

READING BOROUGH COUNCIL
REPORT BY MONITORNG OFFICER

TO:	STANDARDS COMMITTEE		
DATE:	15 JULY 2008	AGENDA ITEM:	2
TITLE:	TERMS OF REFERENCE AND ANNUAL REPORT		
CHAIRMAN:	JOHN HICKS	PORTFOLIO:	
SERVICE:	CENTRAL ADMINISTRATION	WARDS:	BOROUGH-WIDE
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1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To set out the Committee's terms of reference and constitutional role for the Municipal Year 2008/09, to update the Committee on developments and complaints during the 2007/08 Municipal Year, and to look forward to the current Municipal Year.
- 1.2 Further to Minute 2 of the Committee's meeting on 7 February 2008, to draw attention to the arrangements for the local assessment of complaints, which became operable from 8 May 2008, and to agree a new local assessment procedure and Complaints Procedure for the Council.
- 1.3 Your attention is drawn to the following relevant parts of the Council's constitution and other documents as attached:
- A: Article 9 - The Standards Committee
 - B: Part 5 - Code of Conduct for Members
 - C: Part 5 - Local Assessment
 - D: Complaints about Councillors
 - E: List of Gifts / Hospitality Registered by Councillors 2006/07
- 1.5 Over the past Municipal Year there have been no findings of breaches of the Code of Conduct by Members of the Council.

2. RECOMMENDED ACTION

- 2.1 That the Committee's terms of reference and constitutional role be noted;
- 2.2 That the Local Assessment procedure (Appendix C) be agreed and recommended to full Council for formal adoption;

- 2.3 That the Complaints Procedure, “Complaints about Councillors” (Appendix D), be adopted and published on the Council’s website, and in leaflet form;
- 2.4 That the list of gifts and hospitality registered by Members in the financial year 2007/08 be received (Appendix E)..

3. POLICY CONTEXT

- 3.1 Standards and conduct are a key theme in the Modernisation agenda for local government, and are specifically addressed by Part III of the Local Government Act 2000. At the heart of the standards regime is the National Code of Conduct for Members, which the Council first adopted in April 2002.
- 3.2 Responsibility for enforcing compliance with the code is split between, at the national level, the Standards Board for England and the Ethical Standards Officers (ESOs) appointed by it to investigate all allegations made to it, and the National Adjudication Board, which hears those allegations where the Standards Board believes there is a case to answer; and at the local level the Standards Committees and Monitoring Officers (MOs) of individual authorities.
- 3.3 In 2003, the Government introduced Regulations which extended to Standards Committees the ability to adjudicate on certain allegations investigated by Ethical Standards Officers. As a result the Committee, on 10 February 2004, considered and agreed a new procedure for local hearings, under the provisions of the Local Authorities Code of Conduct (Local Determination) Regulation 2003/4. These regulations apply to situations where the ESO has investigated a complaint, and then submits his/her report to the Council for consideration.
- 3.4 In 2004 the Government introduced new Regulations which allowed the ESO to hand over the investigation of minor breaches of the Code of Conduct to the Council’s Monitoring Officer (MO). During 2005 the Committee considered and endorsed a procedure for the local investigation of such referred complaints, subject to amendments, which was adopted by full Council at the Annual Meeting on 18 May 2005.
- 3.5 In 2007, Parliament passed the Local Government and Public Involvement in Health Act. This included provisions to allow the Secretary of State to issue Regulations to introduce the local assessment of allegations about the Conduct of Councillors, by the local Standards Committee.
- 3.6 In 2008 the Government issued Regulations which introduced local assessment of complaints from 8 May 2008. As a consequence, all complaints about Councillors must now be made directly to the Standards Committee of the authority on which the Councillor is a Member. The processes that the Standards Committee Standards Committee must then follow were rehearsed with the Committee at its meeting on 7 February 2008, and are set out in Appendices C and D.

4. ROLE OF STANDARDS COMMITTEE AND TERMS OF REFERENCE

- 4.1 The terms of reference and constitutional and operational arrangements for the Committee are set out in **Appendix A**. It is important to note that the membership of the committee includes both Councillors and independent Members, and that the independent Members must make up one quarter of the committee's membership.
- 4.2 In investigating and determining complaints, the test that must be applied by the Standards Board and the National Adjudication Panel, and by the Committee, is whether there has been a breach of the Code of Conduct. The Council's Code of Conduct for Members, which is based on the new Model Code, is attached at **Appendix B**.
- 4.3 The Committee's procedure for considering cases referred to it by the Standards Committee or the Standards Board for local determination is set out in Part 5 of the Council's constitution. In such cases the Committee will set up a sub-committee to hear and determine the case, which must be chaired by an independent Member.
- 4.4 The Committee's procedure for investigating complaints referred to the Monitoring Officer for local investigation is also set out in Part 5 of the Council's constitution. In such cases the result of the investigation will be reported to the Committee which will meet to consider whether or not a hearing should be held. If a hearing is held then the Local Determination procedure will be followed.
- 4.5 The Committee is now responsible for the receipt and assessment of new complaints about Councillors. The proposed procedure for it to follow is set out in **Appendix C**. This is based on a good practice guidance issued by Bevan Brittan local government solicitors.
- 4.6 Under the procedure, complaints will be assessed initially by an Assessment Sub-Committee of three Members, including (and chaired by) an independent Member. The Assessment Sub-Committee may come to four findings on any complaint:
- Direct the Monitoring Officer to investigate the complaint
 - Refer the complaint to the Standards Board for England for investigation
 - Direct the Monitoring Officer to take other appropriate action short of a formal investigation
 - No further action
- 4.7 The text of a promotional leaflet and application form is set out at **Appendix D**. This is already on the Council's website. The leaflet will be promoted as part of a wider exercise to promote the Council's complaints procedures generally.
- 4.8 If complainants are dissatisfied with the Assessment Sub-Committee's decision, they may appeal against it in writing within 30 calendar days of notification of

he decision. If they do this, then their appeal will be heard by an Appeals Sub-Committee made up of three new Members of the Committee including (and chaired by) another independent Member. This body's decision will be final.

