham	Review

- 2.3 Members are asked to identify for consideration at the next or any future meeting any topics which they would like to be included in the Work Programme as agreed by the Committee.
3. **Resolution**  
The Members' Code of Conduct Committee is asked to consider and approve the Work Programme as submitted and/or amended at the meeting.

**Contact: Michael Graham, Head of Corporate Governance (01784) 446227**

**Report Author: Gillian Hobbs, Committee Manager (01784) 444243**