



**Reading**  
Borough Council  

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Working better with you

# **Summons and Agenda 18 October 2022**

**Interim Chief Executive  
Reading Borough Council  
Civic Offices, Bridge Street,  
Reading, RG1 2LU**





Jackie Yates  
INTERIM CHIEF EXECUTIVE

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To: All Members of the Council

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10 October 2022

Your contact is: Michael Popham - Democratic Services Manager

Dear Sir/Madam

You are hereby summoned to attend a meeting of the Reading Borough Council to be held in the **Council Chamber, Civic Offices, Reading**, on **Tuesday, 18 October 2022 at 6.30 pm**, when it is proposed to transact the business specified in the Agenda enclosed herewith.

Yours faithfully

INTERIM CHIEF EXECUTIVE



## A G E N D A

1. **MAYOR'S ANNOUNCEMENTS**

To receive Mayor's Announcements.

2. **DECLARATIONS OF INTEREST**

To receive any declarations of interest.

3. **MINUTES**

9 - 10

The Mayor to sign the Minutes of the proceedings of the previous Council Meeting.

4. **PETITIONS**

To receive petitions in accordance with Standing Order 8.

5. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

Questions in accordance with Standing Order 9.

6. **QUESTIONS FROM COUNCILLORS**

Questions in accordance with Standing Order 10.

**Reports and Recommendations from Committees**

7. **APPOINTMENT OF CHIEF EXECUTIVE AND HEAD OF PAID SERVICE**

11 - 14

Report by Executive Director of Resources

8. **CODE OF CONDUCT**

15 - 56

Report by Monitoring Officer

9. **GOVERNANCE ARRANGEMENTS - CONSTITUTION & DELEGATION OF FUNCTIONS**

57 - 228

Report by Monitoring Officer

**Motions**

10. **ACCESS TO HEALTHCARE**

Councillor Rowland to move:

That this Council notes that:

- In 2019, more than 100,000 women had to attend a clinic that had been subject to anti-abortion protests. This figure represents more than half of all those who had an abortion that year.
- Since the Government last reviewed the issue in 2018, fifty

clinics have been targeted by protesters in England and Wales, including the British Pregnancy Advice Service centre in Reading.

This Council believes that:

- Access to healthcare services must be understood as a universal right and must be protected.
- Women, whether in Reading or anywhere, have a right to make healthcare decisions privately and confidentially and that they should be able to access pregnancy advice and termination services without hindrance.
- The right to protest is legitimate and must also be protected, but this right must be balanced against the rights of women to access healthcare provision in confidence and without being subject to intimidation or other hinderance. Those who wish to campaign to restrict women's reproductive choices should have ample opportunities to do so, and have locations in which to do so, without coming into conflict with the rights of others.
- Staff at all women's health clinics should be protected from bullying and intimidation at their place of work.

Consequently, this Council resolves to:

- Support the British Pregnancy Advice Service's 'Back Off' campaign for legislation to establish a buffer zone around relevant clinics in which protest is not permissible.
- Actively pursue a Public Space Protection Order to create a 'designated protest zone' and 'protest exclusion zone' should this become necessary in Reading to protect the right of access.

## WEBCASTING NOTICE

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Members of the public seated in the public gallery will not ordinarily be filmed by the automated camera system. However, please be aware that by moving forward of the pillar, or in the unlikely event of a technical malfunction or other unforeseen circumstances, your image may be captured. **Therefore, by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.**

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## COUNCIL MEETING MINUTES - 5 JULY 2022

**Present:** Councillor Eden (Mayor);

Councillors Ayub, Ballsdon, Barnett-Ward (via Microsoft Teams), Brock, Carnell, Challenger, Cresswell, Cross, Davies, C Dennis, G Dennis, Edwards, Emberson, Ennis, Gavin, Gittings, Griffith, Hornsby-Smith, Hoskin, Keane, Keeping, Kretchmer, Khan, Lanzoni, Leng, McCann, McEwan, McGonigle, Mitchell, Moore, Mpofu-Coles, O’Connell, Page, Robinson, Rowland, Singh, Terry, Thompson, White, Williams, Woodward and Yeo;

**Apologies:** Councillors Hacker, Kitchingham, Lovelock, McElroy and Sultan.

### 11. MAYOR’S ANNOUNCEMENTS

The Mayor invited the Leader of the Council, Councillor Brock, to pay tribute to Peter Sloman, the Council’s Chief Executive, who would be retiring in the summer. Councillor Brock thanked Mr Sloman for his contribution to Reading over the past five years as Chief Executive and wished him a very happy retirement.

### 12. MINUTES

The Minutes of the meetings held on 25 May 2022 were confirmed as correct records and signed by the Mayor.

### 13. QUESTIONS FROM COUNCILLORS IN ACCORDANCE WITH STANDING ORDER NO 10

	Questioner	Subject	Answer
1.	Cllr Cresswell	Air Pollution in Reading Exceeds World Health Organisation Limits	Cllr Page
2.	Cllr White	Welcoming Ukrainian Refugees to Reading	Cllr Brock

(The full text of the questions and replies was made available on the Reading Borough Council website).

### 14. FAIR TAX DECLARATION

The following motion was moved by Councillor Mpofu-Coles and seconded by Councillor Lanzoni and CARRIED:

**Resolved -**

That this Council notes that:

- The pressure on organisations to pay their fair share of tax has never been stronger.
- Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.

## COUNCIL MEETING MINUTES - 5 JULY 2022

- Two thirds of people (66%) believe the Government and local councils should at least consider a company's ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.
- Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
- It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.

This Council believes that:

- As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
- Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.
- Current and proposed new UK procurement law significantly restricts the ability of local authorities to either penalise poor tax conduct or reward good tax conduct, when buying goods or services.

Consequently, this Council resolves to:

- Approve the 'Councils for Fair Tax' Declaration.
- Continue to lead by example and demonstrate good practice in our tax conduct, right across our activities, including ensuring that IR35 is implemented robustly.
- Never use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
- Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers.
- Demand clarity where practicable on the ultimate beneficial ownership of suppliers, both UK-based and overseas, and their consolidated profit and loss position.
- Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

(The meeting started at 6.30pm and closed at 7.12pm).

## READING BOROUGH COUNCIL

### REPORT BY ASSISTANT DIRECTOR OF HR AND ORGANISATIONAL DEVELOPMENT

<b>TO:</b>	<b>COUNCIL</b>		
<b>DATE:</b>	<b>18 OCTOBER 2022</b>		
<b>TITLE:</b>	<b>APPOINTMENT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE</b>		
<b>LEAD COUNCILLOR:</b>	<b>CLLR JASON BROCK</b>	<b>PORTFOLIO:</b>	<b>LEADER OF THE COUNCIL</b>
<b>SERVICE:</b>		<b>WARDS:</b>	<b>BOROUGHWIDE</b>
<b>LEAD OFFICER:</b>	<b>SHELLA SMITH</b>	<b>TEL:</b>	<b>0118 937 4697 / 74697</b>
<b>JOB TITLE:</b>	<b>ASSISTANT DIRECTOR OF HR AND ORGANISATIONAL DEVELOPMENT</b>	<b>E-MAIL:</b>	<b>Shella.Smith@reading.gov.uk</b>

#### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 All councils are required to appoint a Head of Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989 ('the 1989 Act'). The Council's Constitution, Article 12, confirms that the Chief Executive is designated to carry out this role.
- 1.2 Following the retirement of the previous Chief Executive, and a rigorous recruitment and selection programme, the Personnel Committee Appointment Panel recommends that Jackie Yates be appointed as Chief Executive and Head of Paid Service with effect from 19 October 2022.

#### 2. RECOMMENDED ACTION

- 2.1 It is recommended that Council approve the appointment of Jackie Yates as the Council's Chief Executive and Head of Paid Service with effect from 19 October 2022.

#### 3. POLICY CONTEXT

- 3.1 In accordance with Section 4 of the Local Government and Housing Act 1989 ('the 1989 Act') the Council must designate one of its officers to hold the statutory office of Head of Paid Service. The Head of the Paid Service is responsible for preparing reports on the way the local authority's staff are organised, on the authority's staffing needs and on the coordination of the way in which the authority's functions are discharged.

## 4. THE APPOINTMENT PROCESS

4.1 The former Chief Executive, Peter Sloman, retired from the Council on 31 August 2022 after five years with the authority. Peter was an outstanding Chief Executive for the Council, and we wish him well in his retirement.

4.2 The Council's Constitution, Part 4 Rules of Procedure, sets out that the responsibility for the appointment of a Chief Executive and Head of Paid Service rests with Council. The appointment will be co-ordinated and a recommendation made by the Personnel Committee, or by any other Committee or Sub-Committee authorised by Council or the Personnel Committee to make the appointment.

4.3 The membership of the cross-party Appointment Panel was coterminous with the Personnel Committee which comprises the following members:

- Cllr Jason Brock - Leader of the Council
- Cllr Tony Page - Deputy Leader of the Council
- Cllr Liz Terry - Lead Councillor for Corporate Services and Resources
- Cllr Jo Lovelock - Chair of Planning Applications Committee
- Cllr Clarence Mitchell - Conservative Group Leader

4.4 The role was advertised internally and externally via a recruitment agency, Solace in Business, with a closing date of 1 August 2022. Twenty-one applications were received which were 'long-listed' to ten candidates who were interviewed by an independent technical assessor, Jenny Rowlands, Chief Executive of Camden Council, together with the lead consultant from Solace in Business. Following these interviews, recommendations were reviewed by the Appointment Panel and five candidates were invited to an Assessment Day on 27 September 2022. One candidate withdrew before the assessment day for personal reasons.

4.5 The Assessment Day included a variety of exercises to give candidates the opportunity to show their skills in a range of situations. This provides a much more comprehensive overview of their strengths and areas for development than more traditional methods used in isolation. The assessments were:

- **Psychometric Profiling** - completed on-line prior to the assessment day
- **2-1 discussion** - with the Leader and Lead Member for Corporate Services and Resources
- **Fact-Find Exercise** - candidates were given a short summary of the immediate circumstances surrounding an organisational situation and were required to decide and recommend the action to be taken based on information gathered.
- **Written Exercise** - candidates were required to analyse information on an organisational situation and prepare a written briefing paper identifying priorities and their recommendations.
- **Presentation to Partners and Follow Up Q&A Session** - the panel comprised the Executive Chair of Brighter Futures for Children, the Chair

of Reading Buses, the Chief Executives of Launchpad Reading and the Alliance for Racial Cohesion and Equality (ACRE) and a representative from Reading's Economic and Destination Agency (REDA).

- **Reading Youth Council** - semi-structured Q&A session with a panel of young people.
- **Session with Members** - set up in a 'speed dating' structure, where candidates engaged with three groups of members on the Corporate Plan themes.

4.6 Candidates also had the opportunity to have lunch with members of the Senior Leadership Group and Trade Union Representatives. This was not part of the formal assessment.

4.7 Following a review of candidates' performance across all activities, the Appointment Panel decided to progress three candidates to the final stage of the selection process. This took place on 30 September 2022 and included a competency-based interview and a presentation delivered to the Appointment Panel.