Committee Membership

- 4.9 For the past year the Committee's independent Members have been Angie Lee MBE (since 2003), John Hicks, and Rev. Brian Shenton (both since 2007). The last two were appointed following a recruitment process run during the spring of 2007.
- 4.10 There is no limit to the number of independent Members that can be on the Committee, with a minimum of one quarter. The following constraints, however, apply to independent members:
- Must not have been a member or employee of the Council within five years of the date of appointment
 - Must not be a relative or close friend of a Member or employee of the Council
- 4.11 In addition, independent Members must have filled in an application for the position, following an advertisement placed in at least one local newspaper, and must have been approved by the majority of members of the Committee. The Standards Board suggest that independent Members should:
- Be familiar with ethical dilemmas
 - Have experience with committee work
 - Have questioning skills
 - Be assertive
 - Be independent of any political party, and local government
- 4.12 In the 2007 recruitment process, the Committee set the following criteria in addition to the statutory requirements:
- (1) Aged 18 or over
 - (2) Close links to the local community, eg at least one of the following:
 - Resident in the Borough of Reading.
 - Working in the Borough of Reading.
 - Any other close objective link.
 - (3) Not a political appointee, an MP, a current Parish, District or County Councillor in any authority or a candidate to be one, nor having been any of the above within the last 5 years.
 - (4) Not having a public link to any of the political parties.
 - (5) Not an employee or former employee of the Council within the last 5 years.

- (6) Not involved in the Council, eg not a major supplier, partner, contractor.
 - (7) Not involved in a body which campaigns on issues involving the Council, or which promotes or opposes a point of view on a question of controversy which is identifiable as the view of one political party and not of another.
 - (8) A proven track record of contribution to the community: this could involve working in the local community, eg as a GP, or having active community links via eg the voluntary or community sectors or via public bodies, or being involved with a faith group.
 - (9) Be familiar with ethical dilemmas.
 - (10) Have good organisational skills, and experience of committee work.
 - (11) Have good inter-personal skills, including assertiveness, and questioning skills.
- 4.13 In the light of the introduction of local assessment, I am of the view that the Committee should recruit at least one more independent Member, and I intend to start a new recruitment process in the autumn.

5. CODE OF CONDUCT

- 5.1 During 2005 the Standards Board for England undertook a review of the national Code of Conduct for Members, an exercise which it called "A Code for the Future". This Committee submitted comments to the Board in June 2005. The Board issued its findings and recommendations for improving the Code in September 2005. The Government (ODPM) issued a discussion paper in December 2005, and a consultation paper on a draft new Model Code of Conduct in January 2007. Following consultation with members of this Committee, I responded to the consultation paper on behalf of the Council in March 2007.
- 5.2 The Department of Communities and Local Government (DCLG) issued the Local Authorities (Model Code of Conduct) Order 2007 on 4 April 2007. This prescribed a revised model Code of Conduct, which came into effect within three months.
- 5.3 At your meeting on 17 July 2007 you agreed and recommended to full Council a revised Reading Code of Conduct for Members, based on the new Model Code. This was adopted by full Council on 15 October 2007, since when all Councillors have signed to say that they will abide by it.

6. INTERESTS

- 6.1 Under the Code of Conduct, there are two interests that Members must declare at meetings: personal interests and prejudicial interests. To have a

prejudicial interest the Member must first have a personal interest. Following the *Richardson v North Yorkshire* judgment, a Member with both a personal AND prejudicial interest must declare both and leave the meeting room at which the matter in question is being discussed. This requirement has been modified in the new Code to allow the Member to make representations, answer questions and give evidence before leaving.

7. COMPLAINTS

7.1 Complaints to Standards Board

Since your meeting in July 2007, the Standards Board has notified me of four complaints that they had received about Councillors, none of which they pursued to investigation. They were as follows:

- A complaint by a member of the public concerning comments that a Lead Councillor had made about him in a letter to a local paper
- A complaint by a member of the public concerning comments made about him, in his absence, by the Leader at a Cabinet meeting
- Two complaints by a Councillor about comments made about a third party at a Council meeting by the Leader and Deputy Leader

7.2 Other Complaints

7.2.1 During the Municipal Year 2007/08 I received 6 complaints about Councillors which were referred to me as Monitoring Officer for consideration, as against 12 in 2006/07. Of these, 4 came from officers, and 2 from members of the public. The breakdown of the complaints is as follows:

	Complainant		
	Councillor	Public	Officer
Con	-	1	2
Lab	-	1	-
Lib.Dem	-	-	2

7.2.2 The six complaints were about five Councillors. One Councillor attracted two complaints.

7.2.3 An analysis of the allegations made in the six complaints is given below (NB - there is some double-counting here):

- Compromising the impartiality of an officer (3)
- Bringing office into disrepute (2)
- Failure to treat others with respect (3)

7.2.5 I undertook an initial investigation of each complaint. In one complaint (from a member of the public) I undertook a local investigation which resulted in the Councillor offering an apology to the complainant and undertaking works to remedy the complaint. In three complaints I put the complaint to the Councillor and sought an explanation, from which I was able to go back to the

complainant with a response that ended the matter. In one complaint I put the complaint to the Group Leader for consideration through Group procedures. In one complaint (from an officer) I gave informal comments to the officer's Director, but did not consider that the complaint merited any further action.

7.3 Local Codes of Conduct and Protocols

7.3.1 During the autumn of 2007, at the suggestion of the Liberal Democrat Group, I shared the Council's Member:Officer protocol with the Information Commissioner. In the light of his advice I made a number of amendments to the protocol, principally to clarify the position concerning the passage of personal data about constituents between officers and Councillors (and vice versa). Following consultation with the three political group, the revised protocol was considered and agreed by Council on 19 June 2008.

7.3.2 The constitution contains the following protocols of relevance to Councillors:

- Planning code of conduct
- Protocol on Member:Officer Relations
- Council Publicity and Elections
- Working with Reading's MPs

7.3.3 In addition, during 2005 the Head of Legal Services and I issued guidance to Councillors on interests in licensing matters.

