

READING BOROUGH COUNCIL
REPORT BY MONITORING OFFICER

TO:	STANDARDS COMMITTEE		
DATE:	12 JULY 2012	AGENDA ITEM:	2
TITLE:	TERMS OF REFERENCE AND ANNUAL REPORT		
CHAIR:	TINA BARNES		
SERVICE:	DEMOCRATIC SERVICES	WARDS:	BOROUGH-WIDE
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1. PURPOSE AND SUMMARY OF REPORT

1.1 Further to Minute 6 of the Committee's meeting on 19 March 2012, and the Council's Annual Meeting held on 23 May 2012, this report:

- a) confirms the powers and duties of the new, local, Standards Committee, set up by the Annual Council Meeting for the Municipal Year 2012/13;
- b) attaches the Standing Orders and local arrangements for the Committee and principles for dealing with complaints about Councillors, as recommended by the Standards Committee on 19 March 2012, and adopted by the Annual Council Meeting on 23 May 2012;
- c) asks the Committee to agree the attached local Member Code of Conduct for the authority, and recommend full Council on 23 October 2012 to adopt the Code, and to incorporate into the Council's Standing Orders provisions for the exclusion of Members from meetings for items of business in which they have a disclosable pecuniary interest;
- d) asks the Committee to agree the attached revised document, "Complaints about Councillors", setting out the principles for dealing with complaints about Members, for publication on the Council's website;
- e) asks the Committee to agree the person specification, advertisement and selection procedure for recruiting the Independent Person for the Council, and to confirm the interim arrangement of inviting Mr John Hicks, the Chairman of the Committee for the past two Municipal Years, to be the authority's Independent Person for the current Municipal Year, until such time as a new Independent Person has been recruited and appointed;
- f) asks the Committee to agree the attached new form for Members to use to register their financial and other interests, updated in the light of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012;

- g) updates the Committee on developments and complaints during the 2011/12 Municipal Year, and compares this to previous years, and looks forward to the current Municipal Year.
 - h) Attaches the list of gifts and hospitality registered as having been accepted by Councillors during 2011/12.
- 1.2 Chapter 7 of the Localism Act 2011 ended the statutory standards regime set up by the Local Government Act 2000, and introduced in its place a duty on local authorities to promote and maintain high standards of conduct by Councillors and Co-opted Members, including adopting a local Member code of conduct. The Act also requires local authorities to adopt arrangements to deal with allegations that Members have not complied with their local Code of Conduct, and allows local authorities to establish a local Standards Committee, and to make Standing Orders relating to aspects of the standards process (Section 31(10)). In the light of recommendations made by the Standards Committee on 19 March 2012, the Annual Council Meeting on 23 May 2012 agreed to establish a local Standards Committee, with the terms of reference and Standing Orders set out in **Appendix A**.
- 1.3 A local Member Code of Conduct is attached at **Appendix B**. This is based on a good practice draft produced by the Association of Council Secretaries and Solicitors (ACScS), which retained those elements of the former statutory Model Code which had not been the subject of significant legal challenge. It also sets out the statutory requirement for Members to register and declare disclosable pecuniary interests, as informed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The Committee is asked to agree the Code, for immediate application, and recommend it for formal adoption to the full Council at its next meeting, on 23 October 2012. It is also asked to recommend full Council to incorporate into the Council's Standing Orders provisions for the exclusion of Members from meetings for items of business in which they have a disclosable pecuniary interest, in line with para. 7.4 of the attached Code;
- 1.4 The Standing Orders and Rules of Procedure for the Standards Committee, together with this Committee, form the authority's local arrangements for investigating complaints about Councillors. The new local procedure is set out in a new "Complaints about Councillors" document, attached at **Appendix C**, which will be published on the Council's website.
- 1.5 As a result of late amendments to the Localism Bill made in the House of Lords, local authorities are now required to appoint one or more Independent Person with statutory responsibilities to be consulted and to advise on complaints made about Members. The 2011 Act also prescribed the recruitment process for the Independent Person. The authority's recruitment documentation is attached at **Appendix D**, for your agreement. The 2011 Act states that the Independent Person cannot have been a Member of the authority during the preceding five years, which would have the effect of preventing any of the independent Members of the former (statutory) Standards Committee from being appointed as the Independent Person. In the relevant Commencement Order, the Government has recognised the impracticality of implementing this prescriptive condition of the 2011 Act in the current year, and therefore has introduced transitional arrangements to allow somebody who was an Independent Member of the Standards Committee, but is no longer a Member, to be appointed as the Independent Person. This report therefore recommends inviting Mr Hicks, who was Chairman of the (statutory) Standards Committee between 2008 and 2011, to be the authority's Independent Person until such time as a new Independent Person has been recruited and appointed.

- 1.6 Chapter 7 of the Localism Act 2011 also changes the law with regard to the registration and declaration of interests by Members. There is still a legal requirement on Members to register and declare interests, but the definition of declarable interests has reverted to the pre-2002 form of "pecuniary" (financial). The Secretary of State issued Regulations defining Disclosable Pecuniary Interests on 6 June 2012. The authority's form for Members to register their pecuniary and other interests has been updated, and is attached at **Appendix E** for your approval, after which all Members of the authority will be asked to complete and return it, within 28 days, and the completed new forms will be published on the Council's website. You are also asked to appoint me as the Proper Officer for the receipt of requests from Members for a dispensation to take part in decisions on items of business in which they have a disclosable pecuniary interest, in specified circumstances, under Section 33 of the Localism Act 2011.
- 1.7 Over the Municipal Year 2011/12, under the old, statutory procedure which the Localism Act has now ended, the local Assessment Sub-Committee met on two occasions, to consider two complaints. This compared with eight meetings, to consider 23 complaints, in 2010/11. Details are given in **Appendix F** (in both 2008/09 and 2009/10, three meetings were held to consider four complaints). The Sub-Committee found evidence of four breaches of the Member Code of Conduct in one case, which it considered to be significantly serious to refer to the Standards Board for England. It agreed to take no further action in the remaining complaint. Over the past year, I have not been asked to undertake any investigations.
- 1.8 Over the past Municipal Year there was no change to the Committee's Independent Membership (see para. 5.8.3 below).
- 1.9 As in previous years, a note setting out the gifts and hospitality registered by Councillors during the Municipal Year 2011/12 is attached at **Appendix G**.
- 1.10 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) and Standing Orders and Rules of Procedure
 - B: Part 5 - Code of Conduct for Members
 - C: Complaints about Councillors document (new)
 - D: Job description, person specification, advertisement and application form for the position of Independent Person
 - E: Register of Interests form (new)
 - F: Schedule of Complaints 2011/12
 - G: List of Gifts / Hospitality Registered by Councillors 2010/11
- 1.11 The Annual Council Meeting, on 23 May 2012, appointed Mrs Tina Barnes, the co-opted Independent Member, as Chair of the Committee for the Municipal Year 2012/123.

2. RECOMMENDED ACTION

- 2.1 That the Committee's terms of reference and new Standing Orders and Rules of Procedure (Appendix A) be endorsed;
- 2.2 That the new local Member Code of Conduct (Appendix B) be agreed and recommended to full Council for full adoption;

- 2.3 That full Council also be recommended to incorporate into the Council's Standing Orders provisions for the exclusion of Members from meetings for items of business in which they have a disclosable pecuniary interest, in line with para. 7.4.4 of the local Member Code of Conduct;
- 2.4 That the new Complaints about Councillors document (Appendix C) be agreed, and the Monitoring Officer instructed:
- a) To publish the new document on the Council's website;
 - b) To write to all Members of the authority to:
 - draw their attention to the new local Member Code;
 - advise them of the Committee's expectation that they comply with the new local Code from now on, and that any allegations of breaches of the local Code will be dealt with under the Committee's Rules of Procedure and the Complaints about Councillors document;
- 2.5 That with regard to the position of Independent Person:
- a) the recruitment documentation (Appendix D) be agreed;
 - b) the Monitoring Officer be authorised to start a public recruitment process for an Independent Person during the current Municipal Year, and in this respect:
 - the possibility of a joint advertisement being placed with other Berkshire Unitary Authorities, be noted;
 - the Committee Chair and the Monitoring Officer be involved in the selection process for Reading
 - c) as an interim arrangement, under the transitional arrangements allowed by the Commencement Order, the position of Independent Person be offered to Mr John Hicks, the outgoing Chair of the Committee.
- 2.6 That with regard to interests:
- a) the new form for the registration of Members' interests (Appendix E) be agreed, and the Monitoring Officer be instructed to send this form to all Members to be completed and returned within 28 days of its circulation, and the returned form to be made available for public inspection and published on the authority's website;
 - b) the Monitoring Officer be appointed the authority's Proper Officer, under Section 33(1) of the Localism Act 2011, for the receipt of written requests from Members to grant a dispensation relieving the Member from the restrictions on participating in the discussion or voting on any item of business in which they have a disclosable pecuniary interest.
- 2.7 That the schedule of complaints for the Municipal Year 2011/12 (Appendix F) be noted;
- 2.8 That the list of gifts and hospitality registered by Members in the financial year 2010/11 be received (Appendix G).

2.9 That the Chair present these Minutes to the next full Council meeting (23 October 2012), and use that meeting to express to all Councillors matters of concern to the Committee, to be identified at tonight's meeting (see also para. 7.6 below).

3. POLICY CONTEXT

- 3.1 Standards and conduct were a key theme in the Labour Government's Modernisation agenda for local government, and were specifically addressed in Part III of the Local Government Act 2000, which introduced a statutory standards regime for local government. At the heart of the statutory regime was the National Code of Conduct for Members, which all local authorities had to adopt from 2002, and which all Members had to agree to observe as part of their declaration of acceptance of office.
- 3.2 The Local Government and Public Involvement in Health Act 2007 introduced local assessment of complaints, by the authority's own Standards Committee. The Council adopted a new Local Assessment procedure in July 2008. Parliament in 2007 also prescribed by Regulation a revised Model Code of Conduct which the Council adopted, with minor additions, on 15 October 2007.
- 3.3 The Government announced in May 2010 that its planned Localism Bill would include a proposal to 'abolish the Standards Board regime'. The standards part of the Bill was subject to a number of late amendments in the House of Lords, which the Government accepted without detailed review.
- 3.4 The Localism Act was passed in November 2011. Chapter 7 deals with standards. The Government introduced a Commencement Order in mid-January 2012, to have effect from 31 January 2012. This ended the ability of Standards for England to accept new referrals from that date; and the Board was abolished from 31 March 2012. A further Commencement Order brought into force the remaining parts of Chapter 7 of the Localism Act 2011 from 1 July 2012. Therefore the local elements of the former statutory regime, including statutory standards committees with the power to suspend Councillors, ended on 30 June 2012, and from 1 July 2012, all standards matters have been the responsibility of the local authority, to be handled under the new arrangements set out below.
- 3.5 In addition, the Secretary of State issued The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 on 6 June 2012 and these also came into effect on 1 July 2012.

4. LOCALISM ACT 2011 - SUMMARY OF CHANGES

- 4.1 Chapter 7 of the Localism Act makes major changes to the standards regime applying to local authorities. As part of these changes, the definition of interest is changed. Instead of personal and prejudicial interests, relating both to financial matters and to well-being, the Act reverts to the pre-2000 definition of *pecuniary* (financial) interest.
- 4.2 The key features of the Act, in relation to standards, are as follows:
- the Statutory Instruments which govern the conduct of Members and which prescribe the Model Code of Conduct have been revoked

- the Standards Board (Standards for England) has been abolished, and none of its functions has transferred to other bodies; and the First-tier Tribunal has lost its jurisdiction over the conduct of local authority members.
- Each local authority now has a statutory duty to promote and maintain high standards of conduct by its Councillors and co-opted members.
- the statutory requirement that local authorities must have a Standards Committee has been abolished; however, local authorities must have a local Member Code of Conduct, and adopt arrangements to deal with allegations that members have not complied with their local Code of Conduct; and may establish a local Standards Committee, and make Standing Orders relating to aspects of the standards process (Section 31(10))
- Local authorities now have discretion over the contents of their local Member code. However, the code must be consistent with the general principles of behaviour in Part 4 of the current code (the *Nolan* Principles): these are -
 - Selflessness
 - integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership
- The code must also include provisions in respect of Members registering and disclosing their interests - including maintaining a public register of interests
- Members must register and disclose both pecuniary interests and "interests other than pecuniary interests". The previous statutory definitions of "personal" and "prejudicial" interest disappear.
- Individual local authorities may determine what interests are to be entered in their register. However, the Act requires all Members - including co-opted Members - to register and declare *disclosable pecuniary interests*. The definition of a *disclosable pecuniary interest* has been specified by Regulations made by the Secretary of State in June 2012.
- A *disclosable pecuniary interest* will extend to spouses, civil and common-law partners - but not more widely to relatives, friends or close associates.
- Members must register pecuniary interests within 28 days of election or when they become aware of or disclose the interest.
- An interest that is recorded in the public register need not be declared at a meeting, but if Members have a *disclosable pecuniary interest*, then they cannot take any part in the discussion or decision-making at the meeting (so therefore in practice they will have to disclose it)
- An authority may make Standing Orders to provide for the exclusion from meetings of Members who have a *disclosable pecuniary interest*.