4.8 At the conclusion of the above, rigorous selection process, the Appointment Panel recommends that Jackie Yates be appointed as Chief Executive and Head of Paid Service on a permanent basis with effect from 19 October 2022. Jackie has been the Interim Chief Executive since mid-July following Peter Sloman's last day of service. Having joined the Council in 2018 as Executive Director of Resources, Jackie then became Deputy Chief Executive last year. From 2010 to 2018, Jackie was at Oxford City Council, most recently as Executive Director Organisational Development and Corporate Services. Before that she was at Buckinghamshire County Council as Head of Finance and Procurement from 2008 to 2010 having been in that role as an interim from 2007 to 2008. She had Deputy and Assistant Head roles there back to 2003, before which she had more junior roles at Milton Keynes and Oxfordshire County Council. Jackie has a BA in Economic and Public Policy and is CIPFA qualified. She is an LGA Peer and is involved in voluntary work.

4.9 Jackie has significant experience as a leader in local government and the panel were impressed with her passion and commitment to delivering the best possible outcomes to our residents and customers.

## 5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The appointment of the Chief Executive and Head of Paid Service is the most senior officer in the Council and will have responsibilities directly related to delivering the Council's strategic aims.

## 6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 Not relevant for this report

## 7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 This report is concerned with the appointment of the Chief Executive, in accordance with statutory requirements. There is no requirement for external consultation.

## **8. EQUALITY IMPACT ASSESSMENT**

8.1 The Equality Act is not relevant to the decision in this report because it deals with internal procedural matters only.

## **9. LEGAL IMPLICATIONS**

9.1 In accordance with Section 4 of the Local Government and Housing Act 1989 ('the 1989 Act') the Council must designate one of its officers to hold the statutory office of Head of Paid Service. Failure to appoint a Head of Paid Service will put the Council in breach of its statutory obligation.

## **10. FINANCIAL IMPLICATIONS**

10.1 The cost of the recruitment process was met from within existing budgets and the salary of £170,000 per annum is the agreed salary for the Chief Executive post.

## **11. BACKGROUND PAPERS**

11.1 None.

## READING BOROUGH COUNCIL

### REPORT BY MONITORING OFFICER

<b>TO:</b>	Council		
<b>DATE:</b>	18 October 2022		
<b>TITLE:</b>	CODE OF CONDUCT		
<b>LEAD COUNCILLOR:</b>	Cllr Liz Terry	<b>PORTFOLIO:</b>	Corporate Services and Resources
<b>SERVICE:</b>	Legal and Democratic	<b>WARDS:</b>	Boroughwide
<b>LEAD OFFICER:</b>	Michael Graham	<b>TEL:</b>	
<b>JOB TITLE:</b>	Assistant Director Legal and Democratic Services	<b>E-MAIL:</b>	michael.graham@reading.gov.uk

#### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 On 23 December 2020, the Local Government Association (LGA) published a model Councillor Code of Conduct (the Model Code). The Model Code is described by the LGA as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.
- 1.2 The Standards Committee at its meeting on 10 March 2021 (Minute 3 refers) considered the Model Code and agreed two amendments in principle to be carried into a final revised document.
- 1.3 The first amendment was regarding the monetary threshold for gifts and hospitality of £50.00 in the Model Code which was above the £25.00 in the current Code of Conduct. Therefore, the Committee recommended that the current £25.00 was an appropriate figure and the Model Code should be amended to reflect this in relation to Reading Borough Council's Code of Conduct.
- 1.4 The second amendment was in respect of exempt information. The Committee noted that the operation of the clauses set out in paragraph 4.1 of the Model Code was complicated. These were in relation to matters a councillor was required to take into account when dealing with exempt and confidential information. The Committee therefore agreed that Councillors should seek advice from the Monitoring Officer before releasing any paper which was marked, or could reasonably be assumed to be, confidential or exempt.
- 1.5 The Code sits under the remit of the Standards Committee in Article 9 of the Constitution. This is now reviewed as Appendix 1. The revised Model Code with the proposed amendments is now attached at Appendix 2.
- 1.6 The Committee also requested that a revised set of Arrangements for dealing with complaints be considered and these are attached at Appendix 3 for consideration.
- 1.7 The Committee met on 10 October 2022 to review the final revised Code of Conduct and the associated documents and make recommendations to Council for their adoption (see section 2 below).

## 2. RECOMMENDED ACTION

The Standards Committee recommend:

- 2.1 That the proposed Revision to Article 9 of the Constitution (as shown in Appendix 1), be adopted.
- 2.2 That the proposed Member Code of Conduct (as shown in Appendix 2), be adopted.
- 2.3 That the proposed Arrangements for Dealing with Allegations of Misconduct (as shown in Appendix 3), be adopted.
- 2.4 That the proposed Policy for Unreasonable and Unreasonably Persistent Complaints, (as shown in Appendix 4) be adopted.
- 2.5 That the proposed Hearing Procedures (as shown in Appendix 5), be adopted.

## 3. POLICY CONTEXT

- 3.1 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 considering the advice which was in circulation at that time.
- 3.2 A new Model Code of Conduct was produced by the Local Government Association (LGA) following a report of the Committee for Standards in Public Life (CSPL) recommending local authorities to adopt a standard Code of Conduct.
- 3.3 At the meeting on 10 March 2021, the Committee considered the Model Code of Conduct and requested that amendments be made to two areas:
  - That the monetary threshold relating to gifts or hospitality received of £50.00 be reduced to £25.00 as they considered that the current amount of £25.00 was an appropriate figure.
  - Regarding exempt information, the LGA Model Code of Conduct states:
    - *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.*
- 3.4 The Committee considered that the above clauses above were complicated and recommended to amend this so that councillors should seek advice from the Monitoring



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

- 3.5 The Model Code of Conduct has been amended to reflect the above changes by the Standards Committee and is being proposed at this meeting
- 3.6 In addition to the duty under the Localism Act 2011 to maintain a Code of Conduct, the Council is also under a duty have in place:
  - (a) arrangements under which allegations can be investigated, and
  - (b) arrangements under which decisions on allegations can be made.
- 3.7 At present all these arrangements are contained in Article 9 of the Constitution. Whilst this is a public document, it is not easily accessible by members of the public and it is submitted that the arrangements would be somewhat difficult to find for the reasonable person on the orange bus. It is therefore proposed to take the “arrangements” out of the Constitution and publish them separately on the Council’s website along with a copy of the Code. This would more easily permit any person with a concern to be signposted to the right documents to understand what the relevant standards are, and what the process is for making a complaint.
- 3.8 Alongside this, it is proposed that the remit of the Standards Committee is expanded to take responsibility for the Arrangements, so that they can be kept under review by the Committee and amended based on experience.
- 3.9 The proposed Arrangements document is enclosed for members to consider. Thereafter, if Council endorses the amended Article 9, the Committee would be responsible for future revisions of the Arrangements document.
- 3.10 The proposed Arrangements document is also supplemented by an assessment criteria which guides the Monitoring Officer in the initial disposal of complaints which may not warrant further investigation. This includes a policy for unreasonable and unreasonably persistent complainants.
- 3.11 Finally, a Hearing Procedure is proposed for any matters which need to be considered by the Standards Committee after there has been an investigation, and where local resolution by the Monitoring Officer has not been possible.

#### **4. THE PROPOSAL**

- 4.1 That the attached amended Article 9, the amended Code of Conduct for Reading Borough Council, the Arrangements Document, the Policy for Unreasonable and Unreasonably Persistent complaints and the Final Hearing Procedures be approved.
- 4.2 There were two alternative options open to the Committee:
  - (a) recommend no change to the current Code of Conduct and resolve to continue with the existing Code of Conduct: or
  - (b) recommend to Council the adoption of the Model Code without potential amendments
- 4.3 Neither of these alternatives are recommended. The current Code is out of date and is largely based on the previous statutory code promulgated by the now defunct Standards Board for England. The Localism Act guidance recommended a lighter touch Code, but the absence of a single clear model and lack of detail about what “lighter touch” meant, resulted in councils adopting very different Codes.

- 4.4 In areas where councillors belong to more than one local government entity, e.g. county and district; unitary and fire authority, this meant that councillors were following different models.
- 4.5 The review of the Committee for Standards in Public Life reported in 2019:
- “Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes”.*
- 4.6 Adoption of the Model Code in full, without the proposed amendments, is not recommended. This option was previously discussed in 2021 and the Standards Committee agreed that the level of gifts and hospitality was too high and the provisions relating to disclosure of confidential or exempt information were unnecessarily complicated and that greater simplicity was to be preferred. Adopting a Code in the form of Appendix 2 addresses the points made by the Committee for Standards in Public Life in that it offers a Code with greater consistency and quality than our existing Code. It will be substantially in accordance with the recommended Model, and councillors should find it a more helpful model and one which accords with their responsibilities at other organisations such as the Fire Authority.

## 5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The Council’s new Corporate Plan outlines its vision and priorities for Reading for the next three years (2022/25). The Council’s vision is to help Reading realise its potential and to ensure that everyone who lives and works here can share the benefits of its success. To make this vision happen, the work of the Council is focused around three Corporate Plan themes:
- Healthy Environment
  - Thriving Communities
  - Inclusive Economy
- 5.2 These themes are underpinned by the TEAM Reading principles which explain the way we work at the Council:
- Team
  - Efficiency
  - Ambitious
  - Making a difference
- 5.3 Full details of the Council’s Corporate Plan and the projects which will deliver these priorities are published on the Council’s website [Corporate Plan-2022-25](#).
- 5.4 The Council’s strategic aims are underpinned by the ability of Reading people to participate in local democracy through effective consultation and communication. This is only likely to be successful if people have confidence in the integrity of its members. The Members’ Code of Conduct and the local Standards Committee will assist in building and maintaining that confidence.

## **6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

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

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

- 7.1 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".

- 7.2 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).

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 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.

- 8.2 It is not considered that an Equality Impact Assessment (EIA) is relevant to the decisions arising from this report.

## **9. LEGAL IMPLICATIONS**

- 9.1 The Council is required to maintain a Councillor Code of Conduct and to publish arrangements to advise residents how complaints can be made under the Code. The recommendations of this report are consistent with the Council's legal duties.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no specific budget lines in the Council's estimates for standards, or the costs of investigating complaints about Councillors. It is not anticipated that this report has any direct financial implications.

## **11. BACKGROUND PAPERS**

- 11.1 There are none

## **APPENDICES**

- (1) Proposed Revision to Article 9 of the Constitution
- (2) Proposed Member Code of Conduct
- (3) Proposed Arrangements for Dealing with Allegations of Misconduct
- (4) Proposed Policy for Unreasonable and Unreasonably Persistent Complaints
- (5) Proposed Hearing Procedures

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# The Standards Committee

## LOCAL STANDARDS COMMITTEE - TERMS OF REFERENCE AND STANDING ORDERS

### 9.1 Standards Committee

9.1.1 The Standards Committee is appointed by Council at its Annual Meeting

9.1.2 The purpose of the Standards Committee is to oversee and develop the Council's ethical framework which includes, but is not limited to, the following policies:

Councillor Code of Conduct

Overall standards of conduct and ethics of Members and co-opted Members of the Council

Arrangements for Dealing with Allegations of Misconduct (the "Arrangements Document")

Staff Code of Conduct

Planning Code of Conduct

Member Officer Protocol

Policies in relation to Gifts and Hospitality

9.1.3 The Standards Committee may establish sub-committees and determine procedures for the operation of these sub-committees.