8. OPERATIONAL ISSUES

8.1 Training

8.1.1 As in previous years, the induction programme for new Councillors elected in May 2008 included a presentation from me on Conduct and Standards. This was based on the new code of conduct, and focused on:

- Code of Conduct - how it differs from its predecessor
- Interests
- Local Protocols

8.1.2 I held two further training sessions on the above topics for all interested Councillors in the autumn of 2007, as part of the Councillors' Development Programme. These sessions had a limited attendance of 13 Councillors. I also ran a further session for Lead Councillors, which was well-attended.

8.1.3 The Committee held a special meeting on 7 February 2008 to consider the new local assessment arrangements. The Chair, Monitoring Officer and Cllr Tickner attended a training session on local assessments, run by Peter Keith-Lucas for LGS/ACSCS, in early April 2008.

8.1.4 I consider that there is a pressing training need for training in local assessments, investigations and hearings for Committee members, in particular

the new Members. In this respect, the Berkshire authorities have plan to organise two training sessions in the autumn:

- Thursday 11 September - Wokingham are running an in-house course on local assessment at their Council Offices, using training material and case studies issued by the Standards Board. This will be a half-day course (morning)
- West Berkshire are planning to invite Peter Keith Lucas (Brittan Bevan) to run a full-day course on local assessment: this will be comparable to that attended by the Chair, Councillor Tickner and myself in April

8.1.5 There was no Reading attendance at the 2007 Standards Board Annual Conference. However, the Chair, Head of Legal Services and I will be attending the 2008 conference, in Birmingham, in October: the theme this year is "Delivering the Goods - Local Standards in Action".

8.2 Gifts and Hospitality

8.2.1 The Register of Gifts and Hospitality offered to Councillors in the financial year 2007/08 is attached at **Appendix E**. Under para. 15 of the (new) Code of Conduct, Members must give me notification of all gifts and hospitality with a value of over £25. There is an additional column showing the value of the gift.

6. **CONTRIBUTION TO STRATEGIC AIMS**

6.1 To support the participation of Reading people in local democracy.

7. **COMMUNITY ENGAGEMENT AND INFORMATION**

7.1 None last year.

8. **LEGAL IMPLICATIONS**

8.1 Part III of the Local Government Act 2000 sets out the legal framework for conduct of local government Members and officers. The Government has implemented this framework through the issue of Regulations under Section 66 of the Act, including the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004.

8.2 The standards regime applies to voting Members of Council and Cabinet Committees, including both Councillors and non-elected Members (such as the independent Members of this Committee).

8.3 Sections 183-201 of the Local Government and Public Involvement in Health Act 2007 amended Section 58 of the Local Government Act 2000, and added new Sections 57A-C to allow the introduction of local assessment. The Government subsequently issued the Standards Committee (England) Regulations 2008 which implemented these changes from 8 May 2008.

9. **FINANCIAL IMPLICATIONS**

- 9.1 Subject of course to the number of allegations made against Members of the authority, local investigation and determination have generated and will generate additional work for the Monitoring Officer and any other officer who undertakes an investigation. In addition, the Standards Committee will be required to set up hearings to hear the individual allegations (if the MO believes that there is a case to answer), which will have associated costs of administrative support. Under the Council's scheme of Member Allowances the independent Members of the Panel may claim a daily allowance to attend these sub-committees, at a level to be determined by the MO (£32.25 a day).

10. BACKGROUND PAPERS

Attached

Standards Board - Local Assessment of Complaints

Bevan Brittan - Initial Assessment of Standards Complaints - Assessment and Review Criteria

Article 9 - The Standards Committee

9.1 Standards Committee

The Council meeting will establish a Standards Committee.

9.2 Composition

(a) Political Balance

Standards Committees do not have to comply with the political balance rules in section 15 of the 1989 Act.

(b) Membership

The Standards Committee will be composed of:

- Councillors, subject to each registered political group on the Council having an entitlement to at least one seat; and Independent Members (persons who are not a Councillor or an officer of the Council or any other relevant authority as defined in the Local Government Act 2000, who are appointed in accordance with that Act and the Relevant Authorities (Standards Committee) Regulations 2001, and who must comprise at least one quarter of the Committee's membership)
- each political group may nominate substitute members and those Councillors may attend in the place of appointed Councillors provided that they have received training similar to that received by members of the Committee
- no more than one member of the Cabinet; and the Leader may not be a member of the Standards Committee

(c) Independent Members

Independent members will be entitled to vote at meetings;

(d) Chairing the Committee

The Committee will normally be chaired by an independent member. A member of the Cabinet may not chair the Committee. Any sub committee of the Committee must be chaired by an independent member.

(e) Quorum

The quorum of the Standards Committee shall be three Councillors, and one independent member who must be present throughout the meeting of the Committee. The quorum of any sub-committee of the Committee shall be

three members, including one independent member who must be present throughout the meeting of the sub-committee.

(e) Voting

Decisions by the Standards Committee shall be reached by a simple majority vote but any two Members of the Committee present at the meeting where a decision is taken shall be able to require any matter considered by the Committee to be referred for investigation to the Council's Chief Auditor, the Council's External Auditors, the Audit Commission or the Standards Board for England as appropriate.

(f) Calling of Meetings

Meetings of the Standards Committee may be called by:

- the Chief Executive, or
- the Monitoring Officer, or
- the Leader of the Council, or
- the Chair of the Standards Committee, or
- a petition signed by at least one fifth of the Councillors serving on the Council (ie ten Councillors)

9.3 Role and Function

The general functions of a Standards Committee are to be:

- (a) promoting and maintaining high standards of conduct by the members and co-opted members of the Council, and
- (b) assisting members and co-opted members of the Council to observe the Code of Conduct, and in so doing:
 1. To receive and assess allegations about Council Members involving a breach of the Code of Conduct; and to hear appeals against such assessments.
 2. Subject to the outcome of (1) above:
 - a) to commission the investigation of allegations about the personal conduct of Council Members involving a breach of the Code of Conduct by the Monitoring Officer under the Council's Local Investigation Procedure, and to receive and consider the Monitoring Officer's investigation report; or
 - b) to refer more serious complaints to the Standards Board for England for investigation by an Ethical Standards Officer (ESO);
 - c) to ask the Monitoring Officer to take steps other than carrying out an investigation under Section 13 of the Standards Committee (England) Regulations 2008.

