

To: Tina Barnes (Chair)
Councillors D Edwards, Ayub, Gittings,
Khan, Lovelock and R Singh

Direct: 0118 9372432

2 March 2021

Your contact is: **Jenny Hazell - Committee Services (jenny.hazell@reading.gov.uk)**

NOTICE OF MEETING - STANDARDS COMMITTEE 10 MARCH 2021

A meeting of the Standards Committee will be held on Wednesday, 10 March 2021, at 4.30 pm via Microsoft Teams. The Agenda for the meeting is set out below.

	<u>WARDS</u> <u>AFFECTED</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
2. MINUTES OF THE MEETING HELD ON 27 JUNE 2019		3 - 4
3. INVESTIGATION OF COMPLAINTS 2019/20	ALL WARDS	5 - 22
To provide the Committee with information relating to the number, type of complaints and their disposal in the financial year 2019/20. It also outlines the Council's response to one complaint against a councillor and to consider possible amendments to the Council's arrangements for dealing with future complaints against councillors in light of that complaint.		
4. CODE OF CONDUCT	ALL WARDS	23 - 58
A report outlining the new recommended Code of Conduct, published by the Local Government Association. The Committee is asked to review the new Model Code, with a view to adopting it in its entirety or with revisions.		

STANDARDS COMMITTEE MINUTES - 27 JUNE 2019

Present: Mrs T Barnes (Chair);
Councillors Ayub, Edwards, Khan, Lovelock and Warman;
Mr D Comben (Independent Person);

Apologies: Councillors Gittings and R Singh.

1. MINUTES

The Minutes of the meeting held on 28 June 2018 were confirmed as a correct record and signed by the Chair.

2. TERMS OF REFERENCE AND ANNUAL REPORT

The Monitoring Officer submitted a report setting out the Standards Committee's terms of reference and constitutional role for this Municipal Year and provided an update on developments and complaints during the previous year. Chapter 7 of the Localism Act 2011 had ended the statutory standards regime and introduced 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 required local authorities to adopt arrangements to deal with allegations that Members had breached the Code of Conduct, and gave them discretion to establish a local Standards Committee as part of this process. The terms of reference and Standing Orders of the Committee were set out in Appendix A.

The report also had the local Member Code of Conduct attached at Appendix B, which was based on a good practice draft produced by the Association of Council Secretaries and Solicitors. It set out the statutory requirement for Members to register and declare disclosable pecuniary and other interests. The content of the code was open to each local authority to decide but must be consistent with the seven *Nolan* Principles, which were set out in the report at paragraph 4.2. The Standing Orders and Rules of Procedure for the Standards Committee and the Committee itself formed the authority's local arrangements to enable complaints about Councillors to be investigated. The 3-stage local procedure was described in the "Complaints about Councillors" document, which was attached at Appendix C to the report and was available on the website. The report stated that local authorities were required to appoint an Independent Person who must be consulted on complaints about Members.

With regard to the registration and declaration of interests by Members, there was a legal requirement on Members to register and declare interests. Members could seek a dispensation from the Standards Committee to take part in decisions where they had a disclosable pecuniary interest. However, the Committee would only grant a request for a dispensation where it was satisfied that one of the limited circumstances set out in paragraph 6.18 of the report applied. Additionally, at the Annual Council Meeting on 22 May 2019, the delegation to the Monitoring Officer to grant a general dispensation to members of the authority was re-established. The circumstances when this could be done were set out in paragraph 6.20 of the report. In addition to declaring interests, Councillors must be aware of the common law principles of bias and predetermination. These may still apply, even if there was no personal interest. The report stated an *interest* was personal to the Member; bias was an attitude of mind which prevented the decision maker acting objectively; and predetermination was making up your mind in advance of taking the decision.

The Planning Code of Conduct had been appended at Appendix D to this year's report for information because it had been updated to reflect the Local Government Association's

STANDARDS COMMITTEE MINUTES - 27 JUNE 2019

Planning Code of Conduct guidance. In addition, the Committee on Standards in Public Life had published a report in January 2019 on ethical standards in Local Government. The Committee's recommendations were attached at Appendix E, which included proposals to reintroduce powers to local authorities to suspend councillors and to no longer make failure to declare a disclosable pecuniary interest a criminal offence. The Committee was supportive of reintroducing the ability to suspend councillors to enable serious breaches of the Members' Code of Conduct to be dealt more effectively at a local level. The Committee was also keen to ensure that the use of social media by councillors was appropriate. The potential pitfalls of appearing to predetermine decisions by posting comments online prior to a Committee's consideration of a particular matter and failing to treat others with respect during political discourse over social media were discussed. The Monitoring Officer reported that he would be attending a conference for monitoring officers dealing with standards issues on 10 July 2019, at which a member of the Committee on Standards in Public Life would be providing an update on the Committee's work. He would report back to the Standards Committee on any relevant matters from the Conference.