### 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:

- Seven 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 leaders of political groups may not be members of the Standards Committee nor named substitutes (as they have a role in Stage 1 investigations)

#### (d) Chairing the Committee

9.2.3 The Council will appoint an Independent Member of the Committee to be its Chair.

#### (e) Quorum

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

9.2.5 The quorum of any sub-committee of the Committee shall be two members.

#### (e) Voting

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

**(f) Calling of Meetings**

9.2.7 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)

9.2.8 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 Council in meeting its statutory duty of promoting and maintaining high standards of conduct by Councillors and co-opted Members of the authority
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.
3. To maintain the Arrangements Document, to oversee its effectiveness and direct the Monitoring Officer to publish amendments or revisions
4. To receive and consider reports from the Monitoring Officer made under the Council's Member complaints process, concerning allegations made about Members involving a breach of the local Member Code of Conduct, and/or other associated Council protocols, in particular the Planning code of conduct and the Protocol on Member/Officer Relations.
5. To develop the ethical framework of the Council.
6. To monitor the probity and propriety of all aspects of Council business.
7. To advise the Council on the adoption or amendment of local codes of conduct and associated protocols and to monitor their effectiveness.
8. 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.
9. 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.
10. 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 associated local protocols;
11. To oversee the training delivered to Councillors, co-opted members and church and parent governor representatives to ensure that they are able to fulfil their functions effectively;

12. 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;
13. 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.
14. To consider any other matters as the Council refers to the Committee from time to time.

The following link to the Standards Committee held on 10 October 2022 shows the changes made to this document with commentary: [Constitution of the Council May 2020 \(reading.gov.uk\)](#)

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## Councillor Code of Conduct 2022

### Introduction

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 behaviours 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 put 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.

Signed

Cllr Jason Brock

Leader of the Council

## Introduction

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

The Code will be reviewed when necessary to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation.

## 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”.

## 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.

## 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
- 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
- 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.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

### 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 member 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 will seek advice from the Monitoring Officer before releasing any paper which is marked, or could reasonable be assumed to be, confidential or exempt.

#### 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 your or your local authority's ability to discharge your/its

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 authority or authorising their use by others:

- act in accordance with the local authority's requirements; and
- 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 £25 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.



## 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. [Not applicable to councils with a committee system of governance]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of 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. Otherwise you 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 relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

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 (referred to in paragraph 8 above) affects the 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. Otherwise you 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. [Not applicable to councils with a committee system of governance]

**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](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	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.
<b>Contracts</b>	Any contract made between 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 (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 — a) under which goods or services are to be provided or works are to be executed; and b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. ‘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.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and

	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.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or 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 spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* ‘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 Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) 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) of which you are a member or in a position of general control or management

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## Reading Borough Council

### Standards Committee

#### Arrangements for dealing with allegations of misconduct Section 28 Localism Act 2011

#### Context

1. These arrangements describe how the public can make a complaint that a Member of Reading Borough Council “the Council” has failed to comply with the Councillor’s Code of Conduct and sets out how the Council will deal with allegations of a failure to comply with the Council’s Code of Conduct.
2. Under the Localism Act 2011, the Council must have in place “Arrangements” under which allegations that a Member of the authority (i.e. a councillor or a co-opted member) has failed to comply with that Council’s Code of Conduct, can be investigated and decisions made on such allegations.
3. The arrangements under the Localism Act must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member against whom an allegation has been made.

#### Principles of these arrangements

4. At its meeting on [REDACTED], the Council agreed that these Arrangements or any revisions to them, should abide by the following principles:
  - a. They should reassure the public that complaints will be dealt with swiftly, properly and transparently
  - b. They should be simple, clear and follow the rules of natural justice
  - c. They should not be bureaucratic i.e. they should follow the law and not build in unnecessary additional measures
  - d. They should allow the Monitoring Officer to dismiss complaints which do not relate to the Code or are in some other way unsuited to this process

- e. They should allow for the Monitoring Officer to be accountable for decisions
- f. They should ensure there is an element of outside scrutiny and objectivity by recruiting Independent Members to the Standards Committee

### **The Code of Conduct**

- 5. The Council has adopted a Member Code of Conduct, which is available for inspection on the Council's website. The Council has tasked the Standards Committee to keep the Code of Conduct and the operation of these Arrangements under review.

### **Making a complaint**

- 6. Any person may make a complaint, in writing, to-

Michael Graham  
Monitoring Officer  
Reading Borough Council  
Civic Offices  
Bridge Street  
Reading  
RG1 2LU

Or via the Council's dedicated [webpage](#): (new updated link will be needed)

- 7. The Council will only process complaints which are in writing. The name and address of the complainant must be given and only in very exceptional circumstances will the Council investigate anonymous complaints.
- 8. The Monitoring Officer will acknowledge receipt of a complaint within 5 to 10 working days of receiving it.
- 9. Unless there are exceptional circumstances, complaints should be made within 28 days of the incident.
- 10. Where a complaint concerns an issue between two Reading Borough Councillors, the Monitoring Officer will initially refer the matter to the appropriate Group Leader(s) to resolve amongst themselves. Every effort should be made to resolve the matter within 28 days and if this is not possible, then matter may be referred back to the Monitoring Officer explaining why the matter is not possible to resolve informally.

### **Role of the Monitoring Officer**

- 11. The Monitoring Officer's role is to oversee the complaints process, make procedural decisions, refer complaints to the Independent Person, an Investigator, and where appropriate, to the Hearings Panel of the Standards Committee.



12. The Monitoring Officer is accountable to the Standards Committee for the operation of these functions.
13. In extraordinary circumstances, where the Monitoring Officer makes a complaint to the Standards Committee, or in other circumstances where the Monitoring Officer may have a conflict of interests, then the Deputy Monitoring Officer will undertake functions of the Monitoring Officer as set out in these arrangements. If this is not possible, or does not resolve the conflict, then the Monitoring Officer will arrange for some or all of his functions to be discharged by a Monitoring Officer of another local authority.

### **Independent Person**

14. The Council has appointed one Independent Person.
15. The role of the Independent Person is to advise the Monitoring Officer on action to take under these arrangements at the points stated in these Arrangements.
16. A Member who is the subject of a complaint is also entitled to refer to the Independent Person for advice during a complaint.
17. The Independent Person receives expenses for undertaking this role but no other remuneration.

### **Which complaints can be considered?**

18. The Monitoring Officer must consider every complaint that a member of the Council has failed to comply with the Code of Conduct which the Council has adopted. Accordingly, he has no jurisdiction in respect of any complaint which relates to:
  - a) persons who are not members of the Council
  - b) conduct which occurred at a time when the person against whom a complaint was made was not a member of the Council
  - c) conduct which occurred in the member's private life, as the current Code of Conduct applies only to a member's conduct in his or her office as a member of the Council
  - d) conduct which occurred when the member was acting as member of another authority
  - e) complaints which do not clearly relate to the apparent misconduct of a relevant member but are, for example, about the policies and priorities of the authority, or request provision of a service by the Council, or are a complaint about an officer of the Council.
19. Such complaints will not be referred to the formal process but will instead be dealt with by the Monitoring Officer who will advise the Complainant as to the most appropriate avenue for proper

consideration of the complaint or request. This may involve the Monitoring Officer deciding the complaint personally under the Council's corporate complaints procedure.

**Does the complaint appear to show a breach of the code of conduct?**

20. Any complaint must demonstrate how a breach of the Code of Conduct may have occurred.
21. For this purpose, the Monitoring Officer will take into account the complaint letter and any other information which is readily available to him. Accordingly, it is the responsibility of a complainant to set out clearly:
  - a) who the complaint is against (the "Subject Member")
  - b) what the Complainant understands that the Subject Member did
  - c) why the Complainant considers that the Subject Member's conduct amounted to a breach of the Code of Conduct.
22. It is also helpful for the Complainant to provide copies of any relevant documents which the Monitoring Officer should consider.
23. Following receipt of a complaint, the Monitoring Officer will collect any other information which is readily available, and which may assist him, the Independent Person or the Group in their consideration of the complaint. This will not include conducting interviews with witnesses but may include reviews of emails which are to hand, committee papers of a meeting of the Council at which the alleged misconduct occurred, or review of copies of the subject members entry in the Notification of Members' interests.
24. Where the Monitoring Officer requires additional information in order to come to an initial view about the matter or or a recommendation (about any complaint) he may seek such information from the Complainant and the Subject Member. This does not amount to an investigation.
25. The Monitoring Officer will then consider whether, on the basis of the complaint and that additional information, there appears to have been a breach of the Code of Conduct.
26. If the Monitoring Officer concludes that the evidence does not disclose an apparent breach of the Code of Conduct, then the complaint should not proceed any further and the complainant will be advised accordingly. The Monitoring Officer will outline his reasons to the Complainant and the matter will be reported to the next available Standards Committee.

### Assessment of complaints

27. The Monitoring Officer will review every complaint received about Members not complying with the Code of Conduct, record and consult with the Independent Person as necessary.
28. If the Monitoring Officer decides that the complaint concerns a service, policy or decision of the Council then he may refer it to the normal complaints procedure. This may entail the Monitoring Officer dealing with the matter personally under the Council's complaints procedure.
29. Following a review of a complaint the Monitoring Officer may take one of the following courses of action.

### Confidentiality

30. As a matter of fairness and natural justice, a Subject Member will be told who has complained about them and what the complaint is about. There may be occasions where the complainant wishes his or her identity to be withheld or where there is cause not to disclose the existence of a complaint. Information will be withheld from the Subject Member only in circumstances that the Monitoring Officer considers to provide exceptional justification. The Monitoring Officer will consult with the Independent Person if this looks likely.
31. The Monitoring Officer will outline a Privacy Notice for Member complaints under the Code of Conduct and this will be available on the Council's website.

### Initial Filter Stage

32. The Monitoring Officer will be entitled to:
  - a. Explore the complaint informally with the Complainant and Subject Member, to see whether grounds might exist for an Informal Local Resolution.
  - b. Refer the complaint to the subject Member's political Group, for investigation under the Group's disciplinary procedure - see Stage 1 below.
  - c. Reject the complaint on the following specified grounds:
    - (i) There is no jurisdiction (paragraph 18 above)
    - (ii) There is no apparent breach of the Code (paragraphs 20-25 above)
    - (iii) The complaint is anonymous (unless there are exceptional circumstances to proceed)

- (iv) The complaint is made by a third party about injury to a person who has not complained (unless this suggests a more deep-seated problem)
  - (v) Complaints about actions that occurred more than 12 months before
  - (vi) Complaints about comments made in the cut and thrust of political debate
  - (vii) Minor complaints that the Monitoring Officer sees as trivial, vexatious, malicious, politically motivated or made on a tit-for-tat basis - unless these suggest a more deep-seated problem
  - (viii) Complaints that are similar to a previously investigated complaint where there is nothing further to be gained from an investigation
  - (ix) Complaints about a Councillors' private life which are unlikely to affect their fitness for office
  - (x) 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
  - (xi) The Unreasonable or Unreasonably Persistent Complainant Criteria applies (See Appendix A)
33. Where the Monitoring Officer has exercised his power to reject complaints under paragraph 32(c) above, he will inform the complainant of his decision and the reasons for that decision. There is no appeal from this decision, but the Monitoring Officer will report all such decisions to the next available meeting of the Standards Committee.

#### **Informal local resolution**

34. The Standards Committee is aware that the formal investigation of complaints is both costly and time consuming. Whilst formal investigation may be necessary in some cases, many complaints can be dealt with more rapidly and effectively if an early, informal resolution of the matter can be achieved.
35. The Standards Committee has instructed the Monitoring Officer, where a complaint has been received, to consider and, if appropriate, to explore the potential for local resolution to the satisfaction of the complainant, to avoid the need for a formal investigation. Any informal attempt at local resolution at this stage does not take away the complainant's right to ask for the complaint to be considered through the formal Arrangements, but failure of a

complainant to accept a reasonable local resolution may be a relevant consideration for the Monitoring Officer in deciding whether to invoke further stages of the complaints process.