3. Subject to the outcome of (2) above, to hear and determine allegations about the personal conduct of Council Members involving a breach of the Code of Conduct under the Council's local determination procedure or, where appropriate, to refer such allegations to the Standards Board for England for determination.
4. To determine allegations of breaches of the Council's local codes of practice which have been investigated by the Monitoring Officer under the Council's Local Investigation Procedure, in particular the Planning code of conduct and the Protocol on Member/Officer Relations.
5. To deal with any reports from a case tribunal or interim case tribunal, following the determination of an allegation about the personal conduct of a Council Member involving a breach of the Code of Conduct by the National Adjudication Panel for England.
6. To monitor the probity and propriety of all aspects of Council business.
7. To scrutinise the conduct of individual Councillors, political groups and informal grouping, and to issue reprimands to individual Councillors or groups of Councillors in circumstances where breaches of the law, codes of practice or other conduct considered inappropriate have been established.
8. To advise the Council on the adoption or amendment of national and local codes of conduct and to monitor their effectiveness.
9. To make recommendations to the Council on any matters or issues relating to probity, propriety and general conduct where the Panel considers it appropriate to do so in the interests of maintaining the highest standards in the carrying out of the Council's functions.
10. To refer any matter considered by the Committee for investigation by the Council's Chief Auditor (or other appropriate officer), the Council's external auditors, the Audit Commission or the Standards Board for England as it sees appropriate; the Committee may also refer any such matter to the relevant Political Group(s) for their consideration.
11. To advise, train or arrange to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct and local codes of conduct;
12. To grant dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.

The Standards Committee will also consider any other matters as the Council refers to it from time to time.



THE MEMBERS' CODE OF CONDUCT

PART 1

GENERAL PROVISIONS

Introduction and Interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State (See Part 4 below)
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code:
 - (1) "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;
 - (2) "member" includes co-opted members and appointed members as well as Councillors.

Scope

2. 1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.
- 2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

- 3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted
- 4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 5) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

3.
 - 1) You must treat others with respect.
 - 2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006];
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. 1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- 2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2

INTERESTS

Personal Interests

8. 1) You have a personal interest in any business of your authority where either—

(a) it 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 your authority;
- (ii) any body—
 - exercising functions of a public nature;
 - directed to charitable purposes; or
 - 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) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) 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;
- (vi) 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);
- (vii) any contract for goods, services or works made between your authority 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 specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;

- (x) any land where the landlord is your authority 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 (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being 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.
- 2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of 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 a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of Personal Interests

9. 1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

- 4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- 7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

Prejudicial Interest Generally

10. 1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 2) You do not have a prejudicial interest in any business of the authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) 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; or
 - (c) relates to the functions of your authority 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
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial Interests arising in relation to Overview and Scrutiny Committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (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.

Effect of Prejudicial Interests on Participation

12. 1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- 2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations,

answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3

REGISTRATION OF MEMBERS' INTERESTS

Registration of Members' Interests

13. 1) Subject to paragraph 14, you must, within 28 days of—
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- 2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive Information

14. 1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- 2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- 3) In this Code, "sensitive information" means information the availability of which for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

15. You must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality.

PART 4

THE GENERAL PRINCIPLES

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusion.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their ace, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

John Painter
May 2007



Initial Assessment of Standards Complaints

Assessment and Review Criteria

1 Introduction

- 1.1 This paper sets out the criteria which the Assessment Sub-Committee will apply in conducting the initial assessment of allegations of failure by members to observe the Members' Code of Conduct.
- 1.2 The authority takes all allegations of member misconduct extremely seriously and seeks to secure the highest standards of conduct at all times. The initial assessment process determines whether the complaint appears to show that there has been a breach of the Code of Conduct, and then whether the complaint should be subject to a formal investigation (either by the Standards Board for England or locally under the direction of the authority's Monitoring Officer), whether the authority's Monitoring Officer should be directed to take other appropriate actions in respect of the complaint, or whether no action should be taken in respect of the complaint.

2 Local resolution of complaints

- 2.1 The Standards Committee is acutely aware that the formal investigation of complaints is costly and time consuming. Whilst formal investigation may be necessary in some cases, many complaints can often be dealt with more rapidly and effectively if an early, informal resolution of the matter can be achieved.
- 2.2 The Standards Committee has instructed the Monitoring Officer, where a complaint has been received, to explore the potential for local resolution to the satisfaction of the complainant, to avoid the need for a formal investigation. But any attempts at local resolution do not take away from the right of a complainant to have their complaint of member misconduct considered by the Sub-Committee.

3 Which complaints can be considered?

- 3.1 The Assessment Sub-Committee must consider every complaint that a member of the authority has failed to comply with the Code of Conduct which that authority has adopted. Accordingly, it has no jurisdiction in respect of any complaint which relates to:
 - (a) persons who are not members of the authority

- (b) conduct which occurred at a time when the person against whom the complaint was made was not a member of the authority
- (c) conduct which occurred before the relevant authority adopted a Code of Conduct. All local authorities were required to adopt a Code of Conduct in 2001. In practice, the Sub-Committee will expect complaints to be made promptly after the events to which they relate (see below)
- (d) conduct which occurred in the Councillor's private life, as the Code of Conduct only applies to a member's conduct as a member of a local authority
- (e) conduct which occurred when the Councillor was acting as member of another authority. Where a Councillor is also a member of another authority which has its own Code of Conduct, then the complaint should be addressed directly to that authority.
- (f) complaints which do not relate to the apparent misconduct of a relevant Councillor but are, for example, about the policies and priorities of the authority, or are a request for the provision of a service by the authority, or are a complaint about the conduct of an officer of the authority

3.2 Such complaints will not be referred to the Assessment Sub-Committee but will instead be dealt with by the Monitoring Officer who will advise the complainant as to the most appropriate avenue for proper consideration of their complaint or request.