The Register of Gifts and Hospitality offered to Councillors in the financial year 2018/19 was attached to the report at Appendix F.

Resolved -

- (1) That the Committee's terms of reference and Standing Orders and Rules of Procedure (Appendix A) be noted;
- (2) That the local Member Code of Conduct (Appendix B) be noted;
- (3) That the Complaints about Councillors document (Appendix C) be noted;
- (4) That the re-appointment of Mrs Tina Barnes as the independent member and Chair of the Standards Committee and Mr David Comben's re-appointment as the Independent Person be noted;
- (5) That the Monitoring Officer's delegated authority 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 in the prescribed circumstances described in paragraph 6.20(1) of the report be noted;
- (6) That the updated Planning Code of Conduct (Appendix D) be noted;
- (7) That the recommendations in the report by the Committee on Standards in Public Life on Local Government Ethical Standards (Appendix E) be noted;
- (8) That the list of gifts and hospitality registered by Members in the financial year 2018/19 be received (Appendix F);
- (9) That the Vice-Chair be asked to present the Minutes of this meeting to the Council meeting on 15 October 2019, in the event that there were matters of concern identified by the Committee, which it deemed necessary to bring to the attention of all Councillors.

(The meeting commenced at 6.32pm and closed at 6.55pm).

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF RESOURCES

TO:	STANDARDS COMMITTEE		
DATE:	10 MARCH 2021		
TITLE:	INVESTIGATION OF COMPLAINTS 2019/20		
LEAD COUNCILLOR:	CLLR ELLIE EMBERSON	PORTFOLIO:	CORPORATE AND CONSUMER
SERVICE:		WARDS:	ALL
LEAD OFFICER:	MICHAEL GRAHAM	TEL:	0118 937 3470
JOB TITLE:	ASSISTANT DIRECTOR LEGAL AND DEMOCRATIC SERVICES	E-MAIL:	michael.graham@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 In the absence of a Standards Committee meeting in 2020, which would ordinarily have received the Annual Report on complaints statistics, this report outlines the number, type of complaints and their disposal in financial year 2019/20.
- 1.2 This report also outlines the Council's response on one complaint which took 14 months to resolve. The issues raised by this complaint are presented to the Committee to consider, together with observations from the Monitoring Officer on ways to ensure the smooth running of complaints in future cases.
- 1.3 The current arrangements for dealing with complaints are assessed in accordance with the recommendations of the Committee for Standards in Public Life. Members are asked to consider whether further work is necessary to revise the Council's arrangements for dealing with Complaints against councillors.

2. RECOMMENDED ACTION

Standards Committee is asked:

- 2.1 To note the Complaints received in financial year 2019/2020
- 2.2 To note the Monitoring Officer's observations in the complaint brought by Mr Collie against Cllr Tony Page
- 2.3 To consider possible amendments to the Council's arrangements for dealing with complaints against councillors
- 2.4 To ask the Monitoring Officer to produce a revised set of arrangements for dealing with complaints and to present it to a future meeting of the Standards Committee.

3. POLICY CONTEXT

- 3.1 The Council has established six corporate priorities (which were refreshed in Spring 2019) and cover the period 2018-21. These priorities are:
 - Securing the economic success of Reading
 - Improving access to decent housing to meet local needs
 - Protecting and enhancing the lives of vulnerable adults and children

- Keeping Reading's environment clean, green and safe
- Promoting health, education, culture & wellbeing
- Ensuring the Council is fit for the future

3.2 Full details of the Council's plan and the actions which will deliver these priorities are published on the Council's website. These priorities and the Corporate Plan demonstrate how the Council meets its legal obligation to be efficient, effective and economical. This report concerns good governance in the Council, confidence in local democratic systems and their accountability and is relevant to the Corporate Priority, "Ensuring the Council is fit for the Future".

3.3 The Localism Act requires all councils to have a local Member Code of Conduct. It also requires councils to put in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made. Currently the Council's arrangements are set out in Article 9 of the Constitution (which describes the remit of the Standards Committee). These arrangements have been in place since May 2013.