36. The Monitoring Officer will consider whether a local resolution is possible and will consult with the Independent Person if there is any doubt as to whether this is a suitable outcome or if there is a wider public interest at stake.
37. What is a local resolution? It is not possible to give a definitive list of outcomes, because each case is different and circumstances may require a variety of outcomes. From experience, the following resolutions have previously been accepted:
  - An apology, either face to face or written
  - A written explanation which clears up misunderstandings
  - A retraction of words or documents which have inadvertently given offence

### Stage 1

38. 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 Chief Executive 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.
39. The Group Leader will be responsible for ensuring the following actions are taken when the Monitoring Officer refers a complaint under 32(b) 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.
40. The Group process will be confidential to the complainant and the Group, 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 annual and anonymised monitoring report to the Standards Committee.

**Stage 2**

41. If the complainant is dissatisfied with the response of the Group at Stage 1, or if Stage 1 is inappropriate in all the circumstances, then Stage 2 **may** be invoked. It is the decision of the Monitoring Officer to move to Stage 2. The Monitoring Officer will give reasons for his decisions.
42. The Monitoring Officer will inform the Subject Member about the complaint and inform the Subject Member that advice can be taken from the Independent Person. The Monitoring Officer will inform the Subject Member of any advice offered by the Independent Person.
43. In appropriate cases, the Monitoring Officer may again seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer will consult with the Independent Person and the Subject Member where this outcome seems appropriate. Such informal local resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action. Where the Member makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether to recommend that the complaint merits formal investigation.

**The investigation**

44. The Investigating Officer will complete the investigation in accordance with any policy or guidelines that the Standards Committee shall specify.
45. The investigation shall be carried out promptly, with the expectation that all investigations, resolutions and hearings will be completed within a maximum period of three months and that the decision of the Hearings Panel will be given and announcements of such decision made within a further 21 days. All those involved in the complaint should do their utmost to ensure that this can happen.
46. At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the subject Member, to give both an opportunity to identify any factual matter in that draft report which is disputed or requires further investigation.
47. Having received and taken account of any comments on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.
48. The Monitoring Officer will consult with the Independent Person on the outcomes or recommendations of the investigation.

49. If following consultation, the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.
50. The Monitoring Officer will review the Investigating Officer's report in light of the Independent Person's advice and, if he is satisfied that the Investigating Officer's report is sufficient and that no further investigations are required, the Monitoring Officer will write to the complainant and to the subject Member concerned with a copy of the final report.

#### **Findings of "No Breach"**

51. If the Investigating Officer finds that there has been no breach of the Code of Conduct then the Monitoring Officer will write to the complainant and the subject Member and dismiss the complaint. The Monitoring Officer will report the outcome of the case to the next Standards Committee. The decision is final and there is no appeal.

#### **Findings of "Breach"**

52. If the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct then the Monitoring Officer will consult with the Independent Person, the Subject Member and the complainant to see if any form of local resolution is possible.

#### **Local Resolution**

53. The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he will consult with all the parties and seek to agree a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Subject Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action.
54. If the Subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action. Such report should be open to public scrutiny.
55. If following consultation with the parties it seems likely that any suggested resolution would not be possible or would not be suitable in all the circumstances, the Monitoring Officer will refer the matter to the Hearings Panel.

#### **Hearings Panel**

56. If the Monitoring Officer considers that local resolution is not appropriate, or the Member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the

Hearings Panel. The Hearings Panel is a sub-committee of the Standards Committee.

57. The Hearings Panel will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.
58. The Hearings Panel will comprise of three voting members of the Standards Committee (councillors) selected by the Monitoring Officer in consultation with the Chair of the Standards Committee. An Independent Member is invited to Chair the Hearings Panel but legally cannot vote on the decision.
59. The Standards Committee will agree a procedure for Hearings Panels.
60. The Monitoring Officer may call for a “pre-hearing meeting”, requiring the Subject Member to give his/her response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted.
61. In order to give confidence to the public it is expected that the Hearings Panel will take place in public unless there are exceptional circumstances which dictate otherwise. The Monitoring Officer will advise the Chair whether the hearing should be in public or private. The Access to Information Rules will apply to this hearing as it would apply to any other meeting of the Council.
62. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the subject Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Panel. The Subject Member will then have an opportunity to give his/her evidence, to call witnesses, to cross-examine and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.
63. The Independent Person may attend the hearing but is not required to attend.
64. If the Hearings Panel concludes that the Subject Member did not fail to comply with the Code of Conduct, then they will dismiss the complaint.
65. If the Hearings Panel concludes that the Subject Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Panel will then consider what action,



if any, the Hearings Panel should take as a result of the Member's failure to comply with the Code of Conduct.

### **Powers of the Hearings Panel**

66. In considering its response the Hearings Panel will give the Subject Member an opportunity to make representations to the Panel, but will then decide what action, if any, to take in respect of the matter. The powers of the Hearings Panel are:

- a. To require the Subject Member to apologise either privately or in public. This may be a face to face or written apology.
- b. To require the Subject Member to attend training.
- c. To require the Subject Member to attend a process of mediation.
- d. To censure the Subject Member.
- e. To send a report to Council (by way of recommendation from the Standards Committee) to censure the Subject Member.
- f. To require the Monitoring Officer to publish a press release about the complaint and its outcome.
- g. To require the Monitoring Officer to publish a full report in a local newspaper and/or on the Council's website about the Subject Member's conduct.
- h. To withdraw privileges provided by the Council such as, secretarial support, computer equipment, internet or email access.
- i. To recommend to the Subject Member's Group Leader that the Member be removed from a Committee, or an Outside Body (as appropriate).
- j. Or a combination of any of the above.

and the Panel may set the time frame for the actions that are required to be taken, and require the Subject Member and the Group Leader to report back on actions which are recommended.

67. As a matter of law, the Hearings Panel does not have the power to suspend or disqualify the Member or to withdraw allowances to which members are entitled.

### **Post hearing**

68. At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

69. As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to all the parties, and if required by the Hearings Panel, make that decision notice available for public inspection. The decision will be reported to the next meeting of the Standards Committee.

**Revision of these arrangements**

70. The Standards Committee is delegated to keep under review and amend these arrangements where necessary.
71. In order to ensure efficient administration, the Monitoring Officer is delegated to depart from these arrangements where he considers that it is expedient to do so in order to secure the effective and fair consideration of any matter. In such exceptional circumstances he will consult with the Subject Member, the relevant Group Leader, the Chair of the Standards Committee and the Independent Person and give his reasons in writing.



## Reading Borough Council

### Standards Committee - Assessment Criteria

- 1 Unreasonable or unreasonably persistent complainants**
- 1.1 A small number of people, known as unreasonable and unreasonably persistent complainants, might abuse the opportunity to complain against members by, for example:
  - a) Making repeated complaints about broadly the same matter;
  - b) Making frequent complaints which have very little substance;
  - c) Refusing to let a matter rest when it has been substantially dealt with;
  - d) Being aggressive, offensive or obsessive;
  - e) Having a clear and inappropriate ulterior motive; or,
  - f) Otherwise causing a response where the public cost and time involved is disproportionate to the matters raised.
- 1.2 The Monitoring Officer will assess whether a person should be declared unreasonable and unreasonably persistent and how that person should be dealt with in the future. This cannot effect the person's legal entitlements but might include, among any other appropriate response:
  - a) Creating a single named point of contact for the person to communicate with the Council.
  - b) Refusing to accept emails, telephone calls or any other form of contact, provided one means of contact is maintained.
  - c) Notifying all relevant Members and officers that any attempted communication should be referred to the single point of contact.
  - d) Giving a summary response to multiple complaints, rather than dealing with them point by point.

- e) Refusing to respond further to matters substantially dealt with unless there is significant new evidence.
  - f) Rejecting complaints as vexatious, frivolous or politically motivated.
- 1.3 Responses will make appropriate allowance for any equality and diversity related issues such as cultural barriers, language barriers, disability barriers (including learning disabilities), etc.
- 1.4 If the complainant has special needs (e.g. language needs, learning disability, etc.), an interpreter (including British Sign Language) and/or advocate might be helpful to both parties; and an offer to help the complainant find someone independent will be considered.
- 1.5 Unreasonable and unreasonably persistent complainants may make a complaint against a Member for alleged breach of the Code of Conduct, and where this happens:
- a) The single point of contact will be the Monitoring Officer
  - b) Multiple or related complaints may be considered by the Monitoring Officer at the same time through a single process.
  - c) If the Standards Committee has already dealt with the same complaint, with no significant new evidence, the complaint may not be further considered.
  - d) Vexatious, frivolous or politically motivated complaints, or those which otherwise abuse the procedure, may not be considered further unless they also raise a serious matter which ought to be considered in the public interest.
  - e) Individual complainants will be given a warning about their behaviour and an opportunity to modify this before any restrictions are applied.
  - f) Individual complainants will be informed of the decision to invoke the policy, the implications this will have for that individual, how long the restrictions will last for, when the matter will be reviewed by the Standards Committee.
  - g) Any restrictions do not prevent the individual complainant from requesting/assessing day to day services or assessing their local councillor(s). Ensuring (where applicable) that designated contact arrangements are kept up to date.

**Reading Borough Council**  
**Standards Committee**  
**Hearing Procedures - Final Hearings**

**Context**

1. These Hearing Procedures form part of the Council's Arrangements for dealing with allegations of misconduct under the Localism Act.
2. The Standards Committee is delegated to keep these arrangements under review and to amend them from time to time.
3. To encourage the confidence of members and the public the following procedures have been adopted by the Standards Committee to ensure a consistent approach is taken to determining matters locally.
4. The Hearings Panel is a sub-committee of the Standards Committee. The Panel will comprise of three voting members of the Standards Committee (councillors) selected by the Monitoring Officer in consultation with the Chair of the Standards Committee. The councillors shall, wherever possible, be selected on a politically proportionate basis. Where possible, the councillors serving on the Panel should have no prior dealings with the complaint.
5. Where possible, an Independent Member is invited to Chair the Panel but legally cannot vote on the decision.
6. The investigation shall be carried out promptly, with the expectation that all investigations, possible informal local resolutions and hearings will be completed within a maximum period of three months. All those involved in the complaint should do their utmost to ensure that this can happen.
7. There will be an expectation that the Hearing will sit from 10.00am to 4.00pm and if there is a need for the hearing to continue then the hearing will re-convene the following day.

**INTERPRETATION**

**Independent Person** - is a person appointed by the Council under the Localism Act to give a view on the complaint at various stages in the complaints handling procedure.

**Investigator** - means an officer of the Council or an independent investigator appointed by the Monitoring Officer and who has provided the report which is the basis for the Hearing.

**Legal Advisor** - means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

**Subject Member** - means the councillor or co-opted member of the authority who is the subject of the allegation being considered by the Standards Committee's Hearings Panel, unless otherwise stated.

### **Pre-hearing Process**

8. The Monitoring Officer or the Hearings Panel may conduct a pre-hearing process in order to narrow the issues between the parties and make appropriate provision for the smooth running of the Hearing. Where this happens the Monitoring Officer will provide a letter to all parties outlining the issues to be determined for and the arrangements for making decisions about all such matters.
9. In complex cases it may be appropriate for the Hearings Panel to meet in advance to deal with all such procedural issues but the Monitoring Officer will provide an agenda for such meeting outlining the matters to be resolved.
10. The Legal Advisor will advise the Chair whether the procedural meeting should be in public or private. The Access to Information Rules will apply to this hearing as it would apply to any other meeting of the Council. In order to air procedural matters properly in advance of a hearing it is normally expected that any pre-hearing Panel will take place in private unless there are exceptional circumstances which dictate otherwise.