- 4.3 The authority must put in place arrangements to investigate and decide on allegations of breaches of its code. However, the Act has abolished the statutory standards regime established by the Local Government Act 2000. Therefore there will no longer be any statutory provision for a local authority to suspend a Member who has been found to have acted in breach of the code.
- 4.4 These arrangements must include the appointment of an 'Independent Person' whose views the authority must consider before it makes a decision on an allegation that it has decided to investigate; and whose views may be sought by Councillors who are the subject of an allegation. The 'Independent Person' cannot be a current Member or officer of the authority, nor have served in either capacity during the five years immediately preceding their appointment. However, the Commencement Order issued in 6 June 2012 included transitional arrangements which allow a person who was a Co-opted Member of the Standards Committee at any time over the previous five years, but is no longer a member of the Committee, to be appointed at the authority's Independent Person up to 1 July 2013.
- 4.5 An allegation that a Member has failed to disclose a known pecuniary interest will be handled differently. The Localism Act specifies that Members will commit an offence if they fail to disclose a known pecuniary interest and/or participate in the discussion and vote without reasonable excuse; or provide false or misleading information about their interest. The offence will be heard in court. The penalties available to the court are:
- o A fine of up to £5,000
 - o Disqualification of the person from being a Member of the authority, or any other authority, for up to 5 years

5. NEW LOCAL ARRANGEMENTS

5.1 General

- 5.1.1 The Localism Act 2011 has had the effect of returning local government to the situation before the Local Government Act 2000 and the introduction of the statutory standards regime from 2002. In this regard, the Council first set up a local Standards Panel in 1999. It did not adopt a formal Member Code of Conduct until required to do so, in 2002. Instead the Standards Committee adopted principles for dealing with complaints that were flexible, depending on the source of the complaint (ie public, other Councillors, staff), but informed by the authority's (then) three-stage complaints process for dealing with complaints about services. The starting point in each case was that the complaint should normally be referred at first stage to the Leader of the Councillor's Group to be investigated under the Group's own disciplinary procedure.
- 5.1.2 My report to your meeting of 19 March 2012 reviewed options for setting up a local Standards Committee and how complaints about Councillors might be dealt with, with reference to the arrangements and Standing Orders operated by the Council before 2002. In these regards you agreed to make the following recommendations to the Annual Council Meeting on 23 May 2012:
- (a) adopt a local Member Code of Conduct for the Council and arrangements to promote and maintain high standards of conduct by Members, to come into effect from 1 July 2012;

- (b) base the local Member Code of Conduct on the current Model Code, modified to include revised reference to the updated Nolan Principles set out in the Localism Act 2011, and the registration and declaration of pecuniary and non-pecuniary interests;
- (c) adopt arrangements to include:
 - (i) a local Standards Committee, with terms of reference and Standing Orders based on those adopted for the predecessor Standards Panel in 1999, which were set out in (...) the report, which would be updated to reflect the requirements of the Localism Act 2011;
 - (ii) a preliminary filter stage by the Monitoring Officer (where the complaint may be rejected on the grounds set out in (...) the report or an informal local resolution reached) followed by a flexible, three-stage Member complaints process as described below:
 - Stage 1: reference to Councillor's Group Leader to be dealt with under Group disciplinary process;
 - Stage 2: investigation commissioned by Chief Executive / Monitoring Officer;
 - Stage 3: investigation report to public Standards Committee;
 - (iii) Standing Orders and principles for dealing with complaints about Councillors for the local Standards Committee to be based on those adopted for the predecessor Standards Panel, in 1999;
 - (iv) continuing to have (independent) co-opted members of the local Standards Committee, subject to the number of co-opted members not exceeding one third of the Panel's total membership, and the minimum requirement being one co-opted member;
 - (v) appointing Mrs Tina Barnes to continue to serve on the successor local Standards Committee as a co-opted Member;
 - (vi) appointing a co-opted member to be the Chair of the successor local Standards Committee in continuation of the current practice.

5.2 Member Code of Conduct

- 5.2.1 Section 27 of the Localism Act 2011 places a duty on local authorities to promote and maintain high standards of conduct by Councillors and co-opted Members of the authority. Section 27(2) requires the local authority to adopt a code dealing with the conduct of Councillors and co-opted Members when they are acting in those capacities.
- 5.2.2 Section 28 of the Localism Act deals specifically with the Code of Conduct. Under para. (1), the adopted Code must be consistent with the general principles of public life set out in para. 4.3 above. These were first stated by the Committee for Standards in Public Life (the Nolan Committee), which were repeated in the White Paper *Modern Local Government: In Touch with the People*, issued in 1998.
- 5.2.3 Under Sections 28(4) and (6), the authority must put in place arrangements under which any allegation of a failure by a Councillor or co-opted member to comply with

the local Code of Conduct must be dealt with. This includes the both the investigation and taking a decision on such allegations.

- 5.2.4 The Code must also include specific provision for the register and disclosure of interests, and in particular pecuniary interests. Under Section 30(3) of the Localism Act, the Secretary of State issued Regulations in June 2012 to specify the definition of a disclosable pecuniary interest.
- 5.2.5 The former statutory (Model) Code is a known and public document of reference. Given its statutory basis, over the past 10 years the Standards Board, the Tribunal and the courts have defined aspects of its interpretation. However, in recent years, some court interpretations have not always supported the guidance previously issued by the Standards Board: this has been the case recently particularly with regard to bringing your office or authority into disrepute.
- 5.2.6 The Council has to adopt a local code from 2012. Under Section 28(5), the Localism Act allows a local authority to revise the existing Code of Conduct, or adopt its own replacement. In either case, the code will have to include the provisions that the authority considers appropriate for the registration and disclosure of interests (Section 28(2)).
- 5.2.7 The document attached at **Appendix B** is based on a working draft provided by ACSeS, and based on the former Model Code, but modified in the following ways:
- Specifically including the Nolan Principles, and having an appendix providing guidance on compliance with them
 - Removal of reference to bringing your office or the authority into disrepute
 - Making clear that it applies only to when the Member is acting in their role as a Councillor or Co-opted member (and therefore not to their private life)
 - Introducing a reference to complying with the Bribery Act 2010
 - Introducing a provision not to make vexatious or malicious complaints about other persons
- 5.2.8 The local Code also includes specific provisions on the registration and disclosure of interests, including pecuniary (financial) interests, and the exclusion from meetings of Members who have a disclosable pecuniary interest. In this regard, Section 31(4) of the Localism Act 2011 prevents Members who have a disclosable pecuniary interest in an item of business being discussed at a meeting from participating in the discussion or voting on that item of business; whilst Section 31(10) allows local authorities to make Standing Orders to exclude such Members from the meeting whilst the discussion and vote on the item of business takes place.

5.3 Local Standards Committee - Standing Orders and Operating Procedures

- 5.3.1 Unlike the Local Government Act 2000, the Localism Act 2011 does not include specific statutory provisions for Standards Committees. However, Section 28(6) of the Localism Act 2011 requires a local authority to have in place arrangements under which allegations about Councillors and co-opted members can be investigated. These arrangements can include a local Standards Committee.
- 5.3.2 In the absence of specific statutory provision in the 2011 Act, this local Standards Committee has been set up, by full Council, as a committee under Section 101(a) of the Local Government Act 1972. It is therefore subject to the statutory provisions

concerning proportionality and access to information as any other Committee of the authority.

5.3.3 The terms of reference and operating arrangements of the Standards Committee were agreed by the Annual Council Meeting on 23 May 2012, and are set out in Article 9 of the Constitution; they are attached for reference at **Appendix A**.

5.3.4 The powers and duties of the local Standards Committee, and its Standing Orders, have been cross-referenced both to those of the former statutory committee, and the Council's Standards Panel that preceded this. There is a significant degree of continuity between these documents, as set out in Article 9 of the constitution, and as explained in my report to your meeting on 19 March 2012.

5.4 Principles for Dealing with Complaints

5.4.1 The Standards Board, in 1999, adopted the following principles for dealing with complaints about Councillors, through a three-stage complaints process, which the Committee on 19 March 2012 agreed should form the basis for the new local system. The process is preceded by a filtering stage undertaken by the Monitoring Officer. It is summarised in the "Complaints about Councillors" document, at **Appendix C**. The stages are as follows:

Initial Filter Monitoring Officer to check whether the complaint provides evidence that the Member may have acted in a way that has breached the local Code

Stage 1 Reference to Member's Group Leader for investigation under the Group disciplinary procedure

Stage 2 Investigation through a formal Council process (if considered appropriate by the Monitoring Officer in consultation with the Independent Person)

Stage 3 Report to Standards Committee IF the Monitoring Officer, in consultation with the Independent Person, considers that a serious breach of the local Code has occurred.

5.5 Sanctions

5.5.1 The Localism Act 2011 has abolished the statutory standards regime set up by the Local Government Act 2000. Therefore the range of sanctions prescribed by the 2000 Act are no longer available. This means that a local Standards Committee will no longer be able to suspend, or partially suspend, a Councillor for up to six months, or require the Councillor to provide a written apology, or to undertake training or conciliation.

5.5.2 The lawful sanctions that are available to the local Standards Committee, therefore, are those that were available to a committee set up before the 2000 Act, and they must be exercised by the Committee in a lawful and proportionate manner with due regard to the particular facts and circumstances of the case. They amount to:

- A formal letter to the Councillor found to have breached the code
- A formal censure motion
- A formal request to the Councillor's Group Leader to replace him/her as a member of a committee or meeting

- 5.5.3 The Committee meeting will be held in public (unless confidential or exempt information is being considered), and therefore will carry the informal sanction of bad publicity. The Committee may also issue a press release setting out its conclusions. The Committee minutes will be a public document, and published on the Council's website.
- 5.5.4 The Committee could suggest to a Councillor and/or the relevant Group Leader that the Councillor should provide a written apology and/or undertake training or conciliation. However, it will no longer have the power to require compliance.
- 5.5.5 The newly-constrained legal basis of the local Standards Committee - and therefore of the authority - will have the effect of placing greater responsibility for ensuring compliance by Councillors with the duty to promote and maintain high standards of conduct with their political Group, and in particular the Group Leader and Whip. This is why stage 1 of the complaints procedure is for the Monitoring Officer to refer complaints which s/he considers s/he cannot resolve informally to the Group Leader at stage 1 of the complaints process, to give the Group the opportunity of remedying the complaint before it becomes the subject of a more formal investigation.

5.6 Independent Person

- 5.6.1 The Localism Act 2011 requires the local authority, as part of its arrangements, to appoint at least one Independent Person (IP), with the following responsibilities:
- The authority must seek the IP's views, and take them into account, before making a decision on an allegation that it has decided to investigate
 - The authority may also seek the IP's views in other circumstances
 - A Member who is the subject of an allegation may seek the IP's views
- 5.6.2 Therefore, under the three-stage procedure suggested in this report, the Monitoring Officer must seek the IP's views before taking a report on a complaint to the Standards Committee at stage 3; and may do so at an earlier stage in the process, such as when receiving the response of the Group Leader at stage 1, and/or instituting an investigation at stage 2.
- 5.6.3 Section 28(8) sets out the process by which an authority must appoint its IP. This follows the (former) statutory process for appointing non-Councillor members of the (old) Standards Committee. It has the following features:
- The appointment must be made by full Council - it cannot be delegated
 - The IP cannot be a relative or close friend of a serving Member or officer of the authority
 - The vacancy for the IP must be advertised to the public, and the person appointed must have submitted an application to fill the vacancy
 - The IP, when appointed, may be paid Special Responsibility Allowance in respect of their duties as IP, and this does not affect his/her independence of the authority
- 5.6.4 Under Section 28(8), the IP cannot be a person who has been a Member or officer of the authority during the five year period before his/her appointment as the independent person. Therefore, the IP should not be an independent (non-Councillor) member of the old (statutory) standards Committee. However, the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 introduces a transitional arrangement for the appointment of the Independent Person

during the first 12 months. Under Para. 7, an authority may appoint as its Independent Person any person who was, but is no longer, a Member of its Standards Committee during the five years up to 30 June 2012. This does not include current Members of the authority. This arrangement only applies in relation to appointments made before 1 July 2013.