4 COMPLAINTS IN THE FINANCIAL YEAR 2019/2020

4.1 Reports to the Standards Committee are usually made annually to update the Committee on the number of complaints made and other issues. This did not happen in 2020. When the Coronavirus Pandemic required the Council to change its decision making process in spring 2020, the Standards Committee was one of those committees which has temporarily stood down whilst Policy Committee assumed the majority of Council functions under the Constitution's emergency provisions.

4.2 Annex A to this report contains a list of 10 complaints that were made to the Monitoring Officer in financial year 2019/20. These complaints contain a mixture of Code of Conduct related items and other issues which have been raised when members of the public were not happy with a councillor's performance.

4.3 The list in Annex A is anonymised (save for one matter which is discussed later in this report). There is a public interest in the operation of a complaints procedure, that not every matter should be made public. Hence, details of councillors and members of the public are redacted in this summary. This encourages resolution of matters at the earliest stage possible, in the quickest timescale and with the least formality. This practice is consistent with Standards Committee proceedings elsewhere. If a serious matter is brought before the Committee, the Committee item would usually proceed as a Part 2 matter until the Committee had weighed up the public interest in publicity and taken into account whether the subject councillor was proven to have breached the Code or not.

4.4 Members will note that of the 10 complaints in Annex A:

- 1 complaint was resolved at the filter stage (this might, for instance, include and apology or an explanation of miscommunication or differences in expectation)
- 3 complaints were judged not to engage the Code of Conduct and were rejected at the initial filter stage
- 1 complaint was referred to the Group disciplinary process and resolved
- 1 complaint was referred for investigation (and is discussed later in this report)
- 3 complaints were initially suggested to the Monitoring Officer but the complainant did not proceed to make a complaint or respond to correspondence

- 1 complaint was made about a councillor who was clearly not acting in the capacity of a councillor
- 4.5 It is suggested by the Monitoring Officer that there are no trends or conclusions which can be drawn from this data. The cases which are reported do not highlight any systemic issues of concern for the Council. This is a low level of complaint activity and demonstrates that councillors generally have good relations with the community. The Committee will no doubt wish to consider this for itself.
- 4.6 The other matters which the Committee may wish to consider are:
- The efficacy of a filter stage which allows the Monitoring Officer to discontinue a complaint which clearly has no prospect of engaging the Code of Conduct.
 - Timescales for complaints, but this is dealt with in more detail below.
- 4.7 Notwithstanding the comments made above, and in light of the one complaint which was investigated in the year, there are matters which the Committee may wish to review in order to assure itself that the Council abides by current best practice and can continue to demonstrate good local leadership on standards in public life.

5 COMPLAINT BY MR COLLIE AGAINST CLLR PAGE

- 5.1 This matter is not anonymised for two reasons. First, because the details of the complaint and its outcome have already been put in the public domain by Mr Collie. Secondly, given the length of time taken to investigate the complaint, the Monitoring Officer has indicated to Mr Collie that he would report this matter to the Standards Committee for their oversight and scrutiny.
- 5.2 This matter arose as a result of an exchange between Cllr Page and a third party at the Audit and Governance Committee in September 2019.
- 5.3 Mr Collie's complaint was as follows. Note that the identity of the third party is redacted in this report because the gentleman involved has indicated to the Council that notwithstanding the information in the public domain, such publicity was not sought by him nor was it welcomed.

"I attended the Audit and Governance committee tonight (September 19, 2019), at which Cllr Page was present as an ex-Officio member. I sat in the front row of seats while a local resident, Mr X, put questions to the committee. I did not know him. Mr X was polite in his questioning. At no point did I consider he was rude or abusive. As his time ended, he asked the chairman if he may have an hour with officer Jackie Yates to pursue matters. This was phrased politely but was declined. As Mr X left his position, Cllr Page puffed out his cheeks in a manner I describe as a sneer. He said to Mr X so it could be heard: "Get elected first. You have not got the guts to." He then called Mr X a "coward". I have been told by a third party Mr X responded "piss off" but I did not hear this. This was only after Mr Page's comments".

"I believe Cllr Page has breached 2 sections of the code and possibly a third. He was rude (6.1.2) and in my view he bullied Mr X (6.1.4). He is a senior figure in the council at a committee meeting in front of other councillors and officers while Mr X is a member of the public. There is a clear imbalance of power in that situation.

I would submit Cllr Page may have breached 6.1.6 in that due to his clearly audible comments he may have done something "which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority". He made these comments in front of officers and councillors that Mr X may have future dealings with and therefore have affected their view of him."