### **Hearings Procedure**

11. At the start of the Hearing the Chair will:
  - Introduce members of the Hearings Panel and others in attendance
  - Explain the purpose of the meeting and how it will proceed
12. The Legal Advisor will advise the Chair whether the hearing should be in public or private. The Access to Information Rules will apply to this hearing as it would apply to any other meeting of the Council. In order to give confidence to the public it is expected that the Panel will take place in public unless there are exceptional circumstances which dictate otherwise.
13. The Chair will then resolve any other issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.
14. If there are disagreements about the facts, the Investigator, if present, will be invited to make representations to support the findings of their report and with the Chair's permission to call supporting witnesses. The Panel will give the Subject Member an opportunity to challenge any evidence put forward by a witness but any direct questions are put through the Chair.
15. The Subject Member will then have the opportunity to make representations to support his or her version of the facts and with the Chair's permission to call supporting witnesses. The Panel will give the Investigator an opportunity to challenge any evidence put forward by the Subject Member or a witness.
16. At any time the Panel may question the Investigator, the Subject Member or their witnesses.
17. The Panel will not allow the Subject Member to raise a disagreement with the facts which was not raised prior to the hearing, unless the Member satisfies the Panel there were good reasons for not raising the disagreement before. If the Investigator is not present, the Panel will consider whether or not it would be in the public interest to continue in the Investigator's absence. After considering the

position and the Subject Member's explanation for not raising the disagreement at an earlier stage the Panel may:

- (a) Continue the hearing, relying on the information in the Investigator's report;
  - (b) Allow the Subject Member to make representations about the issue and invite the Investigator to respond and call any witnesses necessary; or
  - (c) Postpone the hearing to arrange for the Investigator to be present if he or she is not already or for appropriate witnesses to be present.
18. The Independent Person will be invited to contribute questions or comments to the extent that the Panel find this helpful. It is not essential that the Independent Person is present for the Hearing. The view of the Independent Person will have been sought earlier in the process and the Monitoring Officer or Legal Advisor will be able to relay these comments to the Panel.
  19. The Investigator and Subject Member will normally be given the opportunity to make short closing statements before the Committee retires to reach its decision. The Independent Person, if present, will be invited to express a view before the closing statement of the Subject Member.
  20. The Subject Member will speak last to have the final say.
  21. The Panel will then consider its decision in private with the Legal Advisor.
  22. If any clarification is needed as part of this process, this will be undertaken with all parties present.
  23. On their return to the hearing, the Chair will announce the Panel's findings of fact and whether the Subject Member has failed to follow the Code of Conduct.
  24. If the Panel decides that the Subject Member has failed to follow the Code of Conduct, the Chair will inform the Subject Member of this finding.
  25. The Investigator, the Independent Person (if present) and the Subject Member will be invited to make any final relevant points as regards the sanction which should be imposed. The possible sanctions are outlined in the Council's published Arrangements Document.
  26. The Panel will then consider the representations and make its decision in private (with the Legal Advisor) and will consider any representations as to:
    - (a) Whether or not the Panel should impose a sanction; and
    - (b) What form any sanction should take.
  27. The Chair will then announce the Panel's decision.
  28. The Panel will then consider whether it will make any recommendations to the Standards Committee or the Council on any future preventative measures or tightening up procedures, with a view to promoting high standards of conduct among members. In doing so they will consider any representations from the Investigator and the Independent Person.
  29. The Panel will announce its decision on the day and provide a short form of written decision on that day. It will issue a full written decision as soon as practicable and send it to all concerned with the Hearing.

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READING BOROUGH COUNCIL  
REPORT BY MONITORING OFFICER

<b>TO:</b>	<b>COUNCIL</b>		
<b>DATE:</b>	<b>18 OCTOBER 2022</b>		
<b>TITLE:</b>	<b>GOVERNANCE ARRANGEMENTS - CONSTITUTION &amp; DELEGATION OF FUNCTIONS</b>		
<b>SERVICE:</b>	<b>LEGAL AND DEMOCRATIC SERVICES</b>	<b>WARDS:</b>	<b>BOROUGH-WIDE</b>
<b>LEAD COUNCILLORS</b>	<b>Cllr LIZ TERRY Cllr JASON BROCK</b>	<b>CORPORATE SERVICES &amp; RESOURCES LEADERSHIP</b>	
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## 1. PURPOSE AND SUMMARY OF REPORT

- 1.1 This report seeks approval for the adoption of a revised Constitution for Reading Borough Council.
- 1.2 The overall objectives of the recommended changes to the Constitution are to:
  - streamline and improve efficiency of decision-making;
  - simplify the Constitution and Delegations Register;
  - make the Constitution simple and easy to navigate; and
  - make the decision-making process easier to understand for officers, Councillors and members of the public.
- 1.3 The recommended Constitution is attached as an appendix for consideration and approval and consists of the following:
  - Part 1 - Summary and Explanation
  - Part 2 - Articles of the Constitution
  - Part 3 - Responsibility for Functions
  - Part 4 - Rules of Procedure
  - Part 5 - Codes and Protocols
- 1.4 The Constitution has been updated to reflect the objectives above as well as other more routine changes, such as updating officer titles and current names of committees.
- 1.5 Some parts of the Constitution are still in the process of being updated, and therefore will be included unchanged in the updated Constitution, subject to a reference clarifying their current status:
  - The Member Code of Conduct is being reviewed by the Standards Committee on 10 October 2022 and is included as a separate report on this evening's agenda (see agenda item 8)

- The Planning Code of Conduct is being reviewed and will be presented to the Standards Committee for review
- The Financial Regulations will be reviewed in line with the introduction of the new Financial System and reported to Council at a later stage.

## **2. RECOMMENDED ACTION**

- 2.1 That the revised Constitution for Reading Borough Council, as attached to the report, be adopted, in accordance with Section 9P of the Local Government Act 2000.**
- 2.2 That the Monitoring Officer, in consultation with the Leader, be authorised to correct any minor typographical errors or inconsistent numbering or cross references which become evident in publishing the Constitution in its final form.**
- 2.3 That the Monitoring Officer be asked to prepare a further report to Council in October 2023 to ensure that the aims of this review have been met and to present appropriate modifications or amendments if required.**
- 2.4 That, in addition to 2.3 above, the Constitution be reviewed by the Audit & Governance Committee annually with any recommended changes arising from its review to be submitted to Council for determination.**

## **3. POLICY CONTEXT**

- 3.1 At the Annual Council Meeting on 22 May 2013 (Minute 7 refers), Council formally agreed to cease to operate the Leader and Cabinet Executive form of executive arrangements, and to start to operate a committee system of governance, with effect from that meeting.**
- 3.2 The Council is required to maintain and publish a Constitution, in accordance with Section 9P of the Local Government Act 2000, setting out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.**
- 3.3 The Constitution has six Parts. Part 1 is a summary of its contents and purpose. Part 2 contains 16 Articles which set out the legal position regarding the Council's operation. Part 3 sets out the responsibility for functions. Part 4 contains the authority's Rules of Procedure, including its Standing Orders. Part 5 contains the authority's Codes and Protocols, including the local Member Code of Conduct. Part 6 is the Members' Allowances Scheme.**

## **4. THE PROPOSAL**

### **(a) Current Position**

- 4.1 The Constitution Review is addressing concerns that the Council's governance and decision-making processes are not easily understandable to officers, councillors and members of the public.**
- 4.2 The revised Constitution will be critical to ensuring that Council policies and procedures are consistent with delivering good governance.**

- 4.3 In June 2022, a Peer Review team visited and was keen that the work to revise the Constitution should be carried out promptly to deliver the objectives set out in the purpose and summary of the report and in the options proposed below.
- 4.4 In practice, the review would seek to make the following changes in the interests of simplification and improving understanding of the Constitution by looking to:
- Define clearly in the Delegations Register and Committee terms of reference the powers delegated to Committees, which cannot be dealt with by officers.
  - Remove references to the previous Executive powers, or Executive regulations, in Part 3 as these are unnecessary.
  - Incorporate the Delegations Register within the Constitution (Part 3) and simplify it to avoid the prescriptive nature of the current Register.
  - Officer powers should be those matters which are not reserved to Committees. Officer powers should be expressed in broad terms to allow for simplicity and clarity.
  - Remove all references to historical background about how the Constitution has been amended and developed, including decisions taken to introduce the Constitution.
  - Remove all operational material template documents to ensure the Constitution does not quickly become out of date.
  - Identify operational processes and procedures which could be removed from the Constitution and put on the website and/or held as guidance for officers and members.
  - Remove unnecessary information and duplication.
  - Remove the officer management structure, as this not required and is more usefully published to the website.

(b) Options Proposed

- 4.5 Part 1 - Summary & Explanation has been updated to remove duplication with other parts of the Constitution. References to the history about how the current system of governance was adopted have been removed.
- 4.6 Part 2 - Articles 1-5 have been simplified and updated to reflect the Council's current Corporate Plan and priorities.
- 4.7 Part 2 - Article 6 - Leadership - The main change is to move the Leadership and Lead Councillor portfolios from Part 3 of the Constitution into Article 6. The Lead Councillor portfolios have been updated to reflect the decision of Council on 25 May 2022.
- 4.8 Part 2 - Article 7 - Committees - The text has been simplified and historical information removed from the description of the governance arrangements. The terms of reference of the Committees have been moved to Part 3 of the Constitution, 'Responsibility for Functions'.
- 4.9 Part 2 - Article 8 - Regulatory & Other Committees - The terms of reference of the Committees within Article 8 have been moved to Part 3 of the Constitution, 'Responsibility for Functions'. The Licensing Sub-Committees have been streamlined to have all the functions carried out by a single Sub-Committee consisting of three members.
- 4.10 Part 2 - Article 9 - Standards Committee - The Standards Committee is making recommendations on Article 9 and the Member Code of Conduct and its associated documents (see item 8 on the agenda), for Council to consider and if adopted will be incorporated into the new Constitution.