4 Does the complaint appear to show a breach of the Code of Conduct?

4.1 The first assessment which will be undertaken by the Sub-Committee will be to determine whether the complaint appears to show that a breach of the Code of Conduct may have occurred.

4.2 For this purpose, the Sub-Committee will take into account the complaint letter and any other information which is readily available to them. Accordingly, it is the responsibility of a complainant to set out clearly:

- (a) who the complaint is against
- (b) what they understand that the relevant Councillor did
- (c) why they consider that the Councillor's conduct amounted to a breach of the Code of Conduct

And to provide copies of any documents which they want the Sub-Committee to consider.

- 4.3 Following receipt of your complaint, the Monitoring Officer will collect any other information which is readily available and which may assist the Sub-Committee in its consideration of the complaint. This will not include conducting interviews with witnesses, but may include providing the Sub-Committee with copies of the agenda, reports and minutes of a meeting of the authority at which the alleged misconduct occurred, or providing copies of the Councillor's entry in the register of members' interests.
- 4.4 The Sub-Committee will then consider whether, on the basis of the complaint and that additional information, there appears to have been a breach of the Code of Conduct.
- 4.5 If the Sub-Committee concludes that the evidence does not disclose an apparent breach of the Code of Conduct, it has no further jurisdiction in respect of the matter.

5 Possible actions where an apparent breach of the Code of Conduct has occurred

- 5.1 Where the Sub-Committee has concluded that there appears to have been a breach of the Code of Conduct, it has four options available to it. These are as follows:

- (a) **Direct the Monitoring Officer to secure that the complaint is investigated locally**

A local investigation will normally be appropriate where the alleged conduct is sufficiently serious to merit the imposition of a sanction against the member, but not so serious that it would merit a greater sanction than the authority's Standards Committee could impose following a formal hearing. In practice, this means that a local investigation would not be appropriate where the appropriate sanction is likely to be a suspension as a member of the relevant authority for a period of more than 6 months, or disqualification as a member of any local authority. See paragraph 5(b) below for more detailed grounds for referring a complaint to the Standards Board for England.

However, recognising that a formal investigation is an expensive and time-consuming process, and can only address the immediate subject matter of the complaint, the Sub-Committee can direct the Monitoring Officer to take other appropriate action short of a formal investigation - see paragraph 5(c) below.

In addition, particularly where the conduct complained of is not sufficiently serious to merit any action or occurred a considerable time ago, the Sub-Committee may determine that no action should be taken in respect of it. For more detail, see paragraph 5(d) below.

- (b) **Refer the matter to the Standards Board for England with a request that the Board undertakes a national investigation into the complaint;**

The following factors will be considered by the Sub-Committee to be factors which support referring the complaint to the Standards Board for England for a national investigation:

- (i) that the complaint is so serious that, if proven, the conduct complained of merits a sanction in excess of that which could be imposed by the Standards Committee. In practice this means that the appropriate sanction would be either a suspension from the relevant authority for a period of more than 6 months, or a disqualification from any local authority
- (ii) that the investigation required is so extensive that it would impose an unreasonable burden on the authority and/or that any hearing conducted on the basis of that investigation would be unreasonably complex for the Standards Committee
- (iii) that the status of the Councillor against whom the complaint has been made or of the person by whom the complaint has been made is such that either the authority could not conduct a full and impartial investigation and hearing, or that there is likely to be a public perception that the authority could not conduct a full and impartial investigation and hearing
- (iv) that so many members of the Standards Committee have a conflict of interest in respect of the matter that the authority is going to be in difficulty in organising an impartial Hearings panel for the matter
- (v) that the complaint raises significant or unresolved legal issues where a national ruling would be helpful
- (vi) that the authority itself has an interest in the outcome of the investigation and/or hearing, for example where the report may lead to a judicial review of a decision of the authority
- (vii) that there are other exceptional circumstances which would prevent the authority from securing a timely, full and impartial investigation and/or hearing of the matter, or which are likely to give rise to the perception that the authority cannot secure a timely, full and impartial investigation and/or hearing of the matter.

- (c) **Direct the Monitoring Officer to take other appropriate action short of a formal investigation;**

The Assessment Sub-Committee cannot impose a sanction on the Councillor against whom the complaint has been made without a formal investigation and hearing. But it can direct the Monitoring Officer to take a range of other actions, including providing training for Councillors and members, securing conciliation or mediation between competing interests, or reviewing procedures to minimise conflict.

In some instances, the conduct complained of may be a symptom of wider conflicts within the authority. A formal investigation and hearing would only deal with the particular complaint and may not resolve such underlying conflicts.

Such alternative action is therefore most suitable where:

- (i) the conduct complained of is a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct
- (ii) the conduct complained of is apparently common to a number of Councillors of that authority, demonstrating a lack of awareness or recognition of the particular provisions of the Code of Conduct
- (iii) the conduct complained of is not so serious that it requires a substantive formal sanction such as suspension or disqualification
- (iv) the complaint reveals a lack of guidance, protocols and procedures within the authority, for example on the use of resources or the process of decision-making
- (v) the Councillor complained of and the person making the complaint are amenable to engaging in such alternative action, as there is no power to require them to participate.

(d) Decide to take no action in respect of the complaint.

The following factors are likely to lead the Sub-Committee to decide to take no action in respect of the matter:

- (i) the complaint appears to be trivial, vexatious, malicious, politically motivated or tit-for-tat.
- (ii) the complaint is anonymous. The Sub-Committee can protect the confidentiality of the identity of the complainant where that is justified by a real fear of intimidation or victimisation. However, where this is not an obvious risk, the fact that the complainant has not disclosed his/her identity can indicate that the complaint is less serious, is malicious or is politically motivated
- (iii) a significant period of time has elapsed since the events which are the subject of the complaint. This is both because, where a

matter is serious, it would be reasonable to expect the complainant to make a complaint promptly, and because the passage of time may make it more difficult to obtain documentary evidence and reliable witness evidence

- (iv) the complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter. This could be where the matter is such that there is unlikely to be any firm evidence on the matter.