- 5.4 I am not producing the entirety of the Investigator's report as the matter has been concluded by Cllr Page accepting the outcome of the report. However, the investigator concluded:

I find that Councillor Page has breached Section 6.1.2 of the Code as he failed to treat Mr X with respect at the Audit & Governance Committee on 19th September 2019 but that the incident, set against the background history, did not amount to bullying. It follows that the allegation that Councillor Page bullied Mr X in breach of Section 6.1.4 is rejected.

- 5.5 This information is provided as background. However, it is not the subject matter of the issue that is presented to your Committee, but the process for dealing with it. Mr Collie complained about the length of time it took to manage this process. As Monitoring Officer, I accept that is a valid challenge to the Council. Complaints should be dealt with swiftly. However, this complaint raises a number of issues and these are set out below for the Committee's consideration.
- 5.6 The complaint which Mr Collie made in September 2019 was not fully investigated and reported back to him until November 2020. This is much longer than the Council would expect in cases of this nature to take and so his complaint about time taken to resolve the matter has been upheld by the Council. There were some unusual circumstances to the case which have probably contributed to the delay, and I outline my observations below.
- 5.7 The complaint involved a third party and the Monitoring Officer was in discussion with him as the third party suggested he may make a formal complaint. In the end this complaint was not forthcoming. Had it been forthcoming, it would have been more appropriate for that complaint to be the one which was actioned. It is not usual that the Council accepts complaints in circumstances such as this where effectively, one person complains on behalf of another person and it is not clear whether that other person has given permission for such a complaint to be laid. Nevertheless, the Monitoring Officer did accept the complaint on this basis.
- 5.8 The latter part of 2019 involved the Monitoring Officer (in his capacity as returning Officer) in dealing with an unscheduled General Election for two parliamentary constituencies, and so it could be accepted that this matter was not progressed during the run up to the election because other matters were a priority. I would acknowledge that this was a matter raised by Mr Collie in November 2019 to the Monitoring Officer, that unless the matter was resolved quickly it would inevitably get delayed by the election.
- 5.9 It seems that an investigator was instructed as early as February 2020 but this was pending a response coming from the Group Leader at Stage 1 of the councillor complaints process.
- 5.10 In March 2020 the country went its first Coronavirus Pandemic lockdown. Officers and councillors had many other matters to attend to and normal business was interrupted with some Services stood down in their entirety and other new Services implemented in short timescales in order to meet the needs of residents. This was an unprecedented event for the Council, the Borough and its residents.
- 5.11 The complaint was picked up again in July 2020 after lockdown. Mr Collie was gracious to acknowledge that the Council had other priorities during the lockdown period and that he had deliberately held off chasing on the matter.
- 5.12 Following Mr Collie's request to the Monitoring Officer for the matter to go to Stage 2 in July 2020, the investigator was requested to proceed, and he carried out his investigations in August and September.
- 5.13 The final report was sent to Mr Graham on 24 September 2020 and thereafter he liaised with the Independent Person on the recommended outcomes. Mr Graham then also liaised with Cllr Page about an apology and training.
- 5.14 The Monitoring Officer admits that there was too much time during this period (24 September - 20 November 2020) when the matter was with him and did not get progressed as quickly as it should have because of other matters.

- 5.15 By 20 November 2020 Cllr Page had written to the third party to apologise.
- 5.16 Once Cllr Page had apologised, The Monitoring Officer then wrote to Mr Collie with the outcome of the complaint. Mr Collie had chased the Monitoring Officer on 23 November and then he corresponded with him between 24 and 25 November about the outcome of the complaint and the way it should be handled and publicised.
- 5.17 In reviewing this timescale, the Committee may wish to consider:
- Should one person be allowed to make a complaint on behalf of another unless that other person consents?
 - Does the Monitoring Officer need to have discretion in the arrangements for dealing with complaints to decide not to handle complaints in these, or similar circumstances? If there are matters of overwhelming public interest, should different considerations apply?
 - The arrangements of the Council do not make allowances for timescales or give any indication of what how long stages should take to complete. Should they?
 - Do the present arrangements in the Constitution allow members of the public to understand the process for making a complaint, for its investigation and for its determination? The present arrangements in Article 9 are included as Annex B to this report.

6 COMMITTEE ON STANDARDS IN PUBLIC LIFE

6.0 In its January 2019 report into Local Government Ethical Standards, the Committee for Standards in Public Life (CPSL) made 15 best practice recommendations for local authorities. These are detailed below along with commentary on each.

6.1 Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

The current Code of Conduct includes reference to bullying. The new model Code from the LGA also includes these provisions. Members are being asked if they wish to adopt that new model.

6.2 Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

The new model Code from the LGA also includes these provisions. Members are being asked if they wish to adopt that new model.