- 4.11 Part 2 - Article 10 - Consultative Bodies - There are no significant changes proposed to the terms of reference of the Council's consultative bodies.
- 4.12 Part 2 - Article 11 - Joint Arrangements - No material changes are recommended.
- 4.13 Part 2 - Article 12 - Officers - A new Article 12 was endorsed by Personnel Committee at its meeting on 27 January 2021. No changes are recommended.
- 4.14 Part 2 - Article 13 - Decision-Making - This contains a redefinition of 'key' decisions principles, as follows in order to better define what is the preserve of councillors:
- (a) Key decisions are those decisions reserved to Committees or Sub-Committees to take, unless a committee has resolved to delegate a particular key decision to an officer;
  - (b) Senior officers will have authority to take all non-key decisions under delegated authority, which are not reserved to a Committee or Council for determination;
  - (c) Key decisions exercised by an officer with delegated authority from a committee will not need to come back to the Committee for approval but will be recorded appropriately;
  - (d) Contracts let over multiple years can incur expenditure of up to £500k per annum without being defined as a 'key' decision (i.e. a contract that exceeds £500k over the duration of its lifetime is not necessarily a key decision unless it exceeds the £500k threshold in any one year of the contract);
  - (e) Key decisions will have different thresholds for revenue and capital expenditure. Committee approval for capital expenditure is required except for (i) expenditure on rolling programmes of routine capital expenditure included on the capital programme (e.g., for housing and highways maintenance programmes) and (ii) Expenditure of up to £100k on capital preparatory/feasibility works for projects.
- 4.15 Part 2 - Articles 14-16 - No material changes are recommended.
- 4.16 Part 3 - Responsibility for Functions - Part 3 has been completely revised to include the replacement for the Delegations Register. It will also include the revised terms of references of committees, which have been redefined to focus committees' role on taking 'key' decisions and providing overview and scrutiny of services. Local choice functions, executive functions and council functions have been removed from the Constitution as they are not relevant to Reading's Committee system of governance. The Personnel Committee terms of reference have been updated to remove reference to Disciplinary and Grievance Panels, as this has been superseded by new policies in these areas. Additionally, the Committee's involvement in appointments and dismissals has been streamlined to apply to Executive Director and statutory officers' posts only.
- 4.17 Part 4 - Rules of Procedure
- Council and Committee Procedure Rules (Standing Orders) - Standing Order 8 -Petitions - the right to 'trigger a debate' where petitions achieve 1,500 or more valid signatories has been updated to give more flexibility to the process. In order to submit, present or sign petitions, a requirement to live, work or study in the Borough has been added to the Standing Order. The financial limits (Standing Orders 45-56 as to revenue and capital expenditure) will be updated to reflect the new definition for a 'key decision' and will be harmonised with the values set out in the Financial Regulations and Contract Procedure Rules.

- Access to Information Procedure Rules - A section has been added on the 'role of scrutiny' otherwise no material changes are recommended.
- Financial Regulations - The Budget and Policy Framework Procedure Rules will be incorporated into the Financial Regulations. The financial limits will be updated to reflect the new definition for a 'key decision' and be harmonised with the values set out in the Contract Procedure Rules.
- Overview and Scrutiny Procedure Rules - No material changes are recommended.
- Contract Procedure Rules - The Rules have been simplified to provide clear guidance to officers awarding contracts on behalf of the Council. The contract values have been updated to be consistent with the financial limits in the Financial Regulations and the new 'key decision' definition.
- Officer Employment Procedure Rules - No material changes are recommended as it is a mandatory process specified by statutory Regulations.
- Petitions Scheme - The Localism Act 2011 repealed the requirement for local authorities to have petition schemes. The Council will continue to allow petitions to be submitted at Council and committee meetings. Council Procedure Rule (Standing Order 8) will set out the requirements for members of the public to follow who wish to submit a petition to Council or a committee without the need for a separate scheme to be included within Part 4 of the Constitution.

#### 4.18 Part 5 - Codes & Protocols

- Member Code of Conduct - An updated Code is being recommended to Council by the Standards Committee this evening (see agenda item 8).
- Officers' Code of Conduct - No material changes are recommended, as it was reviewed recently by Personnel Committee on 19 November 2020.
- Planning Code of Conduct - a separate piece of work has been commissioned with external planning lawyers to update the Planning Code of Conduct to consider recent guidance on best practice and introduce protocols now recommended by the Court for the separation of functions when councils deal with their own major applications. As part of this work the member handbook will also be updated and further training has been commissioned. This work will be reported to the Standards Committee in due course;
- Protocol on Member/Officer Relations - The Protocol has been updated to include more advice about officer communication with Leadership and Lead Councillors;
- Working with Reading's MPs - Guidelines - No material changes are recommended.
- Council Publicity and Elections - No material changes are recommended.
- Social Media Protocol - To be removed from the Constitution but will be retained as guidance for officers and councillors.
- Protocol for Webcasting and Recording of Council and Committee Meetings - To be removed from the Constitution but will be retained as guidance for officers and councillors.
- Protocol for Council Representation on Outside Bodies Meetings - To be removed from the Constitution but will be retained as guidance for officers and councillors.

4.19 Part 6 - Members' Allowances Scheme - The Council agrees a Members' Allowances Scheme each year following consideration of the Remuneration Panel's recommendations. This process is unaffected by the Constitution Review.

4.20 Part 7 - Management Structure -to be removed from the Constitution.

4.21 The table below summarises the recommendations that are included in the draft Constitution, which is attached as an Appendix, for consideration.

Constitution	Part	Recommendation
Summary & Explanation	1	Approve as set out in the draft Constitution
Articles 1-6	2	Approve as set out in the draft Constitution, Article 6 to be revised to include Lead Cllr portfolios
Article 7 - Committees	2	Approve as set out in the draft Constitution and move terms of reference to Part 3 'Responsibility for Functions'
Article 8 - Regulatory Committees	2	Approve as set out in the draft Constitution and move terms of reference to Part 3 'Responsibility for Functions'
Article 9 - Standards Committee	2	Standards Committee's recommendations for new Article 9 and Member Code of Conduct (see agenda item 8)
Article 10 - Consultative Bodies	2	No material change
Article 11 - Joint Arrangements	2	No material change
Article 12 - Officers	2	Note - Agreed Personnel Committee 27.01.21 - No change
Articles 13-16	2	Approve as set out in the draft Constitution
<b>Responsibility for Functions</b>	3	
Local Choice Functions	3	Delete - not relevant to Committee system of governance - To be replaced by an updated Delegations Register
Functions not Sole Responsibility of Executive	3	Delete - not relevant to Committee system of governance - To be replaced by an updated Delegations Register
Council Functions	3	Delete - not relevant to Committee system of governance - To be replaced by an updated Delegations Register
Lead Councillor Portfolios	2	Endorse new portfolios agreed with Leader - Move to Article 6, Part 2 - 'Leadership'
The existing Part 3 would be revised to consist of the following: <ul style="list-style-type: none"> <li>• Introduction</li> <li>• Terms of Reference of Committees</li> <li>• Delegations in consultation with Lead Cllrs</li> <li>• Delegations to officers</li> <li>• Proper officer functions</li> <li>• Statutory Officers</li> </ul>	3	Agree new Part 3 of the Constitution, which include Committee terms of reference and officer delegations, as set out in the draft Constitution. This one section will now contain the basic rules of who can make decisions in Reading Borough Council.
<b>Rules of Procedure</b>	4	
Council and Committee Procedure Rules (Standing Orders)	4	Approve as set out in the draft Constitution
Access to Information Procedure Rules	4	Approve as set out in the draft Constitution

Budget and Policy Framework Procedure Rules	4	Approve incorporating these Rules into the Financial Regulations
Overview and Scrutiny Procedure Rules	4	Approve as set out in the draft Constitution
Financial Procedure Rules/Financial Regulations	4	Approve as set out in the draft Constitution
Contracts Procedure Rules	4	Approve as set out in the draft Constitution
Officer Employment Procedure Rules	4	Note - Agreed Council 07.07.15 - mandatory process specified by statutory Regulations - No change
Petitions Scheme	4	Delete - unnecessary duplication; the rights to petition the Council are set out in Council Procedure Rule 8
<b>Codes &amp; Protocols</b>	5	
Member Code of Conduct	5	Approve the recommendation of the Standards Committee, as set out in the separate report at agenda item 8
Officers' Code of Conduct	5	Note - Agreed Personnel Committee 19.11.20 - No change
Planning Code of Conduct	5	Note - this is subject to a separate review
Protocol on Member/Officer Relations	5	Approve as set out in the draft Constitution
Working with Reading's MPs - Guidelines	5	No material change
Council Publicity and Elections	5	No change
Social Media Protocol	5	Remove from Constitution and retain as guidance
Protocol for Webcasting and Recording of Council and Committee Meetings	5	Remove from Constitution and retain as guidance
Protocol for Council Representation on Outside Bodies	5	Remove from Constitution - retain as guidance
<b>Members' Allowances Scheme</b>	6	Complete 2022/23 - Repeat for 2023/24 Remuneration Panel to recommend to Council Jan 2023
<b>Management Structure</b>	7	Remove from Constitution - publish to website

(c) Other Options Considered

- 4.22 Do nothing and retain the current Constitution: This option would not respond to the objectives of the review principally to simplify the Constitution and Delegations Register; make it easier to navigate; and improve understanding of its content.
- 4.23 Undertake a partial review and update those Parts of the Constitution in most need of revision: This option is not recommended on the grounds that many parts of the Constitution are inter-related and a piecemeal approach to amending it would risk embedding inconsistencies within the document.
- 4.24 Both options above would also not recognise that the Constitution has not been subject to a significant review since the adoption of the Committee system of governance in May 2013. It is therefore considered that a thorough review is overdue.

## **5. CONTRIBUTION TO STRATEGIC AIMS**

- 5.1 The revised Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Therefore, the Constitution supports delivery of all the priorities described in the Corporate Plan themes: Healthy Environment; Thriving Communities; and Inclusive Economy by providing a sound basis for governance across the Council's activities. A clear and concise Constitution will also make a positive contribution to the TEAM Reading values, especially in promoting working together efficiently and effectively.

## **6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

- 6.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers). There are no specific environmental and climate implications to report in relation to the recommendations set out in this report, as it is purely about changes to the Council's procedures. It is anticipated that the report will be neutral in terms of affecting the Council's carbon footprint and on the environment and biodiversity of Reading.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

- 7.1 This report contributes by improving clarity to the Council's decision-making processes. This will enable councillors to fulfil their roles more effectively and make procedures and processes more transparent.

## **8. EQUALITY IMPACT ASSESSMENT**

- 8.1 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.
- 8.2 It is not considered that an Equality Impact Assessment (EIA) is relevant to the decisions arising from this report because the report concerns the revision of constitutional and operating arrangements to comply with or allowed by legislation.

## **9. LEGAL IMPLICATIONS**

- 9.1 Section 9K of the Local Government Act 2000, as amended by Section 21 of and Schedule 2 to the Localism Act 2011, allows local authorities to operate a committee system form of governance.
- 9.2 Under Section 9P of the Local Government Act 2000 (the 2000 Act), local authorities must prepare and keep up to date a Constitution, which must also be made available to the public. The Council's Constitution follows a standard format as recommended by the former Department of the Environment, Transport and the Regions (DETR) in 2001, as part of the implementation of the 2000 Act.
- 9.3 Under Part 2: Article 4 of the Constitution, changes to the Constitution are matters reserved to the Council to determine. As a result, the adoption of a new Constitution must be agreed by Council.



**10. FINANCIAL IMPLICATIONS**

10.1 The cost of the Constitution Review has been met from within existing budgets.

**11. BACKGROUND PAPERS**

11.1 There are none.

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Officers' Code of Conduct	
Planning Code of Conduct	<b>Subject to a separate review process</b>
Protocol on Member/ Officer Relations	
Working with Reading's MPs - Guidelines	
Council Publicity and Elections	

# Part 1 - Summary and Explanation

## The Council's Constitution

Reading Borough Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business.

More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

## What is in the Constitution?

Article 1 of the Constitution confirms that the Council will act within the law and the provisions of the Constitution. Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- The Leadership (Article 6).
- Committees (Article 7)
- Regulatory and other committees (Article 8).
- The Standards Committee (Article 9).
- Consultative Committees and Forums (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

## How the Council operates

The Council is composed of 48 Councillors representing 16 wards. Each Councillor will normally be elected to serve for four years. The wards are represented by three Councillors, with one third of the Councillors being elected three years in four (the fourth year is a fallow year, with no local elections). Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

The Council has a statutory duty to promote and maintain high standards of conduct by its Councillors and Co-opted Members. Councillors are asked to follow a Member Code of Conduct to ensure high standards in the way they undertake their duties. This is in part 5 of the Constitution. The Standards Committee trains and advises them on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council, at its Annual

Meeting appoints the Leader Lead Councillors and such Committees, Sub-Committees, Panels etc as it considers necessary to carry out the functions of the local authority.