6 Confidentiality

6.1 As a matter of fairness and natural justice, a Councillor should usually be told who has complained about them and what the complaint is about. There may be occasions where the complainant requests that their identity is withheld. Such a request should only be granted in circumstances which the Assessment Sub-Committee consider to be exceptional, for example: -

- (a) the complainant has reasonable grounds for believing that he/she will be at risk of physical harm if his/her identity is disclosed
- (b) the complainant is an officer who works closely with the Councillor and they have a reasonable fear of intimidation or victimisation if their identity is disclosed
- (c) the complainant suffers from a serious health condition which might be adversely affected if his/her identity is disclosed. The Assessment Sub-Committee may wish to request medical evidence.

7 Withdrawing complaints

7.1 Where the complainant asks to withdraw the complaint before the Assessment Sub-Committee has had the opportunity to take a decision on it, the Sub-Committee will consider whether to accept such withdrawal.

- (a) Where the complainant submits further evidence demonstrating that the complaint was ill-founded, it may be appropriate for the Sub-Committee formally to resolve that the complaint as amended shows no evidence of a breach of the Code of Conduct, so that the matter is formally concluded.
- (b) Where the alleged misconduct is simply a matter of alleged failure on the part of the respondent to treat the complainant with respect, and raises no wider issues of public interest, the Sub-Committee will normally accept such withdrawal.
- (c) However, where the complaint raises issues of wider public interest, it may be appropriate for the Sub-Committee to ensure that such wider issues are formally investigated and resolved.

8 Review

- 8.1 Where the Assessment Sub-Committee has resolved to take no action in respect of a matter (that is, not to refer the matter to the Standards Board for England for investigation, and not to refer the matter to the Monitoring Officer either for investigation or for other appropriate action), the complainant may request the Review Sub-Committee to review the decision of the Assessment Sub-Committee.
- 8.2 Such a review shall be conducted in two stages:
- (a) First, the Review Sub-Committee will determine whether the original decision of the Assessment Sub-Committee was unreasonable on the basis of the information available to the Assessment Sub-Committee at the time of its decision and in accordance with these approved criteria for assessment. This review shall be conducted on the basis of the original complaint, the Monitoring Officer's report to the Assessment Sub-Committee, the decision-notice of the Assessment Sub-Committee, and any information contained within the complainant's request for a review. Note that this is a review of the initial decision, rather than a reconsideration of the matter.
 - (b) Second, the Review Sub-Committee shall consider whether there is any new evidence which demonstrates that the initial assessment decision is no longer the correct decision. This consideration shall take into account any new information provided by the complainant and/or the Monitoring Officer.
- 8.3 If the Review Sub-Committee determines that the initial decision was unreasonable, or that new information now available to the Sub-Committee demonstrates that the original decision is no longer the correct decision, it shall take a new decision in relation to the matter in accordance with these approved criteria.

John Painter
June 2008
1st draft



Complaints about Councillors

You can make a complaint about a Councillor if you consider that the Councillor has acted in a way that breaches the Code of Conduct for Members. The code can be found on the Council's website: here is the reference <http://www.reading.gov.uk/councilanddemocracy/General.asp?id=SX9452-A782B536>

What is the Code of Conduct?

The Code is a national document set out by the Government, which Parliament has said all Members of a local authority must observe. It sets out the standards of moral and ethical conduct that are expected from a Member.

Councillors are the elected Members of the Borough Council. The Code will also apply to any appointed members of Council Committees.

All Councillors, when they are elected, sign to say that they will observe the Code as part of their declaration of acceptance of office.

The Code of Conduct says that Councillors **MUST DO** the following things:

- Follow the Code when they are representing the Council
- Declare any personal and prejudicial interests they have in the business of the authority
- Register their personal interests in the Council's Register of Members Interests, and keep their entry up-to-date. The Register can also be found on the Council's website, at <http://www.reading.gov.uk/councilanddemocracy/councillorinformation/General.asp?id=SX9452-A77FE0D0>
- Treat others with respect
- Register gifts and hospitality received in their role as a Councillor, worth more than £25

The Code of Conduct says that Councillors **MUST NOT DO** the following things:

- Bring the Council or their office into disrepute;
- Use the Council's resources for party political purposes;
- Compromise the impartiality of people who work for the Council;
- Discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age;
- Bully, intimidate or attempt to intimidate others;

- Use their position improperly for personal gain or to advantage their family members, friends or close associates;
- Attend meetings or be involved in decision making where they have a prejudicial interest - except when speaking when the general public are also allowed to do so;
- Disclose confidential information, other than in exceptional circumstances;
- Prevent anyone from getting information they are entitled to.

The Code of Conduct applies to Councillors when they are:

- Carrying out Council business;
- Carrying out the business of an office to which they have been elected or appointed by the Council (eg Leader, Chair);
- Acting as a representative of the Council.

The Code does not apply to Councillors' personal life, except in the following circumstances:

- their actions are bringing their office or the authority into disrepute - in these cases it only applies to unlawful activities outside the Councillors' official duties which could damage the reputation of local government;
- they are using their position to gain an advantage for themselves or to advantage or disadvantage somebody else.

What are Interests?

Councillors will have a **Personal Interest** in any item of business:

- that affects their own well-being or finances, or the well-being or finances of their family or close associates;
- more than most other people who live in the area affected by the item of business.

A personal interest will become a **Prejudicial Interest** if it affects the Councillors, or their family or close associates in the following ways:

- it affects their finances, or
- it relates to a licensing, planning or other regulatory matter, and
- a reasonable member of the public with knowledge of the facts would believe the interest was likely to harm the Councillors' ability to judge the public interest.

How do I Complain?