- 5.6.5 I attach at **Appendix D** the recruitment documentation relating to the position of Independent Person. This includes a job description, person specification, advertisement and application form. The documentation follows the format used previously by the Council to recruit the independent Members of the former statutory Standards Committee. In this regard, the Localism Act 2011 repeated the conditions on the appointment of Independent Person as previously prescribed for Independent Members.
- 5.6.6 As a related exercise, the Heads of Legal Services of a number of Berkshire unitary Authorities are in discussion about running a combined recruitment process, in part to save advertising costs, and in part to explore the possibility of a number of authorities sharing one or more Independent Persons.
- 5.6.7 Under the transitional arrangements in the Commencement Order, I have spoken to John Hicks, the former Chair of the Committee, who has indicated that he would be happy to be the authority's Independent Person as an interim arrangement in the current Municipal Year, until a new Independent Person has been recruited and appointed by full Council.
- 5.6.8 At your meeting on 19 March 2012, you supported the payment of a modest Special Responsibility Allowance to the Independent Person and Independent Chair of the Committee, and you asked me to report back on the proposed allowances that could be payable to the Independent Person, the independent Chair of the Standards Committee and any other co-opted members of the Standards Committee. In this respect, the Council's Scheme for Members' Allowances for the current financial year (1012/13) includes the following elements:

- Chairs of Committees - Tier 2 payment - £2,147 pa
- Independent Person - Tier 3 payment - £1,074 pa

In addition, Co-opted Members of the Standards Committee are paid a daily allowance for attending meetings of the Committee set up to hear complaints about Members, the allowance being the daily rate equivalent of the councillors' Basic Allowance. This equates to £32.62 a day.

5.7 Committee Membership

- 5.7.1 The Committee's Standing Orders (see Appendix A) say that the size of the Standards Committee will not normally exceed 10 Members, and it will be composed of:
- Up to nine Councillors, subject to each registered political group on the Council having an entitlement to at least one seat;
 - At least one, and no more than three, co-opted Independent Member(s) (persons who are not a Councillor or an officer of the Council or who are not disqualified from being a Member of a Committee of the Council under Section 104 of the Local Government Act 1972

- each political group may nominate named 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
- 5.7.2 The Independent Member(s) will be co-opted as Members of the Committee appointed under Section 102(4) of the Local Government Act 1972. They will be entitled to vote at meetings.
- 5.7.3 In the last Municipal Year (2011-12) the Committee's independent Members were John Hicks and the Rev. Brian Shenton (appointed 2007), and Tina Barnes (appointed 2008). Mr Hicks was the Chairman from May 2008 to 2012. Mr Hicks and the Rev. Shenton have now stood down from the Committee and are no longer Members. The Annual Council Meeting, on 23 May 2012, re-appointed Mrs Barnes to the Committee as a co-opted member, and also appointed her as Chair of the Committee for the current Municipal Year.
- 5.7.4 For the Municipal Year 2011-12, the Councillor members of the Committee were Councillors Beard, Livingston, Rynn, Skeats and Watson, with Councillors Rye, Tickner and Warman as the named substitutes. Only four of the above have continued to be Members or named Substitute Members of the Committee for the Municipal Year 2012-13.

6. INTERESTS

- 6.1 Chapter 7 of the Localism Act 2011 has changed the law with regard to the registration and declaration of interests by Members. There is still a legal requirement on Members to register and declare interests, but the definition of declarable interests has reverted to the pre-2002 form of "pecuniary" (financial).
- 6.2 The Secretary of State issued The Relevant Authorities (Disclosable Pecuniary Interests) Regulations on 6 June 2012.
- 6.3 Under Section 30 of the 2011 Act, Councillors - and co-opted Members - must register pecuniary interests that are known to them in the following circumstances:
- within 28 days of becoming a Councillor or co-opted Member of the authority
 - Within 28 days of becoming aware of the existence of the interest
 - Within 28 days of disclosing the existence of an un-registered pecuniary interest at a meeting of the authority
- 6.4 Members must also notify the Monitoring Officer of any changes to a registered pecuniary interest, again within 28 days of their becoming aware of the change.
- 6.5 Members may give the Monitoring Officer advance notice of a disclosable pecuniary interest that they intend to register within the 28 day period.
- 6.6 Under Section 29 of the 2011 Act, the register of Members' interests must be available for public inspection, and also published on the authority's website. This has been the Council's practice for a number of years.
- 6.7 Under Section 31 of the 2011 Act, Members no longer need to declare an interest in an item of business at a meeting if they have already registered this interest in the published register (Section 31(4)). However, if they have a disclosable pecuniary

interest, they cannot take part in the discussion or decision-making on that item of business at the meeting, and so in practice they will have to disclose the interest. In addition, as a result of past case law (in particular the *Richardson v North Yorkshire* judgment), a court will expect Members to leave the meeting room when the business in which they have a disclosable personal interest is being discussed. Under Section 31(10) of the 2011 Act, the local authority may make provision in its Standing Orders for the exclusion from a meeting of a Member with a disclosable pecuniary interest in the item business being discussed.

- 6.8 A Member with a disclosable pecuniary interest in an item of business at a meeting may continue to be present at the meeting to make representations, answer questions and give evidence before leaving, subject to there being equivalent public speaking rights.
- 6.9 Under Section 30(3), the Localism Act 2011 places a duty on Members to register and disclose known pecuniary interests held by "relevant persons". These are the Members' spouse, civil partner, or any person with whom the Member is living as husband and wife or as civil partners. Therefore, the Act extends the legal requirement for public registration to include pecuniary interests held by spouses and partners, which in turn must be open for public inspection and published on the Council's website.
- 6.10 The authority's form for Members to register their pecuniary and other interests has been updated, and is attached at **Appendix E** for your approval, after which all Members of the authority will be asked to complete and return it, within 28 days, and the completed new forms will be published on the Council's website.
- 6.11 The 2012 Regulations in practice follow the previous Orders which implemented the relevant provisions of the 2000 Local Government Act, and require Members to register the same things. The main differences are as follows:
- The Localism Act 2011 makes the circumstances where pecuniary interests must be registered more complicated than did the 2000 Act.
 - As mentioned above, the duty to register now extends to known pecuniary interests held by a "relevant person" - ie spouse or partner
 - It is not clear whether the Member should register the extent / value of the interest as well as its existence. The old registration (2000) form specifically states that Members did not need to show the extent of their interest.
 - The statutory requirement to register and declare no longer extends to other family members or close associates; and no longer uses the expression "relates to or is likely to affect" in relation to the holding of a disclosable pecuniary interest
 - There is no longer a duty to register gifts, or to register interests in public or charitable bodies where the Member has a position of general control or management.
- 6.12 On the last two bullet points above, the form at **Appendix E** makes a separation between Disclosable Pecuniary Interests (which have to be registered), and Non-Statutory Interests, where there is not a duty to register but the Member is actively encouraged to do so in the interests of transparency and to avoid allegations of bias. It also encourages Members to declare at meetings interests which affect other family members or close associates, again in the interests of openness, transparency and the

avoidance of bias; and to not to participate in the discussion or vote and to leave the meeting if the interest is pecuniary.

Bias and Predetermination

- 6.13 It is important to separate personal interests from the common law principles of bias and predetermination. These may still apply, even if there is no personal interest:
- An *interest* is personal to the Member (and a “relevant person”) and any penalty will apply to the Member. A failure to disclose a personal interest will not invalidate the authority’s decision-making process.
 - Bias is “an attitude of mind which prevents the decision maker from making an objective determination of the issue he has to resolve”. This could include membership of a body that has lobbied for or against the issue being decided. The test of bias is whether the relevant circumstances “would lead a fair-minded and informed observer to conclude that there was a real possibility, or a real danger, the two being the same, that the tribunal was biased”.
 - Predetermination is making up your mind in advance of taking the decision. This applies particularly to planning and licensing, where Councillors must consider on merits of individual case as presented to committee. Councillors cannot take part in decisions on individual applications if they have already made up their mind. However, predisposition is not the same as predetermination.
 - Councillors who may have predetermined their position on a planning or licensing application may still attend meeting to speak on the application through meeting’s normal procedures, and need not leave the meeting. However, they cannot take part in the debate or vote on the application.
- 6.14 The legal concepts of *Bias* and *Predetermination* are normally linked. At the heart of both is a common law requirement for the decision-maker to have an open mind when making the decision. In either case, redress may be sought through the courts against the Council, not the Member, and if a court finds bias or predetermination, the failure will be by the authority and the court in consequence may set aside the decision made by the authority. The Local Ombudsman may also find maladministration causing injustice by the authority and require the authority to take remedial action, including paying compensation.
- 6.15 Section 25 of the Localism Act 2011 introduced a new definition of bias and predetermination, which came into effect on 15 January 2012. The Localism Act does not change the common law principle that a decision maker (ie Member) must have an open mind when taking a decision. What it does is to introduce a clarification in relation to any allegation or complaint that a decision-maker appeared to have a closed mind when making a decision which in turn raises a issue about the validity of the decision taken by the authority. The clarification is that a decision-maker should not be taken to have had a closed mind when taking the decision *just because* [my italics] s/he had previously done anything that directly or indirectly indicated what view the decision-maker took, or might take, in relation to a matter relevant to the decision.
- 6.16 In summary, the courts will continue to require that Members taking a decision, in particular on a planning or licensing matter, did not have a closed mind when they took the decision, but will not expect a Member to have an empty mind.

Dispensations

- 6.17 Under Section 33 of the Localism Act 2011, the authority may grant a dispensation to Members who have a disclosable pecuniary interest in an item of business being conducted at a meeting of the authority at which they are present, to allow them to participate in the discussion and vote on the item of business.
- 6.18 In such cases, the Member must make a written request for a dispensation to a Proper Officer, who this report recommends should be the Monitoring Officer. The Monitoring Officer will then put the request before the Standards Committee, to which the Annual Council Meeting on 23 May 2012 delegated the authority to determine requests for dispensations.
- 6.19 Under Section 33(2) of the Localism Act 2011, a dispensation may only be granted where the authority (ie the Monitoring Officer and the Committee) consider, having had regard to all relevant circumstances, that :
- (a) without the dispensation the number of persons prohibited from taking part in the item of business would be so great a proportion of the meeting to impede the transaction of the business
 - (b) without the dispensation the representation of different political groups at the meeting would be so upset as to alter the likely outcome of any vote relating to the item of business
 - (c) granting the dispensation is in the interests of persons living in the authority's area
 - (d) each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive
- 6.20 A dispensation must be granted for a specified period of time, which may not exceed four years.

7. COMPLAINTS

7.1 Complaints to Monitoring Officer

- 7.1.1 Over the Municipal Year 2011/12, I received 2 formal complaints under the former statutory procedure, and the Assessment Sub-Committee met twice to consider these. This compares very favourably with the 23 complaints, and 8 meetings, that the Assessment Sub-Committee dealt with during 2010/11, and with the 4 complaints received and considered in 2008/09 and 2009/10.
- 7.1.2 Details of the complaints are set out in **Appendix F**. In terms of the subject of the complaints:
- The 2 complaints were about 2 Councillors - 1 Labour, 1 Lib.Dem
 - 1 complaint was made by a Councillor, 1 by a former Councillor.

- Both complaints concerned treating others with respect, bullying, and bringing the authority into disrepute; 1 complaint also concerned a breach of the equality enactments.
- 7.1.3 The Assessment Sub-Committee dismissed one complaint. It upheld the other complaint, where it considered that the actions complained about were sufficiently serious to refer the matter to Standards for England for investigation. Standards for England declined to investigate, and in doing so drew attention to a recent High Court judgment (about another authority) concerning the legal definition of bringing the office of Councillor or authority into disrepute, which changed the Board's guidance on this matter. By this stage the Localism Act had been passed and it was clear that the Board would be abolished, and given the court judgment there seemed little purpose in pursuing the complaint locally. The Councillor complained about ceased to be a Member of the authority in May 2012.
- 7.1.4 During 2011/12, I received no requests to review a decision of the Assessment Sub-Committee.
- 7.1.5 This year, the Sub-Committee did not instruct me to undertake any investigation. There were no outstanding investigations from 2010/11.

7.2 Other Complaints

- 7.2.1 In addition, I (and my predecessor) received three further complaints about Councillors which did not proceed to the Assessment Sub-Committee for consideration.
- 7.2.2 The first was made shortly after the 2011 local elections, and concerned an alleged incident on election day; the complainant was asked to provide further information which was not third-party or hearsay, and did not do so.
- 7.2.3 The second concerned a possible breach by a Councillor of the Data Protection Act 1998. Again, the complainant was asked to provide hard evidence from a local resident, and did not do so.
- 7.2.4 The third was received earlier this calendar year, and concerned comments made by a Lead Councillor at a Cabinet meeting. This complaint was received after the Localism Act had been passed and the first Commencement Order had been issued. I handled it under the new local procedure and filtered it out, on the grounds that the comments complained about were made in the cut-and-thrust of political debate at a public meeting; they were susceptible to a different interpretation; they would not fall within the revised definition of "disrepute" as adopted by the Standards Board; and the action of the Lead Councillor was not subject to charity law.
- 7.2.5 The first of these complaints came from a former Councillor and unsuccessful election candidate; the other two came from the same Councillor (now retired).