6.3 Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

The Standards Committee ordinarily reviews the Members' Code of Conduct each year in June/ July. The extent to which it should be subject to public consultation is for members to consider.

6.4 An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

The Code of Conduct is easily accessible on the Council's website.

<https://www.reading.gov.uk/council/feedback/make-a-complaint-or-comment/councillor-code-of-conduct/>

- 6.5 Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

The Gifts and Hospitality register is presented to the Standards Committee annually. Councillors' Register of Interests includes a section for declaring gifts and hospitality, which is updated on an ongoing basis and is available on each Councillor's webpage.

- 6.6 Councils should publish a clear and straightforward public interest test against which allegations are filtered.

These arrangements are currently in Article 9 of the Constitution. Members may wish to consider if they are published as separate documents on the Council's website.

- 6.7 Local authorities should have access to at least two Independent Persons.

Reading currently has one independent person. In the event of the need to obtain a second independent person, the Council would seek a suitable person from a neighbouring authority.

- 6.8 An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

The Monitoring Officer consults the Independent Person in accordance with the above recommendation.

- 6.9 Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Where 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 the Monitoring Officer may decide at this stage to put the findings directly to the local Standards Committee for their consideration. This will normally include a public report and subsequently the Minutes of the meeting, setting out the information recommended above.

- 6.10 A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

The Council's complaint procedure is accessible on the Council's website.

<https://www.reading.gov.uk/council/feedback/make-a-complaint-or-comment/>

- 6.11 Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Not applicable - there are no parish councils within Reading Borough.

- 6.12 Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Not applicable - there are no parish councils within Reading Borough.

- 6.13 A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

The Council will normally ask a former Monitoring Officer or other senior officer to undertake a standards investigation, where necessary. As the Monitoring Officer has to facilitate the complaints process and advise the Standards Committee it would ordinarily be unwise to conduct the investigation personally. This is common practice in many local authorities.

- 6.14 Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

The Policy Committee acts as the shareholder of the Council's 'arms-length' companies. The Annual Reports are reported to this meeting. Board papers are not published as a matter of course. However, ongoing operational matters are also reported to other Standing Committees of the Council.

- 6.15 Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Part of the local process for investigating complaints about councillors is to refer the matter to the Leader of the Group of the councillor being complained about to identify a local solution. The Monitoring Officer will liaise with Group Leaders over the process to be followed. General issues of councillor conduct are discussed with Group Leaders as and when necessary. No formal structures are in place at the moment. The track record of the Council suggests that there is no current need for such a system.

7. OPTIONS

- 7.1 The Committee is asked:

- (a) To note the Complaints received in financial year 2019/2020
- (b) To note the Monitoring Officer's observations in the complaint brought by Mr Collie against Cllr Tony Page
- (c) To consider possible amendments to the Council's arrangements for dealing with complaints against councillors
- (d) To ask the Monitoring Officer to produce a revised set of arrangements for dealing with complaints and to present it to a future meeting of the Standards Committee.

8. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

- 8.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).

- 8.2 There is nothing within this report which is of relevance for the Council's strategic priority of Climate Change.

9. COMMUNITY ENGAGEMENT AND INFORMATION

- 9.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".

9.2 It is not anticipated that there will be public consultation on the matters raised by this report.

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 An Equality Impact Assessment (EIA) is not relevant to this report.

11 LEGAL IMPLICATIONS

11.1 The Council is bound to maintain a Councillor Code of Conduct and to publish arrangements to advise residents how complaints can be made under the Code. These implications are covered in the main report.

12. FINANCIAL IMPLICATIONS

12.1 There are no direct financial implications arising from this report.

13. BACKGROUND PAPERS

13.1 There are none

Councillor Complaints received between 1 April 2019 - 31 March 2020

Complaints are anonymised where there is an early resolution of the complaint. It is in the public interest to ensure that the complaints procedure can operate smoothly with issues which are resolved informally not subject to publicity.

Complaint numbers 4&5 refer to a matter in the public domain and is dealt with earlier in this report.