If you have evidence that a Councillor has acted in a way that breaches the Code of Conduct, you can complain to the Council's Monitoring Officer, at the following address:

John Painter
Monitoring Officer
Reading Borough Council

Civic Offices
Reading RG1 7TD

Your complaint must be in writing. You can submit it in three ways:

- By letter (post to above address - or fax - 0118 939 0591)
- By e-mail - to Cttee.Services@reading.gov.uk
- By completing the proforma below.

In your complaint you must specify the following:

- Name of Councillor
- When the breach occurred
- Details of breach - ie the thing you are complaining about
- The redress you are seeking - ie what would you like the Councillor to do about it?

What will happen when I complain?

Firstly, the Council's Monitoring Officer will acknowledge receipt of your complaint. He may also contact you to clarify any aspects of the complaint.

The Monitoring Officer will then submit your complaint to an Assessment Sub-Committee of the Council's Standards Committee which will meet to consider your complaint within four weeks.

Every local authority is required by law to have a Standards Committee. In Reading, this is made up of seven Councillors and three independent Members (people who are not Councillors and who have been appointed to the Committee to be independent of the Council).

The Standards Committee will set up an assessment sub-committee to consider your complaint. This will be made up of three members of the Standards Committee, one of whom must be an independent Member, who will chair the sub-committee.

The sub-committee will meet in private. Neither you, nor the Councillor you are complaining about, will be able to attend it. Its business must remain confidential.

What will the Assessment Sub-Committee consider?

The sub-committee will have to answer two questions:

- 1) On the evidence available to it from the complaint, is it likely that a breach of the Code of Conduct may have occurred?
- 2) If so, is the likely breach sufficiently serious to warrant a formal investigation?

The complaint will have to link back to the Code of Conduct. The sub-committee will therefore check to establish that at the time of the complaint the Councillor was

carrying out Council business in some way. The sub-committee will normally reject a complaint that you were making about Councillors which was about their behaviour in their private life, for example as a neighbour.

Where the Councillor was carrying out Council business, the sub-committee will also want to establish that the actions complained about involved a breach of the Code.

The sub-committee will normally reject:

- Anonymous complaints
- Complaints about actions that occurred more than 12 months before;
- Complaints about comments made in the cut and thrust of political debate;
- Minor complaints that it sees as trivial, vexatious, malicious, politically motivated or made on a tit-for-tat basis - unless these suggest a more deep-seated problem;
- Complaints that are similar to a previously investigated complaint where there is nothing further to be gained from an investigation;
- Complaints about a Councillors' private life which are unlikely to affect their fitness for office;
- Complaints where there is insufficient information to justify an investigation, or where an investigation is unlikely to be able to come to a firm conclusion on the matter

In addition, the sub-committee will consider whether a formal investigation is the right level of response to the matter complained about.

What will happen when the sub-committee has met?

After the sub-committee has met to consider your complaint, the Monitoring Officer will then write to you to let you know the outcome. The will aim to do this within five working days of the sub-committee meeting.

The Sub-Committee may come to one of four decisions:

- Do direct the Council's Monitoring Officer to have the complaint investigated formally
- In serious cases, to refer the complaint to the Standards Board for England for national investigation
- To direct the Monitoring Officer to take other appropriate action short of formal investigation
- To take no further action

If the sub-committee decides that your complaint should be investigated further, the Monitoring Officer will appoint an Investigating Officer to do this. This person is most likely to be an officer of the Council. The investigation will follow the Council's local investigation procedure. This can also be found on the Council's website, at http://www.reading.gov.uk/Documents/Committee_Services/part5localinvestigation.pdf

- The Investigating Officer will ask to interview you about the complaint. S/he will also interview the Councillor about whom you are complaining. S/he will ask both of you to identify the witnesses you would like the Investigating Officer to interview, and the evidence that both of you consider that s/he should examine.
- Depending on the complexity of the matter complained about, the Monitoring Officer will ask the Investigating Officer to report back to him with the results of the investigation within two to three months.
- The Monitoring Officer will then submit the report to a meeting of the Standards Committee, which will decide whether the report demonstrates that there has been a breach of the Code of Conduct that should be considered at a formal hearing. If the Committee decides this is the case, then the Committee will set up a hearing sub-committee, to meet within three months.

In some cases, the sub-committee may consider that your complaint could amount to a breach of the Code of Conduct, but the breach is not sufficiently serious to merit the costs of a formal investigation. It may alternatively conclude that the complaint may be a symptom of wider conflicts within the authority. In such cases it may direct the Monitoring Officer to take other appropriate action short of formal investigation. This can include:

- Providing training for Councillors
- Securing conciliation or mediation
- Reviewing procedures to reduce conflict

If the sub-committee decides that your complaint should not be investigated further, the Monitoring Officer will write to you, again within five working days, to explain why the sub-committee came to this decision.

What can I do if I am unhappy with the sub-committee's decision?

If you are dissatisfied with the decision, you may appeal against it. You must do this within 30 calendar days of receiving the Monitoring Officer's letter, in writing to the Monitoring Officer. The Monitoring Officer will then call a meeting of an appeals sub-committee of the Standards Committee. This will be made up of three different Members, including a different independent Member as chair. They will meet within a month to review your complaint and your grounds for appeal. The Monitoring Officer will write to you to let you know their decision. The appeals sub-committee's decision will be final.

Chair, Standards Committee
July 2008

READING BOROUGH COUNCIL
COMPLAINTS ABOUT COUNCILLORS
COMPLAINT FORM

NB - You should only complete the parts of this form in boxes. The remainder of the form is explanatory text.

YOUR DETAILS

1. Who are you?

Title:	
First name:	
Surname:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile phone:	
E-mail address:	

We will tell the following people that you have made this complaint:

- The Councillor(s) you are complaining about
- The Council's Monitoring Officer
- The Members of the assessment sub-committee.

We will tell them your name, but not your address. The Monitoring Officer will be given full details of your complaint. He will provide the Councillor(s) and the assessment sub-committee with a summary of your complaint, unless in his judgment it is necessary for them to have the full details in order to deal with it.