## **How decisions are made**

Reading Borough Council is a democratic organisation with elected members at the heart of the decision-making process. The Constitution describes the decisions that must be made by Councillors as 'key decisions'. These are described in more detail in Part 3 of the Constitution and underpin the central role of councillors in the decision-making process.

The Council operates a committee system form of governance

The committee system is composed of four standing committees (and two sub-committees) and six regulatory or other committees, as described in Part 3 of the Constitution. Political groups are entitled to nominate members to the Committees (except the Health & Wellbeing Board), in proportion to their representation on the Council. Between them, the Committees have been delegated powers by the Council which cover all of the authority's functions.

## **The Council's Staff**

The Council has staff working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council. This is included in Part 5 of the Constitution.

# Part 2 - Articles of the Constitution

## Article 1 - The Constitution

### 1.1 Powers of the Council

1.1.1 The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### 1.2 The Constitution

1.2.1 This Constitution, and all its appendices, is the Constitution of the Reading Borough Council.

### 1.3 Purpose of the Constitution

1.3.1 The purpose of the Constitution is to assist in the achievement of the Council's key strategic aims by the following:

1. Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. Support the active involvement of citizens in the process of local authority decision-making;
3. Help Councillors represent their constituents more effectively;
4. Enable decisions to be taken efficiently and effectively;
5. Create a powerful and effective means of holding decision-makers to public account;
6. Ensure that no one will review or scrutinise a decision in which they were directly involved;
7. Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. Provide a means of improving the delivery of services to the community.

1.3.2 The Council regularly publishes and reviews its Corporate Plan which is available on the Council's website.

### 1.4 Interpretation and Review of the Constitution

1.4.1 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

1.4.2 The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

# Article 2 - Members of The Council

## 2.1 Composition and Eligibility

### (a) Composition

2.1.1 The Council will comprise 48 members, called Councillors. The Borough is divided into 16 wards, and each ward is represented by three Councillors. One Councillor is elected each year by the voters of each of the 16 wards of the authority. This is called election by thirds.

### (b) Eligibility

2.1.2 Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

## 2.2 Election and Terms of Councillors

2.2.1 The ordinary election of a third of all Councillors will be held on the first Thursday in May each year.

2.2.2 The Councillors are elected for four years.

## 2.3 Roles and Functions of all Councillors

### (a) Key Roles

2.3.1 All Councillors will:

- (i) collectively be the ultimate policymakers, set the Council's budget and Council Tax, and carry out a number of strategic and corporate management functions, through full Council;
- (ii) act as community advocates and leaders by:
  - promoting and representing the Borough and the local communities and bringing their views into the decision-making processes of the Council and partner agencies;
  - being the advocate of and for their ward and local people and communities living within it, including responding to petitions;
  - providing information to, and promoting local democracy, participation and engagement by, sections of the local community
  - working with partners and other agencies to address issues that are beyond the Council's direct control
- (iii) deal with individual casework and act as an advocate for ward residents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the ward and represent the ward as a whole;
- (v) be involved in decision-making as provided by the Constitution, including:
  - agreeing or amending policies, plans and strategies, and taking operational decisions through the Council, Policy Committee and relevant Committees
  - taking regulatory and quasi-judicial decisions on individual planning and licensing applications;
  - decisions affecting personnel matters and senior staff appointments
  - appeals

- scrutinising operational decisions and their implementation, holding Lead Councillors to account, and providing an overview of policy formulation and development, through the Policy Committee and relevant Committees
  - scrutinising the delivery of public services in Reading by partner organisations, and holding their decision-makers to account, through the Policy Committee and relevant Committees
- (vi) be available to serve as the Council’s representative on partnership bodies, appointee or nominee on outside bodies, and on school governing bodies;
- (vii) maintain the highest standards of conduct and ethics.

## **2.4 Conduct**

- 2.4.1 Councillors will always observe the Members’ Code of Conduct, the Planning Code of Conduct, the Protocol on Member/Officer Relations, and the Protocol on Council Publicity and Elections, as set out in Part 5 of this Constitution.

## **2.5 Allowances**

- 2.5.1 Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.



# Article 3 – Citizens and The Council

## 3.1 Citizens' Rights

3.1.1 Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

(a) Voting and Petitions.

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution or a change of governance arrangements.

(b) Information.

Citizens have the right to:

- (i) attend meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) see reports and background papers, and any records of decisions made by the Council, and Committees and Sub-Committees of the Council; and
- (iii) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation.

Citizens have the right to participate in Council, Committee and Sub-Committee meetings, and to contribute to evidence gathering by Committees when undertaking overview and scrutiny exercises, as follows:

- (i) by presenting a petition to the Council or Committees in line with Standing Orders 8 and 36(1)
- (ii) by submitting questions to the Council or Committees in line with Standing Orders 9 and 36(2)
- (iii) by speaking on individual planning applications which affect them at meetings of the Planning Applications Committee, in line with Standing Order 36A
- (iv) by speaking on individual items on the agenda for Committee meetings, for up to five minutes per item at the invitation of the Chair, in line with Standing Order 36B

(d) Complaints.

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the Monitoring Officer of the Council about a breach of the Members' Code of Conduct.

## 3.2 Citizens' Responsibilities

3.2.1 Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

# Article 4 - The Council

## 4.1 Meanings

### (a) Policy Framework

4.1.1 The policy framework of the authority means the plans and strategies set out in Part 3 of the Constitution.

4.1.2 The process for developing the policy framework, including adopting new plans and strategies, and the arrangements for taking decisions which are contrary to an existing policy, plan or strategy, is set out in the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.

## 4.2 Functions of the Council

The functions of the Council are set out in Part 3 of the Constitution.

## 4.3 Council Meetings

4.3.1 There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council and Committee Procedure Rules (Standing Orders) in Part 4 of this Constitution.

## 4.4 Responsibility for Functions

The Council will maintain the information in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

# Article 5 - Chairing the Council

## 5.1 Role and function of the Mayor

5.1.1 The Mayor and, in his or her absence, the Deputy Mayor, will have the following roles and functions:

### a) Ceremonial role

To act as the first citizen of the Borough and to represent the Council at Civic and other functions where the Council is invited to be represented

To promote the image of the Council in all functions involving the Council or the Mayoralty

To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

### b) Chairing the Council meeting

The Mayor will be elected by the Council annually and will have the responsibility to preside over meetings of full Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.

# Article 6 - The Leadership

## 6.1 Legal Status

- 6.1.1 Having adopted a committee system form of governance, political leadership of the council will operate as a local arrangement for Reading, in accordance with the Local Government Act 1972.

## 6.2 Leader

- 6.2.1 The Annual Meeting will appoint a Councillor to be the Leader of the Council for the Municipal Year. The Annual Meeting will also appoint the Leader both to membership and the Chair of the Policy Committee of the Council.
- 6.2.2 The Councillor appointed as Leader will hold this office until:
- (a) the next Annual Meeting of the Council; or
  - (b) s/he resigns from the office; or
  - (c) s/he is no longer a Councillor; or
  - (d) s/he is removed from the office by resolution of the Council
- 6.2.3 Any motion submitted to any Council meeting to remove the Leader from this office:
- a) must be moved, seconded and signed by a further eight Councillors as supporters;
  - b) will be considered at the start of the Council meeting, after the Minutes of the last meeting have been approved and signed, and
  - c) will be followed immediately by an item to appoint a new Leader of the Council
- 6.2.4 If the Council meeting resolves to remove the Leader from office but fails to appoint a successor, then an item to appoint a new Leader must be included on the next and successive Council agendas until a replacement Leader has been appointed.

## 6.3 Deputy Leader

- 6.3.1 The Annual Meeting will appoint a Councillor to be the Deputy Leader for the Municipal Year. The Annual Meeting will also appoint the Deputy Leader both to membership and the Vice-Chair of the Policy Committee of the Council.
- 6.3.2 The Deputy Leader will act in place of the Leader if the Leader is unable to act, or where the Leader asks the Deputy Leader to so act.
- 6.3.3 The Deputy Leader will also be a Lead Councillor and have a separate Lead Councillor portfolio.

## 6.4 Lead Councillors

- 6.4.1 The Annual Council Meeting will appoint Lead Councillors, with portfolios covering all Council services, for the Municipal Year. The Annual Meeting will also:
- a) agree the portfolio areas for each Lead Councillor
  - b) appoint the Lead Councillors to be members of both the Policy Committee, and of the Committee(s) covering their portfolio areas.
- 6.4.2 The Deputy Leader and other Lead Councillors will hold office until:
- (a) the next Annual Meeting of the Council; or

- (b) they resign from office; or
  - (c) they are no longer Councillors; or
  - (d) they are removed from office by resolution of the Council.
- 6.4.3 Under the Local Government Act 1972, the Leader, Deputy Leader and Lead Councillors have no legal authority as individuals to exercise functions on behalf of the authority. This is not permitted under the Committee system of governance. They have the following general oversight roles:
- Political oversight and leadership of their portfolio area
  - Collective oversight and leadership of the authority (together with the Leader and other Lead Councillors, as members of the Policy Committee)
  - Public spokesperson for their portfolio area
  - Presenting reports from portfolio services to their Committee(s), the Policy Committee and Council
  - Answerable for service performance in their portfolio areas to Committee and Council
- 6.4.4 Full Council may, during the Municipal Year, resolve to change the portfolios of the Leadership and Lead Councillors; and to fill any casual vacancies that might arise as Deputy Leader or Lead Councillor, on the nomination of the Leader.
- 6.4.5 Where, during the Municipal Year, Council resolves successfully to remove the Deputy Leader or a Lead Councillor from that office, then it must also remove that Councillor from membership of the Policy Committee and make a replacement appointment to the Committee on the nomination of the Councillor's Group Leader.

## **6.5 Responsibility for Functions**

- 6.5.1 The shared responsibilities of the Leadership and Lead Councillors, and their individual portfolio areas are set out below.
- 6.5.2 All functions of the authority will be exercised by Council, except where:
- The function has been delegated to a Committee or Sub-Committee of the Council (as set out in Part 3), in which case the decision will be taken by resolution of that Committee
  - There is an existing delegation of the function to an officer or officers,
  - The Council or relevant Committee or Sub-Committee, through resolution, makes a new delegation to an officer
  - The Council or relevant Committee, through resolution, delegates the function to a new Committee or a new Sub-Committee.
- 6.5.3 In all of the above cases a Committee or Sub-Committee or officers may determine not to exercise a function delegated to them and to refer the decision back to Council or the Committee which made the delegation. Alternatively, the Council or a Committee may itself determine to exercise a function which it has delegated.
- 6.5.4 All delegations which fall within the Council's definition of a Key decision, as set out in Article 13 of this Constitution, will normally be taken either by Committee or, if taken under officer delegation, be recorded through the Decision Book.
- 6.5.5 In taking decisions, Committees will proceed in line with the Standing Orders for Meetings of Committees, set out in Part 4 of this Constitution, which also include the Decision Book.

