

READING BOROUGH COUNCIL
REPORT BY MONITORING OFFICER

TO:	STANDARDS COMMITTEE		
DATE:	14 JULY 2009	AGENDA ITEM:	2
TITLE:	TERMS OF REFERENCE AND ANNUAL REPORT		
CHAIRMAN:	JOHN HICKS	PORTFOLIO:	
SERVICE:	CENTRAL ADMINISTRATION	WARDS:	BOROUGHWIDE
LEAD OFFICER:	JOHN PAINTER	TEL:	0118 939 0797 / 2797
JOB TITLE:	HEAD OF CENTRAL ADMINISTRATION	E-MAIL:	John.Painter@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To set out the Committee's terms of reference and constitutional role for the Municipal Year 2009/10, to update the Committee on developments and complaints during the 2008/09 Municipal Year, and to look forward to the current Municipal Year.
- 1.2 The arrangements for the local assessment of complaints became operable from 8 May 2008, and the Committee agreed a new local assessment procedure and Complaints Procedure for the Council at its meeting on 15 July 2008. A publicity protocol to support these procedures is attached for approval to tonight's agenda.
- 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 (terms of reference)
 - B: Part 5 - Code of Conduct for Members
 - C: Part 5 - Local Assessment
 - D: Standards Committee - draft Press Protocol
 - E: List of Gifts / Hospitality Registered by Councillors 2006/07
- 1.5 Over the past Municipal Year the local Assessment Sub-Committee met on three occasions, to consider four complaints. The Sub-Committee agreed to take no further action in three of these; in the remaining one it asked me to conduct an investigation, the results of which were reported subsequently to a Consideration of Hearing Sub-Committee, which then agreed to take no further action. Therefore over the past year there have been no findings of breaches of the Code of Conduct by Members of the Council.
- 1.6 Arising from the last of the four considered complaints, the Assessment Sub-Committee expressed reservations about the contents of an article published on a

website maintained by a Councillor, and asked me to draw the article to the attention of the Standards Board for England, and to ask the Board if it was planning to draw up any national guidance on the use made by Councillors of internet sites such as news forums and 'blogs'.

- 1.7 Over the past year the Chair, Mr Hicks, has met separately with the Chief Executive, the Leader of the Council, and with Councillors Cumpsty and Bayes as Leaders of the Conservative and Liberal Democrat groups, to share the Committee's thinking on a number of matters, including Councillors' use of internet sites, and generally to promote high standards
- 1.8 Following the resignation as an independent Member of Angela Lee MBE, in June 2008, a recruitment process was successfully run during the autumn of 2008 which resulted in the appointment of Tina Barnes to join John Hicks and Rev. Brian Shenton as the Committee's independent Members.

2. RECOMMENDED ACTION

- 2.1 That the Committee's terms of reference and constitutional role be noted;
- 2.2 That the Standards Committee draft Press Protocol be agreed (Appendix D);
- 2.3 That the list of gifts and hospitality registered by Members in the financial year 2008/09 be received (Appendix E);
- 2.4 That the Chair present these Minutes to the next full Council meeting (13 October 2009), and use that meeting to express to all Councillors matters of concern to the Committee, to be identified at tonight's meeting.

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 Until 2008, responsibility for enforcing compliance with the code was split between, at the national level, the Standards Board for England (who appointed Ethical Standards Officers (ESOs) to investigate all allegations made to it), and the National Adjudication Board (which heard those allegations where the Standards Board believed there was 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 must now follow were rehearsed with the Committee at its meeting on 7 February 2008, and agreed at your meeting on 15 June 2008.

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 this Committee, the Standards Board and the National Adjudication Panel, 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 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 *Hearing 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 a *Consideration of Hearing Sub-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's procedure for undertaking the initial local assessment of complaints was approved in July 2008, and is set out in Part 5 of the Council's constitution. This is attached at **Appendix C**. Each complaint is considered, within

four weeks of receipt, by a local *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

4.6 A promotional leaflet and application form was approved in July 2008. They can be accessed from the Council's website, under "Complaints". The leaflet was designed as part of a wider exercise to review and promote the Council's complaints procedures generally. It is also available at the Civic Offices and in public libraries.