7.3 Themes

- 7.3.1 Given the small number of complaints received, it is not easy to identify discernable themes. Four of the five complaints mentioned above were received in the first three months of the new Municipal Year, and two concerned matters arising during the 2011 elections and Mayor-making. The Committee will be aware of the very high level of complaint generated during the Municipal Year 2010/11, when the authority was under no overall control and there was a coalition Administration made up by the

Conservative and Lib.Dem Groups. With one exception, the complaints in 2011/12 were made early in the Municipal Year and followed the pattern of the previous year, but the situation calmed down at an early stage during the last Municipal Year. There was also a change of Monitoring Officer at the end of July 2011.

7.4 Local Codes of Conduct and Protocols

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

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

7.4.2 In addition, during 2005 my predecessor and I issued guidance to Councillors on interests in licensing matters, which we updated during 2009/10 due to legislative changes.

7.5 Comments from Chairman

7.5.1 I have shared this report with Mr Hicks, as the outgoing Chair of the Committee, and with Mrs Barnes as the incoming Chair.

8. OPERATIONAL ISSUES

8.1 Training

8.1.1 In May 2012, I ran an induction course on standards for all 10 new Councillors.

8.1.2 The following current Committee Members and Deputies have attended training on standards-related matters, albeit in connection with the former statutory procedures:

Member	Course	Provider	Trainer
Mrs Barnes	Misconduct & the Code	Bevan Brittan - London - 29 May 2009	Peter Keith-Lucas
Cllr Skeats	Local Investigation / determination	Bevan Brittan - in house course	Peter Keith-Lucas

8.2 Gifts and Hospitality

8.2.1 The Register of Gifts and Hospitality offered to Councillors in the financial year 2011/12 attached at **Appendix G**. Under para. 15 of the former Code of Conduct, Members had to 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. The Councillor Services team also adds all declared gifts to the Councillor's personal register of interests entry.

8.2.2 The Localism Act 2011 has ended the statutory requirement for Members to register and declare gifts and hospitality. However, the Council's local registration form, attached at **Appendix E**, continues to encourage Members to register gifts and

hospitality that they receive in their role as Members, in the interests of openness and transparency.

9. CONTRIBUTION TO STRATEGIC AIMS

- 9.1 One of the Council's strategic aims is to promote the participation of Reading people in local democracy through effective consultation and communication. This is only likely to be successful if people have confidence in the integrity of the Council and its members. The local Standards Committee will assist in building and maintaining that confidence.

10. EQUALITY IMPACT ASSESSMENT

- 10.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.2 It is not considered that an Equality Impact Assessment (EIA) is relevant to the decisions arising from this report. This is because the report concerns the adoption, by the Council and this Committee, of new operating arrangements to comply with changes in legislation.

- 10.3 The former Model Code of Conduct included a general obligation on Members not to do anything which may cause the authority to breach any of the equality enactments as defined in Section 33 of the Equality Act 2006. The local Code attached at **Appendix C** repeats this obligation, and makes clear that this means that Members must not discriminate against people on grounds of race, gender, disability, religion or belief, sexual orientation and age. The code also has appended a list of laws conferring special obligations on Members which includes the equality enactments.

11. LEGAL IMPLICATIONS

- 11.1 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).

- 11.2 Chapter 7 of the Localism Act 2011 (Sections 26 to 37) has ended the statutory requirement for local authorities to have a Standards Committee, revoked the Model Code of Conduct, and abolished Standards for England and the current statutory facility for disqualification through the First-Tier Tribunal. It has replaced these by a duty on local authorities to promote and maintain high standards of conduct by Members, and a requirement to adopt a local code of conduct, and arrangements for investigating allegations that Members had not complied with the local code. Local authorities are able to continue to appoint Standards Committees, but these will not have any statutory status, and there will be no statutory basis for sanctions in cases of breach. The exception to this is where a Member intentionally fails to declare a declarable pecuniary interest, in which case the Member may be found guilty of a criminal offence, and may be fined, and disqualified by the court from serving as a Member for up to five years.

- 11.3 Chapter 7 has been enacted by Commencement Order (Regulation). The relevant Order ending the national standards regime came into effect on 31 January 2012. The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012, which changed the local regime, was issued on 6 June 2012 and came into effect from 1 July 2012. The Commencement Order also provides for transitional arrangements in respect of the appointment of the Independent Person, as set out in 5.6.4 above.
- 11.4 The Secretary of State issued the Relevant Authorities (Disclosable Pecuniary Interests) Regulations, dealing with the definition, registration and declaration of pecuniary interests, also on 6 June 2012.
- 11.5 Under Section 28(13-14) of the Localism Act 2011, the function of adopting, revising or replacing a local code of conduct may only be discharged by full Council, and it may not be delegated to the Standards Committee or any other body or person.
- 11.6 As explained in para. 5.3.2 above, in the absence of specific statutory provision in the 2011 Act, the local Standards Committee has been set up, by full Council, as a committee under Section 101(a) of the Local Government Act 1972. It is therefore subject to the statutory provisions concerning proportionality and access to information as any other Committee of the authority.

12. FINANCIAL IMPLICATIONS

- 12.1 Subject of course to the number of allegations made against Members of the authority, local investigation and determination under the former statutory procedure generated additional work for the Monitoring Officer and any other officer who undertook a formal investigation. In addition, the Standards Committee was required to set up sub-committee meetings to assess all complaints received, and to hear the individual allegations, which had associated costs of administrative support.
- 12.2 Under the new arrangements set out in Appendices A and B, the Council and this Committee will move back to a more informal, local system, where the first stage focus is on complaints about individual Councillors being pursued within political groups, and any subsequent investigations taking place within a process which is appropriate to the individual complaint, not governed by restrictive external processes, and less resource intensive.
- 12.3 There is no specific budget line in the Council's estimates for standards, or the costs of investigating complaints about Councillors.

13. BACKGROUND PAPERS

Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 (SI 2012 - 1463)

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 - 1464)

Article 9 - The Standards Committee

Local Standards Committee - Terms of Reference and Standing Orders

9.1 Standards Committee

9.1.1 The Localism Act requires local authorities to adopt arrangements to deal with allegations that Members have not complied with their local code of conduct. It also allows local authorities to make Standing Orders relating to aspects of the standards process (see Section 31(10)).

9.1.2 As an integral part of these arrangements, the Council has established a Standards Committee, under the provisions of Section 102(1) of the Local Government Act 1972.

9.1.2 The Standards Committee may establish sub-committees under the same provisions.

9.2 Composition

(a) Political Balance

9.2.1 The Councillor membership of the Standards Committee will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

(b) Membership

9.2.2 The Standards Committee will be composed of:

- Up to nine Councillors, subject to each registered political group on the Council having an entitlement to at least one seat;
- At least one, and no more than three, co-opted Independent Member(s) (persons who are not a Councillor or an officer of the Council or who are not disqualified from being a Member of a Committee of the Council under Section 104 of the Local Government Act 1972
- each political group may nominate named 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

9.2.3 The maximum size of the committee will not normally exceed 10 Members.

(c) Independent Member(s)

9.2.4 The Independent Member(s) will be co-opted as Members of the Committee appointed under Section 102(4) of the Local Government Act 1972. They will be entitled to vote at meetings.

(d) Chairing the Committee

9.2.5 The Council will appoint a Member of the Committee to be its Chair.

9.2.6 A member of the Cabinet may not chair the Committee.

(e) Quorum

9.2.7 The quorum of the Standards Committee shall be three Members, subject to Councillors from more than one political group being present.

9.2.8 The quorum of any sub-committee of the Committee shall be three members.

(e) Voting

9.2.9 Decisions by the Standards Committee shall be reached by a simple majority vote.

9.2.10 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, or the Audit Commission as appropriate.

(f) Calling of Meetings

9.2.11 Meetings of the Standards Committee may be called by:

- the Head of Paid Service, or
- the Monitoring Officer, or
- the Leader of the Council, or
- the Leader of any registered political Group on 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)

9.2.12 The meeting will be held in public, under the access to information provisions of Section 100(A) of the Local Government Act 1972. The press and public may be excluded from meetings only where confidential or exempt information is being considered, as defined in the Council's Access to Information Procedure Rules (in part 4 of the Constitution), and subject to the passage of the necessary resolution.

9.3 Role and Function

9.3.1 The general terms of reference of the Standards Committee are to be:

1. To advise and support the authority in meeting its statutory duty of promoting and maintaining high standards of conduct by Councillors and co-opted Members of the authority, under Section 27 of the Localism Act 2011
2. To assist Councillors and co-opted members of the Council to observe the local Member Code of Conduct, and to promote standards of behaviour and conduct by Members which is consistent with the seven principles of public life identified in the First Report of the Committee on Standards in Public Life (the *Nolan* Committee) and repeated in Section 28 of the Localism Act 2011, as follows:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness

- Honesty
 - Leadership
3. To receive and consider reports from the Monitoring Officer and Independent Person made under Stage 3 of the Council's Member complaints process, concerning allegations made about Members involving a breach of the local Member Code of Conduct, and/or other Council protocols, in particular the Planning code of conduct and the Protocol on Member/Officer Relations.
 4. To monitor the probity and propriety of all aspects of Council business.
 5. To scrutinise the conduct of individual Members, political groups and informal groupings, 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.
 6. To advise the Council on the adoption or amendment of local codes of conduct and to monitor their effectiveness.
 7. 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.
 8. 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, or the Audit Commission as it sees appropriate; the Committee may also refer any such matter to the relevant Political Group(s) for their consideration.
 9. To advise, train or arrange to train Councillors, co-opted members and church and parent governor representatives on matters relating to the local Member Code of Conduct and local protocols;
 10. To promote, oversee and monitor the register of interests of Councillors and co-opted Members of the authority, and their disclosure and declaration of disclosable pecuniary interests;
 11. 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.
 12. To consider any other matters as the Council refers to the Committee from time to time.

9.4 Sanctions

- 9.4.1 The Localism Act 2011 has abolished the statutory standards regime set up by the Local Government Act 2000. Therefore the range of sanctions prescribed by the 2000 Act are no longer available. The local Standards Committee will no longer be able to suspend, or partially suspend, a Councillor for up to six months, or require the Councillor to provide a written apology, or to undertake training or conciliation.
- 9.4.2 The lawful sanctions that are available to the local Standards Committee are those that are generally available to a committee set up under the Local Government Act

1972, and they must be exercised by the Committee in a lawful and proportionate manner with due regard to the particular facts and circumstances of the case. They amount to:

- A formal letter to the Councillor found to have breached the code
- A formal censure motion
- A formal request to the Councillor's Group Leader to replace him/her as a member of a committee or meeting

9.4.3 The Committee meeting will be held in public (unless confidential or exempt information is being considered), and therefore will carry the informal sanction of bad publicity. The Committee may also issue a press release setting out its conclusions. The Committee minutes will be a public document, and published on the Council's website.

9.4.4 The Committee could suggest to a Councillor and/or the relevant Group Leader that the Councillor should provide a written apology and/or undertake training or conciliation. However, it will no longer have the power to require compliance.

9.5 Independent Person

9.5.1 The Localism Act 2011 requires the local authority, as part of its arrangements, to appoint at least one Independent Person (IP), with the following responsibilities:

- The authority must seek the IP's views, and take them into account, before making a decision on an allegation that it has decided to investigate
- The authority may also seek the IP's views in other circumstances
- A Member who is the subject of an allegation may seek the IP's views

9.5.2 Under the three-stage procedure for dealing with complaints about Members, set out below, the Monitoring Officer must seek the IP's views before taking a complaint to the Standards Committee at stage 3; and may do so at an earlier stage in the process, such as when receiving the response of the Group Leader at stage 1, and/or instituting an investigation at stage 2.

9.5.3 Under Section 28(8) of the Localism Act 2011, the IP cannot be a person who has been a member or officer of the authority during the five year period before his/her appointment as the independent person. Therefore, the IP cannot be a non-Councillor member of the old (statutory) standards Committee.

9.6 Procedure for Dealing with Complaints

9.6.1 The process by which a complaint against a Member will be dealt with will vary slightly, depending on the sources and nature of the complaint. All complaints received against Members regardless of how they are dealt with, will be kept in a register held by the Monitoring Officer that will record details of the complaint and its resolution.