Ref	Date	Cllrs	Complainant	Brief Details	Outcome
1	8 June 2019	Cllrs A and B	Mr 1	Hiring out parkland for private events and not repairing the damage	Stage 1 complaint carried out by Cllr Brock. Apology given by Cllr A and B re not replying to e-mails and apology accepted.
2	18 June 2019	Cllr C	Mr 2	No contact to e-mails about road marking changes	Complaint resolved at filter stage.
3	6 September 2019	Cllrs D, E and F	Miss 3	Lack of information supplied by the councillors with regards to a proposed development and select door leafleting	Complaint rejected - Insufficient evidence of a breach - no further action
4	19 September 2019	Cllr Page	Mr Collie	Cllr Page behaviour at Audit and Governance Committee	Matter taken to Stage 2. Solicitor appointed by the MO to carry out Stage 2 Investigation. Cllr Page accepted the findings of the investigation and issued an apology.
5	20 September 2019	Cllr Page	Mr X	Cllr Page behaviour at Audit and Governance Committee	No formal complaint received
6	23 January 2020	Cllr A	Ms 5	No contact re parking issue	No formal complaint received
7	23 January 2020	Cllr D	Mr 6	Cllr unwilling or unable to answer any of the questions re a proposed development	Complaint rejected - Insufficient evidence of a breach - no further action
8	4 February 2020	Cllr G	Mr 7	Conflict of Interest between a councillor's role and her professional capacity.	Complaint rejected - Insufficient evidence of a breach - no further action
9	4 February 2020	Cllr B	Ms 8	Relating to a Facebook forum	No response received from the complainant to clarification. No further action taken
10	11	Cllr G	Mrs 9	Cllr not following	Complaint closed - Cllr was

Ref	Date	CIrs	Complainant	Brief Details	Outcome
	February 2020			school's complaint procedure	not acting in her capacity of a councillor

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:

- 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
- the Leader may not be a member of the Standards Committee

(c) Independent Member(s)

9.2.3 The Independent Member(s) will be co-opted as Members of the Committee appointed under Section 102(4) of the Local Government Act 1972.

(d) Chairing the Committee

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

(e) Quorum

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

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

(e) Voting

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

9.2.8 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 or the Council's External Auditors.

(f) Calling of Meetings

9.2.9 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)

9.2.10 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) or the Council's external auditors 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 Head of Paid Service 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 Head of Paid Service 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 Head of Paid Service. 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.

May 2013

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF RESOURCES

TO:	STANDARDS COMMITTEE		
DATE:	10 MARCH 2021		
TITLE:	CODE OF CONDUCT		
LEAD COUNCILLOR:	CLLR ELLIE EMBERSON	PORTFOLIO:	CORPORATE AND CONSUMER
SERVICE:		WARDS:	ALL
LEAD OFFICER:	MICHAEL GRAHAM	TEL:	0118 937 3470
JOB TITLE:	ASSISTANT DIRECTOR LEGAL AND DEMOCRATIC SERVICES	E-MAIL:	michael.graham@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report outlines the new recommended Code of Conduct which is published by the Local Government Association. The Standards Committee is asked to review the new Model Code, with a view to adopting it in its entirety or with revisions.
- 1.2 On 23 December 2020, the Local Government Association (LGA) published a model Councillor Code of Conduct (the Model Code). The Model Code, attached at Annex A, is described by the LGA as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.
- 1.3 The LGA describes the development of the Model Code as being 'in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance'.
- 1.4 All councils are required to have a local Councillor Code of Conduct and the Model Code is provided for use by councils as a template to adopt in whole and/or with local amendments should they wish to.
- 1.5 It is the role of the Standards Committee to determine whether to recommend the Model Code, amended or otherwise to Council for inclusion in the Council's Constitution.
- 1.6 The report presents the Model Code, compares it to the Council's current Code of Conduct, attached at Annex B, raises specific issues to consider in relation to amendments and offers choices to the Committee.

2. RECOMMENDED ACTION

Standards Committee is asked:

- 2.1 That the Model Code, with agreed amendments, be recommended to Council for adoption.

2.2 That a training programme for the new adopted Code be developed and presented by the Monitoring Officer after the next Council elections for the benefit of all new and existing councillors.

3. POLICY CONTEXT

3.1 The Council has established six corporate priorities (which were refreshed in Spring 2019) and cover the period 2018-21. These priorities are:

- Securing the economic success of Reading
- Improving access to decent housing to meet local needs
- Protecting and enhancing the lives of vulnerable adults and children
- Keeping Reading's environment clean, green and safe
- Promoting health, education, culture & wellbeing
- Ensuring the Council is fit for the future

3.2 Full details of the Council's plan and the actions which will deliver these priorities are published on the [Council's website](#). These priorities and the Corporate Plan demonstrate how the Council meets its legal obligation to be efficient, effective and economical. This report concerns good governance in the Council and is relevant to the Corporate Priority, "Ensuring the Council is fit for the Future".

3.3 The Localism Act requires all Councils to have a local Member Code of Conduct. The Council's current Code was adopted on 23 October 2012 is largely based on the Council's Pre-Localism Act code (amended appropriately) and taking into account the advice which was in circulation at that time.