4.7 If complainants are dissatisfied with the local Assessment Sub-Committee's decision, they may appeal against it in writing within 30 calendar days of notification of the 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.

4.8 If the local Assessment Sub-Committee refers the matter to me for investigation, I will ask an independent person to conduct an investigation and to report back to me, usually within three months. I will report the results of the investigation to a Consideration of Hearing Sub-Committee. This is also composed of three Members, including (and chaired by) an independent Member (who can be the same as on the original local Assessment Sub-Committee). The investigation will be undertaken in line with the local investigation procedure.

4.9 The Consideration of Hearing Sub-Committee will decide, on the basis of the investigating officer's report, whether the investigation suggests that a breach of the Code of Conduct may have occurred that is sufficient to warrant a formal hearing. If it does so conclude, then I will convene a Hearing Sub-Committee within a further three months, to hear the complaint in line with the Council's local determination procedure. This Sub-Committee must also be chaired by an independent Member.

Committee Membership

4.10 For the past year the Committee's independent Members have been John Hicks, and Rev. Brian Shenton, who were both appointed following a recruitment process run during the spring of 2007; and Tina Barnes, who was appointed in December 2008.

4.11 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 associate of a Member or employee of the Council

4.12 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

4.13 In the 2007 recruitment process, the Committee set criteria in addition to the statutory requirements, which were repeated in 2008, as follows:

- (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.

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, but only if members of the public are also allowed to speak.

7. COMPLAINTS

7.1 Complaints to Monitoring Officer

- 7.1.1 Since your meeting in July 2008, the Standards Board no longer receives complaints directly. They must come to me as Monitoring Officer. I have received four formal written complaints about Councillors, of which two came from members of the public, one from an officer, and one from a Councillor. In each case the report was referred to the Assessment Sub-Committee for initial consideration. The outcomes are set out below.

Ref. 08/09	Received	Date of Assessment Sub-Committee (ASC)	Complainant	Description of complaint	Decision of ASC	Further developments

001	28 May	24 June 2008	Office-holder from community organisation	<ul style="list-style-type: none"> • Failure to treat others with respect • Compromising impartiality of people working for Council • Bringing office / authority into disrepute 	No further action	
002	10 June	24 June	Trades union officer	<ul style="list-style-type: none"> • Failure to treat others with respect • Compromising impartiality of people working for Council • Giving impression of acting as representative of authority • Disclosing confidential information without authority 	Investigation	CHSC 28 Nov No further action
003	2 Feb	26 Feb 2009	Member of public	<ul style="list-style-type: none"> • Bringing office / authority into disrepute • Discrimination 	No further action	
004	21 April	18 May	Councillor	<ul style="list-style-type: none"> • Failure to treat others with respect • Bringing office / authority into disrepute 	No further action	Complaint drawn to attention of Standards Board

7.1.2 Each complaint was made about a different Councillor.

7.1.3 Each complaint was considered by the Local Assessment Committee within 28 days of receipt. In each case a Decision Notice was issued to the complainant and the Councillor complained about. A brief Minute was taken and published on the Council's website.

7.1.4 As mentioned above, in one complaint (002) the Sub-Committee asked me to undertake an investigation. This was done by the Corporate Projects Officer (Roger Penfold). Due to complications the investigation took five months to complete. The results of the investigation were considered by a Consideration of Hearing Sub-Committee (CHSC) which accepted the findings of the investigating officer that there had not been a substantive breach of the Code and that no further action should be taken.

7.1.5 Also as mentioned above, the fourth complaint (004) concerned the use of a personal blog site. The Sub-Committee concluded that the Code of Conduct did not apply, because the Councillor was maintaining the blog site anonymously in a personal capacity and independently of the office as a Councillor. Nevertheless, the two independent Members who sat on the Sub-Committee had particularly strong reservations about the wording and content of the website item which they considered to be inconsistent with the general principles of Council service contained in the Code. Therefore the Sub-Committee directed me to draw it to the attention of the Standards Board for England.