9.6.2 The Monitoring Officer will submit an annual report to a public meeting of the Standards Committee, including an anonymised schedule of complaints made about Councillors over the preceding Municipal Year.

9.6.3 The removal of the statutory powers of Standards Committees to invoke sanctions under the Local Government Act 2000 will place greater emphasis on political Group disciplinary processes - and in particular the Group Leader and Whip - to promote and maintain high standards of conduct, and to ensure that Group

Members comply with the local Member Code of Conduct and other agreed Council protocols, and to register and declare disclosable pecuniary interests.

- 9.6.4 The Council will publish its local Procedure for dealing with Complaints about Councillors on its website. This will include the list of matters which will normally be rejected, as set out in (2) below.

Initial Filter

- (1) All complaints about Members not complying with the local Code of Conduct be referred straight away to the Monitoring Officer, who will record them
- (2) The Monitoring Officer be authorised to review the complaint, and take one of the following courses of action:
 - a. Reject the complaint on the following specified grounds:
 - o Anonymous complaints
 - o Complaints about actions that occurred more than 12 months before;
 - o Complaints about comments made in the cut and thrust of political debate;
 - o Minor complaints that s/he sees as trivial, vexatious, malicious, politically motivated or made on a tit-for-tat basis - unless these suggest a more deep-seated problem;
 - o Complaints that are similar to a previously investigated complaint where there is nothing further to be gained from an investigation;
 - o Complaints about a Councillors' private life which are unlikely to affect their fitness for office;
 - o 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
 - b. Explore the complaint informally with the complainant and subject Member, to see whether grounds might exist for an informal local settlement
 - c. Refer the complaint to the subject Member's Group Leader, for investigation under the Group's disciplinary procedure

Stage 1

- (3) All registered political Groups on the Council will adopt or update their own Group disciplinary or complaints procedures which they will use to deal with complaints at the first stage. The Group Leaders must share and agree these with the Head of Paid Service and Monitoring Officer. However, it will be the responsibility of the Group Leader and Whip to ensure that the complaint is investigated properly through the adopted Group procedure.
- (4) The Group Leader will be responsible for ensuring the following actions are taken when the Monitoring Officer refers a complaint under (2)(c) above:
 - a. write to the complainant to acknowledge receipt of the complaint, and explain the process and timescale to be followed to consider the complaint;

- b. respond in writing to the complainant at the conclusion of the process, with a copy sent to the Monitoring Officer for the record.
 - c. In the response, set out the courses of action open to the complainant if s/he remains dissatisfied with the first stage response.
- (5) Stage 1 of the process will be confidential to the complainant and the Group process, and the Monitoring Officer will not disclose details of any complaint or Group response without the prior approval of the complainant or the Group Leader, other than in the context of his/her annual and anonymised monitoring report to the Standards Committee.

Stage 2

- (6) If the complainant is dissatisfied with the response, a second stage might be invoked. This would involve the complaint being investigated through a formal Council process, to be agreed between the Monitoring Officer and the Independent Person.
- (7) The Monitoring Officer will share the complaint with the Independent Person, and seek the Independent Person's views on:
- a. the merits of the complaint
 - b. whether it should be subject to a formal Council investigation process
 - c. if so, the process and timescale to be followed.
- (8) The Monitoring Officer will respond to the complainant, explaining the process and timescale to be followed, if any; and requesting any further information that s/he considers necessary to assist the process.
- (9) Whilst it is important that the Head of Paid Service has overall management of the complaints process, the Monitoring Officer will play the leading role in commissioning the investigatory process. Because of the necessary relationship between the Head of Paid Service and Leading Members of the Authority, it will not always be appropriate, or possible, for the Head of Paid Service personally to carry out investigations. In such circumstances, it might be appropriate for the Monitoring Officer to carry out the investigation personally, or to appoint another senior officer or an external individual to do so. It is important for Members to appreciate that the Chief Executive and the Monitoring Officer act as a "check and balance" on each other's actions in this as in other matters.
- (10) At the completion of the investigation, the Monitoring Officer will share the investigation report with the Independent Person and discuss its findings and possible courses of action.
- (11) The Monitoring Officer will then write to the complainant to set out the results of the formal investigation and, where appropriate, the views of the Independent Person.
- (12) If the Monitoring Officer and Independent Person concur with any finding in an investigation report that there has been a serious breach of the local Member Code of Conduct, which requires the application of a sanction available to the Standards Committee to address, the Monitoring Officer may choose at this

stage to put the findings directly to the local Standards Committee for its consideration.

Stage 3

- (13) If the complainant is still dissatisfied, the Monitoring Officer may refer the complaint to the Standards Committee at the third stage. In such circumstances, the Committee will consider a report from the Monitoring Officer outlining the results of the previous stages and decide whether any further investigation or information was needed before it arrived at its own conclusions.
- (14) The decision to refer a complaint to the Standards Committee will be for the Monitoring Officer, having regard to the views of the Independent Person. The complainant will not have a right to require a complaint to be considered by the Standards Committee, or to appeal against a decision of the Monitoring officer not to proceed to this stage.
- (15) The Monitoring Officer will set out the views of the Independent Person in the report to the Standards Committee.
- (16) At this stage, the meeting of the Standards Committee will be held in public, with an agenda published five working days before the meeting. The Committee will be subject to the access to information provisions of Section 100(A) of the Local Government Act 1972, and may only resolve to exclude the press and public if it considers that there will be a disclosure of exempt information as defined in that Section, or confidential information on a third party as defined in Section 40 of the Freedom of Information Act 2000.
- (17) The limited sanctions available to the Committee are set out in para. 9.4 above.

General

- (18) Subject to a complaint getting through the preliminary filter stage, the stage at which a complaint enters the process will depend upon the nature of and implications flowing from it. It might be appropriate to start the process at a different stage or proceed by a different order. The general principle should be that a complaint will be dealt with at the most appropriate point at the first stage and will then be escalated to a higher authority if the complainant was not satisfied, and eventually to the Standards Committee.
- (19) It is important that the process is operated flexibly and with common sense. The previous statutory process was administratively complex and slow because of the requirements to follow a prescribed process and the possibility of legal challenge.

9.7 Examples of Application of Procedure

9.7.1 The following are examples of how a complaint might be dealt with depending on the source of the complaint.

(1) The Public

- a) The principles described above could be applied to complaints from members of the public.
- b) However, if a complaint could not be resolved through the various stages described, the complainant would be advised to consider taking the complaint to the Local Government Ombudsman. If the Local Government Ombudsman considered that a Member had been at fault to the extent of breaching the local Member Code of Conduct or the law, the Ombudsman will name the Member concerned in the Report.
- c) In the event of a member being named in a formal report by the Ombudsman, the Monitoring Officer would then refer the matter to the Standards Committee.

(2) Ombudsman

- a) The Ombudsman's principal focus is on actions of maladministration that cause injustice. This can include a failure to act. The Ombudsman can make findings of maladministration against a Councillor, and grounds for such a finding could include a failure by a Councillor to follow any agreed local protocol.
- b) Irrespective of the origin of the complaint to the Ombudsman, if a Member were named in a formal report by the Local Government Ombudsman, it would be appropriate for the Monitoring Officer to refer that report to the Standards Committee. In all cases where the Ombudsman issues a formal report, a local authority is obliged to advertise the fact and, where there has been a finding of maladministration, to tell the Ombudsman what action it proposes to take.

(3) Councillors

- a) Occasionally, there are complaints by one Member about the conduct of another Member. More often than not such complaints arise as a result of something said during a heated debate in the Council Chamber.
- b) Members are protected by qualified privilege with regard to anything they say in the course of carrying out their functions as Councillors and this includes debate in the Council Chamber.
- c) It would be inappropriate for such complaints to be referred directly to the Standards Committee, unless the Chief Executive or the Monitoring Officer considered there to be a significant breach of Standing Orders or the Council was in danger of being sued for defamation. Such cases should be referred to the Group Leader or Leaders concerned, in the first instance, to see if the matter can be resolved within the political groups' own procedures.
- d) If the complaint cannot not be resolved at this stage, it could then be referred to the Standards Committee.
- e) The route for dealing with complaints about other matters, eg allegations of misuse of Council property, might depend upon the seriousness of the allegation and the potential consequences for the Council.

(4) Staff

- a) Complaints by staff against Councillors usually arise when a member of staff feels that they have been unfairly criticised or are being harassed by an elected Member. Conduct of this nature by another member of staff would lead to a complaint in accordance with either the grievance procedure or the harassment procedure. However, those procedures do not make any provision for circumstances where the complaint concerns an elected member.
- b) In such cases, complaints by members of staff about Councillors will normally be referred to the relevant Group Leader in the first instance. If not resolved to the satisfaction of the member of staff concerned, the complaint could then be investigated by the Monitoring Officer or another senior officer nominated by the Chief Executive. A course of action or solution would be recommended.
- c) If this did not produce a satisfactory resolution or the complaint persisted, the complaint would be referred to the Standards Committee.

2nd draft
May2012
JGP



MEMBER CODE OF CONDUCT

1. This Code is adopted, pursuant to Section 27(2) of the Localism Act 2011, to give force to the Council's statutory duty, under Section 27(1) of the Act, to promote and maintain high standards of Conduct by Councillors and co-opted members of the authority.
2. This Code is not intended to be an exhaustive list of all the obligations placed on Councillors and co-opted members of this authority. It is your responsibility to comply with the following provisions of this Code as well as other legal obligations beyond the scope of this Code.
3. It shall be a defence to an allegation that you have failed to comply with the Code if you can demonstrate that your conduct was reasonable in all the circumstances.

4. GENERAL PRINCIPLES

- 4.1 This Code is based on and consistent with the following seven Principles which are set out in Section 28 of the Localism Act 2011, and which were originally set out by the Nolan Committee on Standards in Public Life:

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits.

Integrity

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

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

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

Honesty

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

Leadership

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

- 4.2 In following these principles, you must be aware of the laws that confer special obligations on Councillors and co-opted Members, as set out in **Appendix 1**.
- 4.3 You should also follow the guidance for compliance with the General Principles and the Code of Conduct, as set out in **Appendix 2**.

5. DEFINITIONS

5.1 This Code applies to all:

- a) Councillor members of this authority, and
- b) co-opted members of this authority

when you are acting in your role as a Councillor/ co-opted member. This includes when you are acting on authority business and / or ward business, representing the Council, or carrying out the business of an office to which you have been appointed by the Council, such as Leader, Lead Councillor or Committee Chair.

5.2 A “co-opted member” for the purpose of this Code, as defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

5.3 A reference to a “Meeting” shall include reference to a meeting of -

- a) the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority;
- b) the Executive or a Committee of the Executive of the authority,

and shall include reference to any meeting convened for a briefing from an officer or for a site visit, but shall not include any party group meeting when not being briefed by an officer of the authority.

6. GENERAL OBLIGATIONS FOR MEMBERS AND CO-OPTED MEMBERS

6.1 When acting in your role as a Councillor or co-opted member of the authority:

(1) Do comply with the Member Code of Conduct, the Council’s constitution and other protocols adopted by the authority in addition to this Code in respect of Member conduct, including:

- (a) Planning Code of Conduct
- (b) Protocol on Member / Officer relations
- (c) Council Publicity and Elections
- (d) Social Media Protocol

(2) Do treat others with respect.

APPENDIX B

- (3) Do ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council as a whole.
 - (4) Do not do anything which may cause the authority to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006(a)). This means that you must not discriminate against people on grounds of race, gender, disability, religion or belief, sexual orientation and age.
 - (5) Do not bully any person.
 - (6) Do not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
 - (7) Do not use your position as a Member improperly for personal gain or to advantage other people.
 - (8) Do not 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—
 - a) you have the consent of a person authorised to give it;
 - b) you are required by law to do so;
 - c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - d) the disclosure is—
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority
 - (9) Do not prevent another person from gaining access to information to which that person is entitled by law.
 - (9) Do not make vexatious or malicious complaints against other persons.
- 6.2 When making decisions on behalf of or as part of the authority:
- (1) Do have regard to any relevant advice provided to you by the Council's Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
 - (2) Do give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.
 - (3) Do consult with the Monitoring Officer where there is doubt about the authority's powers to act; or whether the action proposed lies within the policy framework of the authority; or where the legal consequences of action or failure to act by the authority might have important repercussions.
 - (4) Do consult with the Chief Finance Officer where there is doubt about the authority's ability to fund an action; or whether the action proposed lies within the budget framework of the authority; or where the financial consequences of action or failure to act by the authority might have important repercussions
- 6.3 When using or authorising the use by others of the resources of the authority:
- (1) Do act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy and the policies and procedures listed in the Council's constitution which you are deemed to have read;

- (2) Do make sure that such resources are not used improperly for political purposes (including party political purposes); and
- (3) Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (4) Do not improperly use knowledge gained solely as a result of your role as a member for the advancement of your disclosable pecuniary interests.