New LGA Model Code

3.4 In its January 2020 report into Local Government Ethical Standards, the Committee for Standards in Public Life (CPSL) included a best practice recommendation for local authorities to the adopt a Code of Conduct based on a model produced by the Local Government Association (LGA).

3.5 When researching the local Codes of Conduct, the CPSL found there was considerable variation in the length, quality and clarity of codes of conduct. They believed that this created confusion among members of the public, and among councillors who represent more than one tier of local government. This is a limited issue in Reading and for the other Berkshire unitaries. All six councils may have councillors serving on the Royal Berkshire Fire and Rescue Authority, and whilst some areas like West Berkshire have many parishes, Reading has none. Nevertheless, I have opened discussions with the Monitoring Officers of the other councils to see what approach they are taking.

3.6 The LGA has produced a model code of conduct, which is based on the CPSL best practice recommendations and the expectation is that all councils should adopt it as a minimum, but with provision for additional local variations.

3.7 Discussions with Monitoring Officers from neighbouring authorities indicate a collective leaning towards adoption of the Model Code albeit with some variations. Most intend to take the issue to upcoming meetings of their Standards Committees (or equivalent).

3.8 Appendix C of the Model Code lists the CPSL's 15 Best Practice Recommendations and notes that the Government is yet to respond to the recommendations made by CPSL, some of which require legislative changes. It should be noted that the Government's response, when it comes, may require a change to the Council's adopted Code. The date of the response is unknown.

3.9 One of the CPSL's best practice recommendations is that principal authorities should review their Code of Conduct annually and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities. Given the wide-reaching consultation recently conducted by the LGA, it is not recommended that consultation is currently required on a local basis should the decision be to recommend to Council adoption of the Model Code.

3.10 The Committee should also consider how frequently the Code is to be reviewed. The annual review recommended by CPSL is best practice and there is clearly merit in ensuring that the Code is current and having an opportunity to deal with any obvious points that need amending. On the other hand, concern has been raised about the practicality and feasibility of annual reviews with consultation built in having regard to the work programme of the Committee generally. If an annual review is not considered feasible, a solution may be an annual light touch health check and a full review as recommended by the Monitoring Officer dependent on the issues which arise from its operation and the complaints received.

3.11 The Model Code:

- Continues to require upholding the Seven principles of public life (the Nolan Principles)
- Contains twelve obligations with guidance
- Sets out legal requirements
- Defines a councillor as a member or co-opted member of a local authority
- Is written in the first person
- Sets out when the Code applies: 'acting in capacity as a councillor or representative of the Council', adds 'claiming to act', 'giving the impression you are acting' and 'referring publicly to your role as councillor or use knowledge you could only obtain in your role as a councillor'
- Introduces:
 - concept of 'acting with civility'
 - the word 'harassment' and a definition of bullying and harassment
 - reference to social media
 - specific reference to treating employees of the Council, partners and volunteers for the local authority with respect
 - under the Obligation to comply with the Code of Conduct: to undertake Code of conduct training, co-operate with any investigation or determination, not to intimate persons administering or investigating a complaint and to comply with any sanctions
- Requires registration of gifts and hospitality with a value of £50 and over
- Maintains the concept of 'bringing the council into disrepute'
- Codifies the position on declaration and participation in relation to personal interests that already applies in the Council

Specific Issues for Consideration

3.12 There are several points to bring to the attention of the Committee for its consideration of whether local variations to the Model Code are appropriate.

Social Media

3.13 A tricky and prevalent issue most local authorities is the application of the Code to councillors' activity on social media. The Council's current Code does mention social media and an obligation to abide by the Social Media Protocol. However, this protocol mainly relates to the use of social media by councillors in council meetings, and now appears to be somewhat "dated" guidance. It does not assist with

consideration of code of conduct complaints arising from councillors use of social media, nor dealing with difficult residents who harass councillors on social media. It is helpful that the Model Code states that application of the Code extends to 'all forms of communication and interaction, including ... in electronic and social media communication, posts, statements and comments'. Councillors may wish to consider if they wish to review their social media protocol at a future meeting.

- 3.14 While this reference makes it clear that social media activity is covered by the Code, it does not provide any guidance specific to social media on the issue of when a councillor is acting as a councillor, claiming to act as a councillor and/ or a representative of your council, giving the impression you are acting that you are acting as a councillor and/or as a representative of your council and public reference to your role as a councillor or use knowledge that you could only use in our role as a councillor.