7.1.6 The relevant paragraph of the Code is para. 2(1). This says that, except in specified circumstances which did not appear to apply here, the Code only applies

to Councillors when they are conducting the business of their authority, or claiming to act to do so. The Standards Board concurred with this interpretation. They said in response:

“When looking at conducting the business of the authority blogging cannot fall within the ambit of this provision. Populating a personal blog with information – even if it is information about council issues – cannot be interpreted as “conducting the business of your authority.” Similarly it is unlikely be regarded as conducting the business of being a councillor.”

7.1.7 I understand that this is one of the issues raised by the Chair at his meetings with the Chief Executive, and the Group Leaders.

7.2 Other Complaints

7.2.1 Over the past year I have received a number of preliminary enquiries about complaints, primarily about the use by Councillors of personal blogsites. For the reasons given above, and confirmed by the Standards Board, I have sought to discourage people from making formal complaints on the grounds that they could not be upheld.

7.3 Local Codes of Conduct and Protocols

7.3.1 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

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

7.3.3 Attached at **Appendix D** is a draft protocol for dealing with media enquiries about initial complaints received about Councillors, which is based on good practice in other authorities. The Committee is asked to agree the protocol for adoption.

8. OPERATIONAL ISSUES

8.1 Training

8.1.1 There were no local elections in May 2009, therefore I did not have to provide induction training on standards for new Councillors.

8.1.2 I propose to run a further training session this autumn the Code of Conduct, Interests, and Local Protocols.

8.1.3 The Committee held a special meeting on 16 December 2008 on Government proposals to amend the current Code of Conduct for Members, made in a consultation paper issued by the Department for Communities and Local Government under the ‘Communities in Control’ Agenda. The deadline for comments was 24 December 2008, with a view to implementation, at least of the

revised Member Code, in time for the local election in June 2009: this has not yet happened. The Committee considered and agreed a draft response. With regard to the Members' Code, the DCLG was proposing amendments in two areas:

- To clarify the application of the Code to Members' conduct in their non-official capacity, following the Collins High Court judgement with regard to Ken Livingstone in 2006;
- To review the general principles governing the conduct of Local Authority members, and to add a new principle (duty to abide by the law) which would apply the Code to a Member acting in a non-official capacity and where the Member's conduct would constitute a criminal offence.

8.1.4 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. Mrs Barnes attended a similar course in May 2009. Councillors Beard and Maskell attended a local course on the same topic, organised by Wokingham, in September 2008. Councillors Byrne and Maskell, and two officers from the Committee Service, have been booked onto the latest local assessment course to be run by Peter Keith-Lucas in September 2009.

8.1.5 During the winter of 2008/09 the Council commissioned the Local Government Information Unit to do a training analysis of Councillor development needs in Reading. This included seeking views from Councillors through questionnaires and interviews. The resultant analysis showed a positive response on training related to the code of conduct and probity, with good recognition of and confidence in these important areas. Nevertheless the report highlighted the issue of the Council's reputation and the need for training interventions to help Councillors understand the impact of their actions on the perception and reputation of the Council overall.

8.1.5 The Head of Legal Services and Monitoring Officer attended the Standards Board's 2008 conference, in Birmingham, in October, on the theme, "Delivering the Goods - Local Standards in Action". As a budget saving it is not proposed to attend the 2009 conference.

8.2 Gifts and Hospitality

8.2.1 The Register of Gifts and Hospitality offered to Councillors in the financial year 2008/09 is attached at **Appendix E**. Under para. 15 of the 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 The recruitment of the new Independent Member was advertised in the Evening Post and Reading Chronicle, and attracted three applications, of which two were shortlisted.

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 (£31.62 a day).

9.2 The Chair of the Committee is paid a Special Responsibility Allowance at tier 2 (£2,386 a year).

10. BACKGROUND PAPERS

Attached
Standards Board - Local Assessment of Complaints

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

Local Assessment

Procedure for local assessment into alleged breaches of the Members' Code of Conduct.

C. THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008

APPROVED BY STANDARDS COMMITTEE - 15 JULY 2008

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

DRAFT PRESS PROTOCOL

READING BOROUGH COUNCIL - STANDARDS COMMITTEE

1. This Protocol deals with situations where complaints that Councillors have breached the Member Code of Conduct are made to the Council's Monitoring Officer and referred to the Assessment Sub-Committee of the Council's Standards Committee for consideration. In all such cases, the Sub-Committee will meet in private. Neither the complainant nor the Councillor complained about will be able to attend the meeting. Its business must remain confidential.
2. Following the Sub-Committee meeting, the Democratic Services Manager will produce a Decision Notice, which will be sent to the complainant and to the Councillor complained about. A short minute of the meeting, which will set out the decision taken by the Sub-Committee, will be published on the Council's website within 10 working days (Council and Democracy/Committee Services).
3. No information will be given to the press or public on an individual complaint until the Assessment Sub-Committee has issued its Decision Notice, and its Minutes have been published on the Council's website. This will include confirmation that a complaint has been received.
4. It is the agreed policy of the Council's Standards Committee that the Authority should not comment on any complaint that has been referred to it until such time as the Assessment Sub-Committee has met and come to a decision about the complaint, which has been conveyed to the complainant and the Councillor complained about. This is because, if the Sub-Committee's decision is to ask the Monitoring Officer to investigate the complaint, the investigation will also be conducted as a confidential exercise.
5. As a matter of courtesy, notice of all press enquiries will be given to the Chair of the Standards Committee, and to the Monitoring Officer. Following the publication of the Minutes of the Assessment Sub-Committee, it will be a matter for

the Chair of the Standards Committee to decide whether or not s/he wishes to respond to any Press or public enquiry, or to comment further, on any individual complaint which has been considered by the Assessment Sub-Committee. However, for the reason given above, it would not be appropriate for the Chair to comment on any complaint that the Assessment Sub-Committee decides to refer the complaint for further investigation. In such circumstances, the Monitoring Officer will conduct the investigation on a confidential basis.

6. All enquiries relating to the consideration of a complaint by the Standards Committee must be directed through the Council's Communications Unit. The Chair of the Standards Committee or the Monitoring Officer will not respond to any enquiry made directly to them.

John Painter
Monitoring Officer
July 2009
2nd draft

List of gifts/hospitality offered to councillors
24.6.2008- 26.6.2009

Date	Description of gift	Approx value	Councillor's name	Offered by	Accepted or declined
24.6.08	Ceremonial brooch and replica kukri	Approx £20	Cumpsty	The Gurkhas	Accepted
6.7.08	2 tickets for Reading Maestros performance	Not known	Stanway	Reading Maestros	Accepted
28.8.08	Reading Festival - 2 tickets per cllr	£165 each	Beard Benson Ennis Epps Gittings Goodall Harris, C Harris, T Hartley Hoskin Khan Lockett Merriott Singleton-White Skeats Stainthorp Swaine Tickner Townend Watson	Festival Republic	Accepted
28.9.08	2 tickets to launch of Reading Comecy	£10 each	Stainthorp	RBC	Accepted
	1 ticket for Idiot Colony, South Street	Not known		RBC	Accepted
29.11.08	1 bottle Famous Grouse whisky	£15	Ralph	Member of the public	Accepted
6.12.08	2 pantomime tickets	£12 each	Stainthorp	Hexagon theatre	Accepted
10.12.08	1 ticket for	£15	P Jones	MS	Accepted

	London Irish rugby match			Therapy Centre	
9.12.08	Dinner & hospitality at football match at Madejski Stadium	Approx £100	Lovelock	Managing director of John Lewis	Accepted
20.1.09	Staff bus passes given to cllrs in their capacity as directors of Reading Buses to use the services provided by the company to form opinions of sufficiency and effectiveness. These passes are not gifts.	Not known	Swaine & Townend	Reading Buses	Accepted
13.3.09	Lunch	Approx £30	Ballsdon	Members of the public	Accepted
27.3.09	Engraved pewter tankard	Not known	Ennis	RFTRA	Accepted
9.5.09	Microsoft Office publisher 2007 to enable cllr to do ward newsletters	£116	Ballsdon	Member of the public	Accepted
30.4.09	Reading Beer Festival (1 day only)	£25	Pugh	Berkshire branch secretary of CAMRA	Accepted
	Reading Beer Festival (2 days)	approx £20 as cllr had free entry following ale trail	Epps	CAMRA	Accepted
11.6.09	Buffet lunch when attending AWE local liaison committee	Approx £15	Willis	AWE	Accepted