If you have serious concern about your name, or the full details, of your complaint being given to the Councillor(s) you are complaining about, and/or the assessment sub-committee, please fill in section 8 of this form, below.

2. Please tick which of the following descriptions fits you best:

<input type="checkbox"/> Member of the public <input type="checkbox"/> Councillor or Co-opted Member of the authority <input type="checkbox"/> Independent member of the Standards Committee <input type="checkbox"/> MP <input type="checkbox"/> Monitoring officer <input type="checkbox"/> Other Council employee <input type="checkbox"/> Other

YOUR COMPLAINT

4. Who are you complaining about?

Which Councillors or Members do you believe have breached the Code of Conduct?

Title	First name	Surname	Position in Council (eg Leader, Chair of Committee)

5. Which part of the Code of Conduct do you think they have breached?

Please tick - you may tick more than one box

<input type="checkbox"/> Not following the Code when they are representing the Council <input type="checkbox"/> Not declaring any personal and prejudicial interests they have in the business of the authority <input type="checkbox"/> Not registering their personal interests in the Council’s Register of Members Interests, and keep their entry up-to-date. <input type="checkbox"/> Not treating others with respect <input type="checkbox"/> Not registering gifts and hospitality received in their role as a Councillor, worth more than £25

<input type="checkbox"/> Bringing the Council or their office into disrepute <input type="checkbox"/> Using the Council’s resources for party political purposes

- | |
|--|
| <ul style="list-style-type: none"><input type="checkbox"/> Compromising the impartiality of people who work for the Council<input type="checkbox"/> Discriminating against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age<input type="checkbox"/> Bullying, intimidating or attempting to intimidate others<input type="checkbox"/> Using their position improperly for personal gain or to advantage their family members, friends or close associates<input type="checkbox"/> Attending meetings or being involved in decision making where they have a prejudicial interest - except when speaking when the general public are also allowed to do so<input type="checkbox"/> Disclosing confidential information, other than in exceptional circumstances<input type="checkbox"/> Preventing anyone from getting information they are entitled to. |
|--|

6. How has the Code of Conduct been breached?

Please set out in the box below what the Councillor or Member has done which you believe has breached the Code of Conduct.

Where you are complaining about more than one Councillor or Member, you should make clear what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information that you want the assessment sub-committee to take into account when considering your complaint. You should, where possible:

- Be specific about what exactly you are alleging the Councillor said or did
 - eg - If you are complaining that the Councillor insulted you, you should state what the Councillor said.
- Provide details of the dates and times of the alleged incidents
 - If you cannot give precise dates, then give a general timeframe
- Confirm whether there were any witnesses - and if so, give their names and contact details if known
- Provide all relevant background information

Details of Complaint

Please continue on another sheet if you need more space

7. Redress

How would you like the Councillor(s) you are complaining about, to remedy your complaint?

8. Disclosure of Personal Information

In the interests of fairness and natural justice, we believe that any Councillor(s) who is/are complained about have a right to know:

- that a complaint has been made about them
- who has made the complaint
- what the complaint is

We will not withhold your identify or the details of your complaint unless you specifically ask us to do so, and then only in the following circumstances:

- to preserve the evidence
- to protect you or other witnesses from intimidation or bullying
- where there is a legal requirement not to disclose
- where the information you are providing in your complaint would be exempt or confidential under the Freedom of Information Act 2000 or Data Protection Act 1998, and the public interest would not be best served by disclosing it

Please provide details of why you believe we should not disclose your name or details of your complaint

9. Additional Help

Complaints must be made in writing - including fax or electronic submissions.

If you have a disability that prevents you from making your complaint in writing, please ring the Monitoring Officer on (0118) 939 0797 to discuss other ways for you to make your complaint.

If English is not your first language, please contact the Council's translation and interpretation service on 0118 939 0033.

**If you would like this note
printed in large print and double**

space, please ring the Monitoring Officer on 939 0744.

Chair, Standards Committee
July 2008

List of gifts/hospitality offered to councillors
26.4.2007-30.6.2008

Date	Description of gift	Approx value	Councillor's name	Offered by	Accepted or declined
19.07.07	Swan upping cruise		Skeats	Thames River Cruises	Accepted
26.08.07	Reading Festival - 2 tickets per cllr	£160 each	Ballsdon Bayes Benson Crisp Edwards Ennis Epps Gittings Goodall C Harris T Harris Hartley Hoskin Merriott Skeats Stainthorp Sutton Waite Wilton	Mean Fiddler	Accepted
7.11.07	Hexagon's 30 th anniversary concert - 2 tickets per cllr	£40 each	Gittings Goodall Green Sutton	RBC	Accepted
24.11.07	Broad Street Mall charity ball - 2 tickets	£75 each	Skeats	Broad St Mall manager	Accepted
29.11.07	Dinner for two at Royal Tandoori restaurant	£30	Skeats	Stuart Hall	Accepted
June 07	Dinner at Chili n Spice	£16	Tickner	Mr Saleem (owner)	Accepted

Nov 07	Lunch at Pride of Reading awards at Renaissance hotel	£30	Pugh	Organisers	Accepted
19.12.07	2 tickets for Hexagon panto	£20	Green	Reading Arts & Venues	Accepted
27.12.07	2 long life light bulbs		Pugh	Unite Housing Association	Accepted
1.04.08	Flowers	£10	Ballsdon	Mrs Pringle, 10 Woburn Close, Caversham	Accepted
25.04.08	Ceremonial brooch		Cumpsty	Gurkhas	Accepted
15.05.08	Flowers	£40	Ballsdon	Mr & Mrs Carter	Accepted
11.06.08	Dinner at Maxim's casino	£50	Beard	General Manager, Maxim's Casino, Richfield Avenue, Reading	Accepted
24.06.08	Flowers	£25	Ballsdon	Mr & Mrs Wilshire	Accepted
24.06.08	Ceremonial brooch	Approx £10-20	Rynn and Warman	Gurkhas	Accepted