7. REGISTRATION AND DISCLOSURE OF INTERESTS BY COUNCILLORS AND CO-OPTED MEMBERS

7.1. Disclosable Pecuniary Interests

7.1.1 Under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, you will have a disclosable pecuniary (financial) interest in any business of the authority which falls within any of the following categories:

- (a) Any employment, office, trade, profession or vocation carried out by you for gain
- (b) Any payment or provision or any other financial benefit (except from the authority) made or provided to you in the preceding 12 months in respect of expenses incurred by you in carrying out your duties as a Member or towards your election expenses
- (c) Any person or body which, to your knowledge, has a place of business or land in the authority's area, and in which 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 (1%) of the total issued share capital of that body
- (d) Any contract for goods, services or works made between the authority and you, or a firm in which you are a partner, or a corporate body in which you are a Director, or where you have a beneficial interest in the securities of that firm or corporate body.
- (e) Any land, licence or corporate tenancy in the authority's area in which you have a beneficial interest
- (f) Any land where the landlord is the authority and the tenant is a firm in which you are a partner, or a company of which you are as remunerated Director, or a person or body specified in (c) above
- (g) 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

7.1.2 You will also have a disclosable pecuniary interest which you must register if the above interests are held by a "relevant person" as described by the 2012 Regulations and Section 30(3) of the Localism Act 2011. A "relevant person" is:

- Your spouse or civil partner
- A person with whom you are living as husband and wife, or
- A person with whom you are living as if you are civil partners

7.2. Registration of Interests

7.2.1 You must register in writing any disclosable pecuniary interest that you, and/or your spouse or partner, have in a public Register of Members' Interests maintained by the authority's Monitoring Officer under Section 29 of the Localism Act 2011, within 28 days of:

- (a) this Code being approved by the authority;
- (b) your election or appointment to office as a Member;
- (c) your becoming aware of the existence of the interest;
- (d) Your disclosing the existence of an interest that you have not previously registered at a meeting of the authority.

7.2.2 You must register any new or changed pecuniary interest held by you, or your spouse or partner, with the Monitoring Officer, in writing, within 28 days of your becoming aware of the new or changed interest.

7.3 Non-Pecuniary Interests

7.3.1 The Localism Act 2011 does not place a duty on Members to register non-pecuniary interests. However, you are actively encouraged to register and declare any non-financial interests held by you or your spouse or partner, in the interests of transparency and to avoid allegations of personal bias.

7.3.2 In particular you are actively encouraged to register the following interests:

- (a) membership, or holding a position of general control or management, of a body or bodies to which you have been appointed or nominated by the authority
- (b) membership or holding a position of general control or management of any body that:
 - exercises functions of a public nature
 - is directed to charitable purposes
 - one of whose principle purposes includes the influence of public opinion or policy (including any political party or trades union)
- (c) any body or person from whom you have received a gift or hospitality with an estimated value of at least £25.

7.4 Declaration of Interests at Meetings

7.4.1 You should declare any interest that you and/or your spouse or partner hold, under 7.1 and 7.3 above, which relates to or is likely to affect an item of Council business being transacted at any meeting of the authority at which you are present.

7.4.2 In the interests of transparency, openness and the avoidance of bias, you should also declare any pecuniary interest, under 7.1 above, which relates to or is likely to affect an item of Council business being transacted at any meeting of the authority at which you are present, that is held by a member of your family or the family of your spouse or partner, or by a person with whom you or your spouse or partner have a close association.

APPENDIX B

- 7.4.3 Under Section 31(4) of the Localism Act 2011, any Members who are aware that they have a disclosable prejudicial interest in an item of business being considered at a meeting at which they are present may not participate in the discussion, or vote, on the item of business at the meeting.
- 7.4.4 If you declare that you have a pecuniary interest which relates to or is likely to affect an item of Council business being transacted at a meeting of the authority at which you are present, you may make representations, answer questions and give evidence on the item of business, subject to there being equivalent public speaking rights, but you may not participate in the discussion or vote on the item of business, and you should leave the meeting before any discussion on the item of business takes place at the meeting and before the vote on the item of business is taken.
- 7.4.5 You should declare the interest as soon as you become aware of it at the meeting. Each public meeting will have a "Declaration of Interests" item at the start of its agenda.
- 7.4.6 You should declare both the existence of an interest, and details of the interest. All declared interests will be recorded in the minutes of the meeting.
- 7.4.7 If you realise that you, and/or your spouse/partner, have a disclosable pecuniary interest in an item of business at a meeting which you have not previously registered, then you must both declare the interest at the meeting and then give written notice to the Monitoring Officer, within 28 days of the meeting, of the existence and nature of the interest, for inclusion in the authority's published register.

7.5 Declaration of Interests by Single Members

- 7.5.1 Members who, by virtue of any office that they hold on behalf of the authority, are in a position to take decisions on behalf of the authority, are bound by the same requirements as in 7.4 above, and in this respect you should:
- (a) Make a public declaration of any interest that you, and/or your spouse or partner, have in any item of business of the authority that they are considering; and
 - (b) Not consider or take a decision on any item of business in which you, and/or your spouse/partner, have a disclosable pecuniary interest.

7.6 Sensitive Interests

- 7.6.1 This applies to a situation where a Member considers that the disclosure of the details of your interest - including that of your spouse or partner - could lead to you, or a person connected with you, being subject to violence or intimidation.
- 7.6.2 In such circumstances you should share your concerns with the authority's Monitoring Officer. If the Monitoring Officer agrees with you, s/he will not include details of the interest in the authority's Register of Interests, but may state that you had registered an interest the details of which had been withheld under Section 32(2) of the Localism Act 2011.
- 7.6.3 Similarly, if the Monitoring Officer has accepted that you have a sensitive interest under Section 32 of the Localism Act 2011, you should declare the existence of the interest at any meeting at which you are present but you need not declare the details of the interest.

7.7 Dispensations

- 7.7.1 The authority may grant a dispensation to Members who have a disclosable pecuniary interest in an item of business being conducted at a meeting of the authority at which they are present, to allow them to participate in the discussion and vote on the item of business.
- 7.7.2 In such cases, you must make a written request for a dispensation to the Monitoring Officer, who will put the request before the Standards Committee. Under Section 33(2) of the Localism Act 2011, a dispensation may only be granted where the Monitoring Officer and the Committee consider, having had regard to all relevant circumstances, that:
- (a) without the dispensation the number of persons prohibited from taking part in the item of business would be so great a proportion of the meeting as to impede the transaction of the business
 - (b) without the dispensation the representation of different political groups at the meeting would be so upset as to alter the likely outcome of any vote relating to the item of business
 - (c) granting the dispensation is in the interests of persons living in the authority's area
 - (d) each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive
- 7.7.3 The Standards Committee will grant a dispensation for a specified period of time, which may not exceed four years.

7.8 Sanctions

- 7.8.1 Under Section 34 of the Localism Act 2011 Members will be committing an offence if you:
- (a) fail, without reasonable excuse, to register or declare a disclosable pecuniary interest (7.1)
 - (b) participate in any discussion or vote on an item of business in which you have such an interest (7.4)
 - (c) register or declare false or misleading information, or are reckless as to whether the information is true or misleading
- 7.8.2 Such offences will be heard in court, on a prosecution initiated by the Director of Public Prosecutions. The penalties available to the court are:
- (a) a fine of up to £5,000
 - (b) disqualification from being a Member of the authority, or any other authority, for up to 5 years

7.9 Registration of Gifts and Hospitality

- 7.9.1 If you receive any gift or hospitality over the value of £25 in your role as a Member of the authority, you must provide written notification to the Monitoring Officer within 28 days of the existence and nature of that gift or hospitality. The Monitoring Officer will record this in a gift book, and will publish details of all gifts and hospitality registered by Members each year to the Council's Standards Committee.

Reading Borough Council
Standards Committee
12 July 2012

5th version
June 2012 JGP

Laws conferring special obligations on Councillors and co-opted Members

Bribery Act 2010

Localism Act 2011

Data Protection Act 1998

Freedom of Information Act 2000

Employment Rights Act 1996

Local Government Act 1972

Equality enactments including

- the Equal Pay Act 1970 (c. 41),
- the Sex Discrimination Act 1975,
- the Race Relations Act 1976,
- the Disability Discrimination Act 1995,
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006 and regulations made under this Act

Guidance on Compliance with the General Principles

1. As Councillors or co-opted members of Reading Borough Council, we have a responsibility to represent local people and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
2. When acting in this capacity we are committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS

- We will champion the needs of our residents and put their interests first.
- We will take representations from our residents seriously and not allow other pressures, including our own financial interests, to deter us from pursuing casework or otherwise advocating for our electors in order to achieve a result.

INTEGRITY

- We will not compromise our position by placing ourselves under obligations to outside individuals or organisations who might seek to influence the way we perform our duties as Councillors/co-opted members of this authority.

OBJECTIVITY

- We will listen to the interests of all parties, remain objective and make decisions on merit, for example when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.

ACCOUNTABILITY

- We will be bold in taking decisions and be accountable for them when scrutinised internally and externally, including by our residents.

OPENNESS

- We will make our decisions as open and transparent as possible to enable our residents to understand the reasoning behind them and be informed when holding us to account for them.
- We will only restrict information when the wider public interest or the law clearly demands it.

HONESTY

- We will act in accordance with all our legal obligations as outlined in Appendix 1, as well as any requirements contained within the Council's constitution, policies and procedures.

LEADERSHIP

- We have a duty to provide leadership and accountability for public services which may require us to champion our residents' interests with other organisations as well as the council's own departments.
- We will value our colleagues and staff and lead by example by seeking always to treat people we work alongside with respect.



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 Member Code of Conduct?

The Code is a local document agreed by the Borough's Standards Committee on 12 July 2012. 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 co-opted Members of Council Committees.

Under the Localism Act 2011, all local authorities have a duty to promote and maintain high standards of conduct by Councillors and co-opted Members of the authority. To do this, they must adopt a code setting out the conduct expected from their Members when they are acting as a Councillor or co-opted Member.

All Reading Councillors, when they are elected, are asked to sign to say that they will faithfully fulfil their duties as a Councillor to the best of their judgment and ability.

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

- Follow the Code when they are representing the Council
- Follow other local codes and protocols
- Treat others with respect
- Comply with the Bribery Act 2010
- Declare any disclosable pecuniary (financial) 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>
- Register gifts and hospitality received in their role as a Councillor, worth more than £25

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

- Breach any of the equality enactments (ie discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age;
- Bully any person
- Compromise the impartiality of people who work for the Council;
- Use their position improperly for personal gain or to advantage other people
- Disclose confidential information, other than in exceptional circumstances;
- Prevent anyone from getting information they are entitled to.
- Make vexatious or malicious complaints against somebody else
- Use the Council's resources improperly for party political purposes;
- Attend meetings or be involved in decision making or voting where they have a disclosable financial interest - except when speaking when the general public are also allowed to do so.

The Code of Conduct applies to Councillors when they are:

- Carrying out Council business;
- Carrying out ward 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.

What are Interests?

Councillors will have a disclosable *Pecuniary (Financial) Interest* in an item of business being considered by the Council where a decision on a matter would affect the financial position of:

- o The Councillor and/or their spouse or partner
- o A body employing any of those persons
- o Any corporate body in which such persons hold shares above £25,000 in nominal value

To a greater extent than other people in the ward affected by the decision.

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:

Chris Brooks
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)
- 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 complaint will then follow a complaints process which has an initial filter and then up to three stages.

Initial Filter

At this stage, the Monitoring Officer will consider whether the complaint provides evidence to suggest that a Councillor may have acted in a way that has breached the local Code of Conduct whilst carrying out the business of the Council. The Monitoring Officer may do three things:

(1) Reject the complaint on one of the following grounds:

- There is no evidence of any action which breaches the Member Code of Conduct
- The complaint is about the Councillor's private life;
- The complaint has been made anonymously
- The complaint is about actions that occurred more than 12 months before;

- The complaint is about comments made in the cut and thrust of political debate;
 - The complaint is trivial, vexatious, malicious, politically motivated or made on a tit-for-tat basis - unless these suggest a more deep-seated problem;
 - The complaint is similar to a previously investigated complaint where there is nothing further to be gained from an investigation;
 - The complaint gives insufficient information to justify an investigation, or where an investigation is unlikely to be able to come to a firm conclusion on the matter
- (2) Explore the complaint informally with you, and the Councillor who is the subject of your complaint, to see whether there is any scope for settling the complaint informally;
- (3) Where the Monitoring Officer considers that the complaint may suggest that a serious breach of the Member Code of Conduct may have occurred, and there does not appear to be scope for an informal local settlement, he will refer the complaint to the Leader of the political Group of which the Councillor is a member, to be investigated under the Group's disciplinary procedure.