Gift and Hospitality Threshold

- 3.15 The monetary threshold of £50 and over for registration of gift and hospitality in the Model Code is more than the £25 threshold in the Council's current Code of Conduct. To assist the Committee in determining the appropriate threshold, the LGA reports that over seven in ten respondents (72 per cent) supported £25 as the threshold for registering gifts and hospitality. 9% of respondents thought that the threshold should be lower than £25 while 16 per cent felt that it should be higher.

Dealing with Disrespect

- 3.16 Under the obligation of respect, the Model Code advises councillors to 'report' members of the public who are abusive, intimidatory or threatening to the local authority. Given the jurisdiction of the local authority and the police for example, consideration can be given to whether the word 'report' is amended to 'seek guidance from'. Alternatively, councillors could be encouraged to speak with the Monitoring Officer who is able to advise on such matters.

Exempt Information

- 3.17 When explaining the obligation in relation to 'Confidentiality and access to information' the Model Code refers to information that would be contained in what is known as 'green papers' locally in the Council. This is information, that, in accordance with Schedule 12A of the Local Government Act 1972 and the Council's Access to Information Procedure Rules has been deemed to be exempt information and were historically presented on green paper to councillors in advance of a meeting.
- 3.18 In the context of these constitutional Rules and the law, 'confidential' has a restricted meaning: 'information furnished to the Council by a Government Department upon terms which forbid the disclosure of the information to the public and information the disclosure of which to the public is prohibited by law or order of the Court'.
- 3.19 In practice there is limited confidential information whereas exempt information, on the other hand, is in practice the majority of what is contained in green papers. Exempt information is defined by seven categories which include legal professional privilege and information relating to the financial and business affairs of the Council.
- 3.20 The operation of this clause is quite complicated, and it contrasts with the plain English adopted throughout the rest of the document. It may be that the Committee wishes to adopt a more straightforward obligation on councillors when dealing with Exempt and Confidential information, namely to seek advice from the Monitoring

Officer before releasing any paper which is marked, or could reasonably be assumed to be, confidential or exempt.

4. OPTIONS

4.1 There are several choices open to the Committee:

- (a) recommend no change to the current Code of Conduct and resolve to continue with the existing Code of Conduct
- (b) recommend to Council the adoption of the Model Code with or without potential amendments
- (c) identify issues and ask for a report to come to a later meeting of the Committee that addresses those issues
- (d) resolve to await the outcome of the Government consideration of the Committee for Standards in Public Life recommendations, and in the meantime invite, neighbouring authorities and other interested parties, individuals and stakeholders for comments on both the Council's existing Code of Conduct and the Model Code.

5. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

5.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).

5.2 There is nothing within this report which is of relevance for the Council's strategic priority of Climate Change.

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".

6.2 It is not anticipated that there will be public consultation on the Model Code of Conduct. It will however be in the public domain at Standards Committee and Council (if recommended to approve the adoption of the Model Code).

7. EQUALITY IMPACT ASSESSMENT

7.1 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.

7.2 An Equality Impact Assessment (EIA) is not relevant to this report.

8. LEGAL IMPLICATIONS

8.1 The Council is bound to maintain a Councillor Code of Conduct and to publish arrangements to advise residents how complaints can be made under the Code.

9. FINANCIAL IMPLICATIONS

9.1 There are no direct financial implications arising from this report.

10. BACKGROUND PAPERS

10.1 There are none



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is 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”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. 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**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering

interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it

is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* '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.

Table 2: Other Registerable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
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Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

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Member Code of Conduct

(Adopted by Council, 23 October 2012)

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.
- (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.

(10) 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.
- 7.4.3 Under Section 31(4) of the Localism Act 2011, any Members who are aware that they have a disclosable pecuniary 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.
- 7.7.4 The Monitoring Officer has a delegated authority, under Section 33 of the Localism Act 2011, to grant a dispensation from the restrictions in Section 31(4) of the Act, which would allow Members of the authority with a disclosable pecuniary interest to take part and vote on decisions in the following prescribed circumstances:
 - (i) housing, where the Member is a tenant of the authority provided that those functions do not relate particularly to their tenancy or lease;

- (ii) school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or is entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to Members;
- (v) any ceremonial honour given to Members; and
- (vi) setting Council Tax or a precept under the Local Government Finance Act 1992;
- (vii) any other business which might reasonably be regarded as affecting the financial position of the Member and/or his/her spouse or partner to a greater extent than the majority of other Council Tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

and the general dispensation would apply for four years, subject to it being renewed each year at the Annual Council Meeting.

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.

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