Stage 1

Where the Monitoring Officer refers the complaint for investigation under the disciplinary procedure of the Councillor's Group, the Group Leader will be responsible for ensuring that the following things happen:

- (4) You receive written confirmation of receipt of the complaint, and the process and timescale the Group will follow to look into it;
- (5) At the end of the process, the Group Leader will write to you again to set out the findings of the Group investigation, and the action, if any, that the Group intends to take with regard to the Councillor.
- (6) The Group Leader will copy this response to the Monitoring Officer. Apart from this, this stage of the complaints process will be confidential to yourself and the political Group.

If you are not satisfied with the response you receive from the Group Leader, you may refer your complaint back to the Monitoring Officer.

Stage 2

The Monitoring Officer will consider whether your complaint should now be investigated through a formal Council process.

In doing this, the Monitoring Officer will share your complaint with the Council's **Independent Person**. The Independent Person is somebody that every local authority has to appoint, and whose views must be sought and taken into account before the

authority makes a decision on the outcome of any investigation that it undertakes formally.

- (7) The Monitoring Officer will seek the Independent Person's views on:
 - o the merits of the complaint
 - o whether it should be subject to a formal Council investigation process
 - o if so, the process and timescale to be followed.
- (8) The Monitoring Officer will then write to you to explain the process and timescale to be followed, if any; and to request any further information that he considers necessary to assist the process.
- (9) At the completion of the investigation, the Monitoring Officer will share the investigation report with the Independent Person and discuss its findings and possible courses of action.
- (10) The Monitoring Officer will then write to you to set out the results of the formal investigation and, where appropriate, the views of the Independent Person.

Stage 3

- (11) If the Monitoring Officer and Independent Person concur with any finding in an investigation report that there has been a serious breach of the local Member Code of Conduct, which requires the application of a sanction available to the Standards Committee to address, the Monitoring Officer may decide at this stage to put the findings directly to the local Standards Committee for their consideration.
- (12) The Monitoring Officer will tell you if he decides to do this.
- (13) When this happens, the Committee will consider a report from the Monitoring Officer outlining the results of the previous stages and decide whether any further investigation or information was needed before it arrived at its own conclusions.
- (14) The decision to refer a complaint to the Standards Committee will be for the Monitoring Officer, having regard to the views of the Independent Person. You will not have a right to require a complaint to be considered by the Standards Committee, or to appeal against a decision of the Monitoring Officer not to proceed to this stage.

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 Leader of the political Group of which the Councillor is a member.

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 Group Leader 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:

- Member of the public
- Councillor or Co-opted Member of the authority
- Independent member of the Standards Committee
- MP
- Monitoring Officer
- Other Council employee
- Other (please specify)

YOUR COMPLAINT

3. 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)

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

Please tick - you may tick more than one box

- Not following the Code or other protocols when they are acting as a Member or representing the Council
- Not declaring any personal and pecuniary interests they have in the business of the authority
- Not treating others with respect
- Not complying with the Bribery Act 2010
- Using the Council's resources for unauthorised party political purposes
- Compromising the impartiality of people who work for the Council
- Discriminating against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age

- Bullying
- Using their position improperly for personal gain or to advantage other people
- Disclosing confidential information, other than in exceptional circumstances
- Preventing anyone from getting information they are entitled to
- Making vexatious or malicious complaints about somebody else
- Not registering their disclosable pecuniary interests in the Council's Register of Members Interests, or keeping their entry up-to-date
- Not declaring their disclosable pecuniary interests at meetings
- Attending meetings or being involved in decision making where they have a disclosable pecuniary interest - except when speaking when the general public are also allowed to do so

5. 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 Monitoring Officer 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

6. Redress

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

7. Disclosure of Personal Information

In the interests of fairness and natural justice, we believe that any Councillors who 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

8. 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) 937 2359 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 937 2359.

Chair, Standards Committee
July 2012



**APPOINTMENT OF INDEPENDENT PERSON - STANDARDS
UNDER SECTION 28(7) OF LOCALISM ACT 2011**

Reading Borough Council is looking to appoint an Independent Person to undertake the statutory functions of the position in relation to promoting and maintaining high standards of conduct by Councillors and co-opted Members of the Council, and compliance with the local Code of Conduct for Members.

This is a statutory requirement, and the duties of the Independent Person are as set out in Section 28 of the Localism Act 2011.

We are looking for applications from people aged over 18 who live or work in the Borough or Reading, or otherwise have had close links with it, and who are independent of the Council and do not have a public link to any political party or local campaigning group. You should have a proven track record of making a contribution to the community; be familiar with ethical dilemmas; and have good analytical, communication and inter-personal skills.

The Independent Person will be commissioned principally by the Council's Monitoring Officer, although you may also be contacted by individual Councillors. The duties of the post will be responsive. You will not be required to attend meetings of the Standards Committee.

The Independent Person will be paid an annual allowance equivalent to Tier 3 of the Council's Scheme of Member Allowances - £1,074 a year.

To find out more, including information on how to apply, log onto <http://www.reading.gov.uk/councilanddemocracy/General.asp?id=SX9452-A78253B6> or e-mail cttee.services@reading.gov.uk.

For an informal discussion please contact the Monitoring Officer, Chris Brooks, on 0118 937 2602.

Final date for receipt of applications: Friday 31 August 2012



APPLICATION TO BE THE COUNCIL'S INDEPENDENT PERSON UNDER SECTION 28 OF THE LOCALISM ACT 2011

NOTES FOR APPLICANTS

1. Thank you for expressing an interest in being the Council's Independent Person. Enclosed is an application form and person specification, together with the following background information:-
 - (i) Copy of the Terms of Reference of the Council's Standards Committee.
 - (ii) Copy of the Council's local Code of Conduct for Members.
2. Under Chapter 7 (Sections 26-37) of the Localism Act 2011, every local authority has a duty to promote and maintain high standards of conduct by its Members; and must adopt a local Code of Conduct which it expects its Councillors and co-opted Members to follow when they are acting as Members of the authority. The authority must also have in place arrangements to deal with allegations that any of its Members have not complied with its Code of Conduct, including how the allegations can be investigated and decided upon.
3. Section 28(7) of the Localism Act 2011 also requires the local authority to appoint at least one Independent Person, whose views:
 - (i) Must be sought and taken into account by the Council before it takes a decision on an allegation that it has decided to investigate
 - (ii) May be sought:
 - a) By the Council in relation to allegations that have not yet been investigated
 - b) By a Member who is the subject of an allegation
4. The arrangements to deal with allegations that individual Members may not have complied with the local Member Code of Conduct will be overseen and coordinated by the Monitoring Officer, who is also the Head of Legal and Democratic Services. As part of its arrangements, the Council will continue to appoint a Standards Committee, which will hear and decide upon reports of investigations put before it by the Monitoring Officer.
5. The Council's Standards Committee for the Municipal Year 2012/13 will consist of 11 Members:- six Labour Councillors, two Conservative Councillors, one Liberal Democrat Councillor, one Green Councillor, and one co-opted Independent Member (ie not a Councillor). The Committee is chaired by the co-opted Member.
6. The Independent Person will not be a member of the Committee; nor will the Independent Person carry out investigations personally.
7. The Council is inviting applications from individuals who feel they may have the necessary qualities to fulfil the statutory role of the Independent Person. The Independent Person will have an important role in helping to maintain public perception

of the integrity of the Borough Council and its ability to promote high standards of conduct by its Members.

8. The Localism Act 2011 places a number of statutory conditions and constraints on the process by which the Independent Person must be recruited; and those people who are not considered to be independent of the Council. These are set out in para. 13 below.
9. If you feel you have the necessary qualities and would like to apply please complete and submit an application form to the Council to arrive by **Friday 31 August 2012**, using the attached electronic form. In your application you should demonstrate how you criteria for independent membership of the Standards Committee, as set out in para. 14 below.
10. Shortlisted applicants who meet the criteria will be interviewed by the Council's Monitoring Officer and Democratic Services Manager and the Chair of the Standards Committee.
11. The appointment process for the Independent Person was endorsed by the Standards Committee on 12 July 2012, and the appointment will be formally approved by full Council in October 2012. The appointment will be reviewed each year by the Council at its Annual Meeting in May.
12. The successful candidate will be required by the Council to complete and maintain an up-to-date register of pecuniary interests. Unlike the Register of Interests completed by Members of the Council, this will not be published on the Council's website, but it will be open in hard copy for public inspection, during normal office hours, at the Civic Offices.

13. Appointment of Independent Person

- 13.1 The Council is looking to appoint an Independent Person to undertake the statutory duties set out in Section 28(7) of the Localism Act 2011. The appointment will be made for one Municipal Year, but with the option to re-appoint for subsequent years on an annual basis.
- 13.2 The appointment will be in accordance with Section 28(8) of the Localism Act 2011.
- 13.3 A person may not be appointed as an Independent Person unless:
- (a) the appointment has been approved by a majority of the members of the authority at a public meeting of full Council;
 - (b) the vacancy has been advertised to bring it to the attention of the public;
 - (c) the person has submitted an application to fill the vacancy to the authority;
 - (d) the person is not, and has not been within the period of five years immediately preceding the date of appointment, a Councillor, co-opted Member or officer of the authority;
 - (e) the person is not a relative or close friend of a current Member or officer of the authority.
- 13.4 For the purposes of (e) above, the Localism Act 2011 defines a relative as follows:
- 1) spouse or civil partner
 - 2) living with the person as husband and wife or civil partner (ie common law partner)
 - 3) grandparent
 - 4) lineal descendant of a grandparent
 - 5) parent, sibling or child of the person, or the person's spouse, civil partner or common law partner
 - 6) spouse or civil partner of (3) to (5) above
 - 7) anybody living with any of (3) to (5) above as husband and wife or civil partner
- 13.5 For the purposes of (e) above, the Council defines a close friendship with a Member or Officer of the Council as a friendship which a member of the public, with knowledge of the relevant facts, might reasonably regard as being so significant that it was likely to prejudice the person's independence or judgment of the public interest.
- 13.6 The definition of Member includes any independent or co-opted member of a Committee or Sub-Committee of the Council, including the Standards Committee.
- 13.7 The Independent Person will be paid an annual allowance equivalent to Tier 3 of the Council's Scheme of Members' Allowances (£1,074 pa). There will be no facility to claim travel, subsistence or meeting expenses.

14. Criteria for Independent Membership of the Standards Committee

14.1 The criteria below are in addition to the statutory requirements set out in 13.3 above.

- (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 or Greater Reading area
 - Working in the Borough of Reading or Greater Reading area.
 - Member of a community organisation active in the Borough of Reading or Greater Reading area
 - 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 directly or financially with 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 and standards of conduct in public life.
- (10) Have good analytical and organisational skills, and the ability to meet deadlines.
- (11) Have good written and oral communication, and the ability to evaluate a situation and express an opinion clearly and succinctly
- (12) Have good inter-personal skills, including assertiveness, and questioning skills.
- (13) Have a reasonable understanding of the working of a local authority and the varied roles of Members of the authority, including within a party political setting, whilst retaining political neutrality and independence from the Council.

READING BOROUGH COUNCIL
INDEPENDENT PERSON - STANDARDS
APPLICATION FORM

Name	_____
Address	_____ _____ _____
Postcode	_____
Telephone	_____
<i>Home</i>	_____
<i>Business</i>	_____
<i>Mobile</i>	_____
<i>Email</i>	_____
2. Date of Birth _____ Male/Female _____	
3. Employment Status *(please delete as appropriate) Employed/Self Employed/Retired	
4. If employed or self-employed please give the following details. If retired please give the relevant details at the time of retirement.	
Name of Employer/Business	_____
Address	_____ _____ _____
Nature of Business	_____
Position Held	_____

5. Please describe any links which you have or have had with the Borough or with the community of the Borough, eg through work, business, through voluntary bodies, public bodies etc.

6. Have you been a Member or Officer of the Council at any time since July 2007?

Member Yes / No

Officer Yes / No

If relevant, when did you last cease to be a Member or Officer of the Council?

7. Are you a *relative or close friend* of any Member or Officer of the Council?

Yes / No

Note:

(1) For the legal definition of "relative" please see 13.4 above.

(2) A working definition of a close friend is the extent to which you know each other's families, whether you visit one another's homes on a regular basis, and whether there are any other particular close connections, such as may be seen which a member of the public, with knowledge of the relevant facts, might reasonably regard as being so significant that it was likely to prejudice the person's independence or judgment of the public interest.

If yes, please give details

- 8. Are you currently a Member or officer of any other Local Authority?**
(This includes Parish Councils and Fire Authorities)

Yes / No

If yes please provide the name of the Authority

(Note: Those who are required to answer “yes” to any of questions 6, 7 and 8 will be ineligible for appointments under the relevant regulations)

- 9. Please provide details of any organisations (including political parties), of which you are, or have been, a Member of during the past 5 years.**
Please give details of your level of involvement in political parties.

10. Relevant Experience and Qualities

Please explain why you wish to be an Independent Member on the Standards Committee and give details of any relevant experience you may have for the role. Please do this with reference to the criteria set out in para. 8 of the accompanying note.

(Please continue on a separate sheet if you wish)

11. Convictions

You must give details of convictions which have occurred **within** the following periods, commencing with the date sentence was passed.

	PERIOD	DETAILS
Sentence of imprisonment of 2 ½ years plus Sentence of imprisonment of between 6 months And 2 ½ years	Always notified 10 Years	
Sentence of imprisonment of 6 months or less	7 years	
Sentence of Borstal Training	7 years	
Fine or Community Service Order	5 years	
Absolute Discharge	6 months	
Probation Order, Conditional Discharge	1 Year (or until the Order expires, whichever is longer)	

12. Any other information or comments you wish to supply in support of your application.

13. Please supply the name and address of a person whom we may contact for a reference as to your suitability for the role.

Name _____

Address _____

Signed _____

Date _____

Please return this form to cttee.services@reading.gov.uk.

If you are sending as a hard copy, please address to:

Chris Brooks
Head of Legal & Democratic Services and Monitoring Officer
Reading Borough Council
Civic Offices
Reading
RG1 7TD



LOCALISM ACT 2011, SECTION 30(3)

**THE RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS)
REGULATIONS 2012
(SI 2012 : 1416)**

**Notification by Member of a Local Authority of Financial (Pecuniary)
and Other Interests**

Please note:

You are required by the provisions of this Order to register any disclosable pecuniary interests that you have of the type listed in this form with the Monitoring Officer within 28 days of becoming a Councillor or co-opted Member of the authority.

You are also required to register a disclosable pecuniary interest, which you have not previously registered, in a matter to be dealt with by you within 28 days of your becoming aware that you have such an interest and/or of your disclosing the interest at a meeting of the authority.

You should also notify the Monitoring Officer of any changes to your registered pecuniary interests within 28 days of becoming aware of the changes.

The duty to register disclosable pecuniary interests applies both to you as a Member, and to other "relevant persons" as defined in Section 30(3)(b) of the Localism Act 2011. These are your spouse, civil partner, or any person with whom you are living as husband and wife or as civil partners. In the form below, these relevant persons are referred to as "spouse / partner".

Please fill in ALL the sections under the DISCLOSABLE PECUNIARY INTERESTS heading. Below, in respect both of yourself and your spouse / partner. You are also encouraged to complete the remaining sections under the VOLUNTARY heading.

If a section does not apply to you please write NONE under that section

Name:	Ward:
Address:	
Post Code:	

Member of: Reading Borough Council

1. DISCLOSABLE PECUNIARY INTERESTS

I GIVE NOTICE that my spouse / partner and I have the following disclosable financial interests:

1.1 Employment, Office, Trade, Profession or Vocation

You must register any employment, office, trade, profession or vocation carried on for profit or gain by you and your spouse or partner.

- (a) Nature of my employment/ office / trade / profession / vocation carried out
(*delete whichever does not apply*)

You
Spouse / Partner

- (b) Name(s) of employer(s)
or
Name(s) of firm(s) in which a partner
or
Name(s) of Company/ies of which a remunerated director
(*delete whichever do not apply*)

You
Spouse / Partner

1.2 Sponsorship

You must register any payment or provision or any other financial benefit made or provided to you in the preceding 12 months in respect of any expenses incurred by you in carrying out your duties as a Member or towards your election expenses.

This includes any payment or financial benefit from a trades union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

It does NOT include payments or provisions made to you by the Council.

- (c) You should declare the name of any person who or body which has made any payments to you in the last year towards your expenses in carrying out your duties as a Member or towards your election expenses. You do not need to declare the amount of any payments, only the name of the person or body making them.

Note: Do NOT include payments from Local Authorities

1.3 Securities

You must register any beneficial interest that you have in securities of any person or body that have a place of business or land in the authority's area and in which the total nominal value of the securities exceeds £25,000 or is more than one hundredth (1%) of the total issued share capital of that body.

"Body" means a firm or corporate body in which you are a partner or director, or in which you have a beneficial interest in the securities of the firm or corporate body.

"Director" includes a member of the committee of management of an industrial and provident society.

"Securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000, and other securities of any description, OTHER THAN money deposited with a building society.

Where the share capital of the body is of more than one class, you must register the total nominal value of the shares of any one class in which you have a beneficial interest that exceeds one hundredth (1%) of the total issued share capital of that class.

This duty to register also extends to beneficial interests held by your spouse / partner, where you are aware of that person's interest.

- (d) You should list the names of any person or body - e.g. companies, co-operative societies, industrial and provident societies - that have a place of business or land in the authority's area and in which you and/or your spouse / partner have a beneficial interest in a class of securities of that person or body that exceeds a nominal value of more than £25,000 or is more than one hundredth (1%) of the total issued share capital of that body. You do not need to show the extent of the interest.

You
Spouse / Partner

1.4 Contracts

You must register any contract which is made between you and the Council for the provision of goods or services or the execution of works, which has not yet been fully discharged.

You must also register any such contract made between the Council and a body in which you have a beneficial interest. This means any firm in which you are a partner or any corporate body in which you are a Director, or where you have a beneficial interest in the securities of that firm or corporate body.

The term "Director" includes being a member of the management committee of an industrial and provident society. An **industrial and provident society (IPS)** is a legal entity for a trading business or voluntary organisation in the [United Kingdom](#) and the [Republic of Ireland](#). Recent UK legal developments include the Co-operatives and Community Benefit Societies Act 2003, which introduced the concept of a **community benefit society**.

This duty to register also extends to beneficial interests held by your spouse / partner, where you are aware of that person's interest.

(e) You should give details of any contract for goods, services or works made between the authority and:

- Yourself or your spouse / partner
- a firm in which you or your spouse / partner are a partner
- a company of which you or your spouse / partner are a remunerated director
- a person or body of the description as specified in (d) above.

You
Spouse / Partner

1.5 Land, Licenses and Corporate Tenancies

You must register any beneficial interest that you or your spouse / partner have in land within the area of the Council.

'Land' includes:

- buildings or parts of buildings for which you or your spouse / partner have a tenancy, a lease or licence, or own the freehold.
- an easement, servitude, interest or right in or over land which carries with it a right for you, or your spouse or partner - either alone, or jointly with another person - to occupy the land or to receive income.

"Licence" means any licence which you hold - either alone or jointly with others - to occupy land in the area of the Council for a month or longer.

"Corporate Tenancies" means any tenancy where, to your knowledge, the Council is the landlord and the tenant is a body in which you, or your spouse or partner, has a beneficial interest.

- (f) You should include any land in the Borough in which you have a beneficial interest (that is, in which you have a tenancy, a lease or licence, or you own the freehold).

You should include land and property in which you have a benefit jointly with someone else. You should give the address or a short description to identify it. If you live in the authority's area, you should include your home under this heading whether as owner, lessee or tenant.

You should also include any property from which you receive rent, or of which you are the mortgagee.

In box (v) below you should specify any land where the Council is the landlord and the tenant is:

- a firm in which you are a partner
- a company of which you are a remunerated Director
- a person or body described in (d) above

In respect of licences, in box (vi) below you should include any land in the area of the Council in which you (alone or jointly with others) have a right to occupy for a period of 28 days or longer. This would include an allotment for example. You should give the address or a brief description to identify it.

Please fill in the boxes below in respect of you and your spouse / partner. You do not have to specify to whom the interest is attached, but may do if you wish.

- (i) Tenancy in the following land/property in the Borough

--

(ii) Leasehold interest in the following land/property in the Borough

--

(iii) Freehold interest in the following land/property in the Borough

--

(iv) Mortgagee of the following land/property in the Borough

--

(v) Interest in a tenancy where the Council is the landlord

--

(vi) Licensee of the following land/property in the Borough

--

2. NON-STATUTORY INTERESTS

You do not have a duty to register the following interests, but are actively encouraged to do so, in the interests of transparency and to avoid allegations of bias.

I also GIVE NOTICE of the following other interests:

- (a) I am a member or hold a position of general control or management of the following bodies to which I have been appointed or nominated by the authority.

NB - this includes outside bodies, partnerships and school governing bodies where you have been appointed or nominated by the Council

- (b) I am a member or hold a position of general control or management of the following bodies exercising functions of a public nature.

NB - this includes outside bodies, partnerships and school governing bodies where you have NOT been appointed or nominated by the Council

- (c) I am a member or hold a position of general control or management of the following bodies directed to charitable purposes.

NB - it would be appropriate to declare membership of the Freemasons under this part of the Register of Interests

- (d) I am a member or hold a position of general control or management of the following bodies whose principal purposes include the influence of public opinion or policy.

NB - this includes membership of any trades union political party or Political-party Councillor Associations

3. GIFTS AND HOSPITALITY

- (e) You are encouraged to give the details of any person or body from whom you have received a gift or hospitality with an estimated value of £25 or more over the past 12 months.

--

Date:

Signed:

Date Received by Monitoring Officer:

APPENDIX F

Ref 10/ 11	Received	Date of Assessment Sub-Committee (ASC)	Complainant	Description of complaint	Subject	Decision of ASC	Further developments
001	8 June 2011	27 June 2011	Councillor	<ul style="list-style-type: none"> • Disrespect • Bullying • Disrepute • Equalities 	Actions taken at Annual Council Meeting	Breaches identified Referral to Standards Board for England for investigation	MO wrote to Standards Board Standards Board declined to investigate
002	13 July	21 July	Member of Public (retired Councillor)	<ul style="list-style-type: none"> • Disrespect • Bullying • Disrepute 	Impact of new traffic management arrangements on disabled drivers - comments reported by local newspaper	No further action	

**List of Gifts to Councillors
2011/12**

Date	Description	Cllr Name	Offered by	Accepted or Declined
15/7/11	Ticket to Henley Festival (£35)	Cllr Livingston	Amar Dave	Accepted
2/9/11	Business Awards at Madejski Stadium (£30 approx)	Cllr Lovelock	Broad Street Mall	Accepted
8/9/11	Overnight accommodation and dinner after APSE Awards (£130 approx)	Cllr Livingston	Culture and Sport Service, RBC	Accepted
20/9/11	Thai Government Visit to Reading - silk scarf and brooch	Cllr Lovelock	Thai Government	Accepted
1/10/11	Box of chocolates (Value under £10)	Cllr Gittings	Constituent, Ms Julie Stevens	Accepted
18/10/11	Stoneware tea mugs (approx \$10-\$20)	Cllr Tickner	Reading USA	Accepted
23/01/12	Amateur Rugby Match and lunch (approx £20)	Cllr Eden	Raglan Housing Association	Accepted
23/04/12	Box of chocolates and scarf (approx £10)	Cllr Lovelock		Accepted
28/04/12	Free entry and hospitality at Madejski Stadium to celebrate promotion of reading FC	Cllr Benson	Reading Football Club	Accepted
Aug 2011	2 Reading Festival tickets	Cllr Benson		
Aug 2011	2 Reading Festival tickets	Cllr Chowdhary		
Aug 2011	2 Reading Festival tickets	Cllr K Edwards		
Aug 2011	2 Reading Festival tickets	Cllr Gittings		
Aug 2011	2 Reading Festival tickets	Cllr Goodall		
Aug 2011	2 Reading Festival tickets	Cllr Hacker		

Aug 2011	2 Reading Festival tickets	Cllr Harris		
Aug 2011	2 Reading Festival tickets	Cllr Hartley		
Aug 2011	2 Reading Festival tickets	Cllr Hoskin		
Aug 2011	2 Reading Festival tickets	Cllr Khan		
Aug 2011	2 Reading Festival tickets	Cllr Lockett		
Aug 2011	2 Reading Festival tickets	Cllr Maskell		
Aug 2011	2 Reading Festival tickets	Cllr Ralph		
Aug 2011	2 Reading Festival tickets	Cllr Skeats		
Aug 2011	2 Reading Festival tickets	Cllr Stanway		
Aug 2011	2 Reading Festival tickets	Cllr Swaine		
Aug 2011	2 Reading Festival tickets	Cllr Tickner		
Aug 2011	2 Reading Festival tickets	Cllr Vickers		
Aug 2011	2 Reading Festival tickets	Cllr Watson		
Aug 2011	2 Reading Festival tickets	Cllr Woodward		