## **LEADERSHIP AND LEAD COUNCILLOR PORTFOLIOS**

### **GENERAL**

The Leader, Deputy Leader and all Lead Councillors will have the general responsibility to set the strategic direction of the authority, and to ensure and monitor the effective management and delivery of services within their areas of responsibility, as Members of a collective Policy Committee, and within the following framework:

- Corporate Plan
- Sustainable Community Strategy (Reading 2050)
- Local Plan
- The Council's overall strategic objectives, the budget and policy framework of the Council, and the corporate values
- Service Improvement and Performance Management Programmes
- The budgets set for the services, and the Council's Financial Regulations
- The law, the Council's Scheme of Delegations, and Standing Orders and the Constitution

The Leadership and Lead Councillors will promote the Team Reading Values of working as a team to deliver efficiency and value for money to achieve the Council's ambitious plans to make a positive difference to residents, communities, and businesses in accordance with the aims of the Corporate Plan priorities.

General and shared responsibilities will include:

- a) as part of the Council's community leadership role, working with partners to take forward the three themes of Corporate Plan: Healthy Environment; Thriving Communities; and Inclusive Economy.

Healthy Environment:

- To listen to feedback from our residents' survey and transport consultations and make increased investments in green infrastructure.
- To make it easy for people to play their part through the choices they make about their home, transport, and waste.
- To be committed to playing our part in tackling climate change and working towards our goal of a carbon neutral town by 2030.

Thriving Communities:

- To be committed to tackling inequality in our society, to ensure everyone has an equal chance to thrive wherever they live and whatever their economic, social, cultural, ethnic or religious background.
- To invest in voluntary and community organisations, building relationships and strengthening the capacity and resilience of the sector.
- To prioritise the needs of the most marginalised groups and the most vulnerable adults and children in our communities.
- To tackle the effects of the pandemic including employment, training and skills, mental health issues and social isolation.

Inclusive Economy:

- To build on our cultural heritage to enhance our tourist industry, creating an amazing place for people to enjoy.
- To enhance education, skills and training opportunities, particularly for our more vulnerable residents.
- To invest in key infrastructure to keep Reading at the forefront of advances in technology

- b) developing, co-ordinating, promoting and implementing the Council's corporate strategies, policies, objectives and initiatives; and working together with other Lead Councillors to promote the interests of the Borough and its residents

- c) overseeing the implementation of the Council's key priorities for improvement in line with the Performance Improvement Programme
- d) overseeing, developing, monitoring and promoting services provided directly by the Council
- e) acting as client for the procurement, development, monitoring and promotion of services provided under contract to the Council
- f) exploring alternative models of service provision, including developing new partnerships to deliver services differently; and overseeing, developing and monitoring services provided by joint arrangement with partners including other Councils
- g) promoting the interests of the Borough, and of residents, businesses and other organisations; and taking a community leadership role across the public, voluntary and business sectors, to develop working links with and to monitor the work of bodies providing public services in Reading
- h) promoting consultation and new ways of engaging with the public, and devolving decisions to local communities, within the context of an evolving public engagement strategy
- i) responding to consultations from the Government and other public sector agencies
- j) putting forward nominees to represent the Council on appropriate outside bodies
- k) promoting equal opportunities, sustainability, community safety and public health in relation to the provision of the Council's services, and the delivery of services in Reading by other agencies
- l) overseeing the appropriate levels of resource required to provide the services, within corporate guidelines and service plans
- m) overseeing relations with voluntary and community organisations, their procurement and commissioning arrangements, with reference to the Voluntary Sector Strategy and recommending grants for such organisations which fall within the Lead Councillor's portfolio, within the overall grants process and budget set by the Council
- n) championing the needs of children in care as their corporate parent
- o) promoting the Council's vision and transforming services programme, and its key priority areas of value-for-money, residents and customers, and staff
- p) promoting equality and ensuring that services are delivered to the high standards expected of and set by the Council.

## **1. LEADERSHIP**

The Leader and Deputy Leader will between them have the responsibilities set out below. The Deputy Leader will support the Leader in carrying out the responsibilities, share the responsibilities as appropriate, and deputise for the Leader in the Leader's absence.

- (1) To lead the development and implementation of the Council's strategic vision and corporate plan objectives and priorities.
- (2) To provide the Council's community leadership role to promote work in partnership with key stakeholders to secure the implementation of the Sustainable Community Strategy and Reading 2050 vision and Local Plan.
- (3) To oversee the allocation and management of resources required to implement the Council's corporate, budgetary, and strategic objectives.
- (4) To ensure the existence of effective financial management and audit arrangements (with Lead Councillor for Corporate Services & Resources).

- (5) To oversee and monitor the Council's links and relations with other Berkshire authorities, partners and external bodies including:
  - Promoting the Council's economic and other interests in the Borough and in Berkshire, the Thames Valley, the South East region, and beyond
  - Local Enterprise Partnership
  - Reading Economic and Destination Agency CIC
  - Local Government Association and regional local government bodies
  - Town twinning (with The Mayor)
- (6) To ensure the effective delivery of Council services to the public.
- (7) To oversee services on behalf of the Berkshire Unitary Authorities, under the terms of the joint management agreements concluded with the other Authorities.
- (8) To oversee and monitor the Council's procurement and commissioning arrangements, and recommending grants for such organisations, with reference to the Voluntary Sector Strategy (with the Lead Councillor for Corporate Services & Resources).
- (9) To oversee and monitor the Council's major procurements and infrastructure projects.
- (10) To oversee the development and implementation of corporate strategies and policies, which contribute towards delivering more capacity to deliver services within local communities.
- (11) To oversee public involvement with the Council, exploring and promoting new ways for the Council to engage with local people, communities and stakeholders, including use of a wide range of consultation methods.
- (12) To provide quality assurance, strategic planning for community development services and monitor and challenge performance against the key measures for success set out in the Corporate Plan.
- (13) To co-ordinate and monitor representation on outside organisations.
- (14) To promote community use of facilities provided by other public bodies, agencies, or businesses and to oversee the development the Council's community hubs programme.
- (15) To represent the interests of the Council as shareholder of companies in which the Council has a beneficial or controlling interest, including Reading Transport Limited, Brighter Futures for Children Limited, and Homes for Reading Limited.
- (16) To act as the Council's 'equalities champion' promoting equal opportunities, and to lead on the general responsibility of all Councillors to ensure that the Council's functions and services are delivered in accordance with Section 149 of the Equality Act 2010.

## **2. ADULT SOCIAL CARE**

- (1) To oversee the development and implementation of policies, strategies and procedural arrangements for the provision of the Council's adult social care functions, in accordance with the aims of the Corporate Plan priorities, in particular to: tackle inequality in our society; invest in voluntary and community organisations, building relationships and strengthening the capacity and resilience of services; prioritise the needs of the most vulnerable adults in our communities; and to tackle the effects of mental health issues and social isolation.
- (2) To oversee and be a champion for support and health services to:
  - Vulnerable adults
  - Older people
  - People with mental health problems



- People with learning disabilities
  - People with physical disabilities
  - Carers
- (3) To provide quality assurance, strategic planning for Adult Social Care Services and monitor and challenge performance against the key measures for success set out in the Corporate Plan.
  - (4) To oversee and liaise with partners on commissioned and shared services and budgets.
  - (5) To promote good community relations and consultation, working in partnership with the voluntary sector and local interest groups.
  - (6) To be responsible for responses to consultation undertaken by external bodies (eg Care Quality Commission) on adult service provision in Reading, and on developments outside Reading affecting residents in Reading.

### 3. CHILDREN

- (1) To be the Lead Councillor for all Children's services under Section 19(1) of the Children Act 2004; to be accountable for their delivery, including when this is delivered by Brighter Futures for Children; and to exercise political responsibility for the effectiveness, availability, and value for money of all of the Council's children's services.

[NB - the Children Act 2004 specifies that these functions are also the responsibility of the Director of Children's Services]

- a) Education services - the authority's functions in its capacity as a local education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to further education, higher education, and adult education)
- b) Social Services - the authority's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the local authority's functions for children and young people leaving care
- c) Health Services - any health-related functions exercised on behalf of an NHS body under Section 31 of the Health Act 1999, insofar as they relate to children
- d) Inter-agency Co-operation - the functions of the Children's Services Authority set out in the Children Act 2004, in particular, building and leading the arrangements for inter-agency cooperation.
- e) The functions conferred on Children's Services Authorities under the Children Act 2004.
- f) The role of the Lead Member for Children's Services is set out in detail in Statutory Guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services (see: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/271429/directors\\_of\\_child\\_services\\_stat\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/271429/directors_of_child_services_stat_guidance.pdf)).

#### Brighter Futures for Children

- (2) To work with the Executive Director for Children's Services and the Chair of Brighter Futures for Children and be accountable for the Company's delivery of the Children's Services functions of the authority covered by the service contract.
- (3) To ensure the effective commissioning and clienting of the contract with Brighter Futures for Children for the delivery of the following functions of the Council as Children's Services Authority covered by the service contract:

- Children’s Safeguarding
- Early Help and Partnerships
- Special Educational Needs
- Quality Assurance and Improvement

(4) In conjunction with Brighter Futures for Children:

- To develop the local vision and drive improvements for local people, including integrated children’s services, with children, young people and their families placed at the centre of their policies and activities and to communicate this vision for children to councillors, and to the boards and partnerships on which they are either present or represented.
- To provide a particular focus, with the Executive Director for Children’s Services and Chair of Brighter Futures for Children, on safeguarding and promoting the welfare of children across all agencies. The responsibilities of the Managing Director of the Company, the Executive Director (statutory Director of Children’s Services) and Lead Councillor (the statutory Lead Member) extend to all children receiving services in their area, irrespective of the type of school they attend, or their home local authority area.
- To develop, promote and implement policies, strategies, and procedural arrangements to champion children’s interests both across functional boundaries within the local authority and across local partnerships to ensure that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed, with a particular focus on promoting early identification and prevention.
- To oversee the development and implementation of the Council’s Corporate Plan, Children and Young People’s Plan and related strategies and policies.
- To be satisfied that the discharge of the authority’s statutory children’s services’ functions by Brighter Futures for Children is effective.

(5) To ensure the provision of the following children’s services:

- Commissioning Children’s Public Health 0-19 services, including health visiting and school nursing
- Adoption - through Adopt Thames Valley - and post-adoption support
- Youth Services provision (including where funded through the Housing Revenue Account)

(6) To be consulted on, and oversee and monitor the responses from Brighter Futures for Children to inspections and consultation undertaken by external bodies (eg Ofsted and Care Quality Commission) on children’s services provision in Reading, and on developments outside Reading affecting residents in Reading.

#### Corporate Parenting

(7) To contribute to, and be satisfied that the local authority demonstrates, high standards of corporate parenting, in particular by encouraging Members to promote the educational achievement and health and wellbeing of looked after children and children leaving care.

## **4. CLIMATE STRATEGY & TRANSPORT**

### **A) Environment**

(1) To oversee the development and implementation of the Council’s Climate Change Strategy and Action Plan along with other associated policies and strategies across Council services to address climate change and other strategic environmental issues.

- (2) To lead and champion the Council's commitment to work towards achieving a carbon neutral Reading by 2030 and oversee services which contribute to the quality of the environment to deliver this aim.
- (3) To work in partnership with the Environment Agency and Thames Water to promote flood prevention.
- (4) To promote good community relations and consultation, working in partnership with the voluntary sector and local interest groups.

**B) Planning**

- (1) To oversee the implementation of the strategic planning framework for the Council, with particular reference to delivering the Council's Climate Change Strategy and Action Plan (with the Lead Councillor for Planning & Assets).
- (2) To be consulted on and approve responses (with Lead Councillor for Assets & Planning), in consultation with the Assistant Director of Planning, Transport and Public Protection, on:
  - Major developments outside the Borough which affect the Borough
  - Regional or sub-regional planning guidance and regional transport strategy
  - Other authorities' local or structure plans
  - Any strategic, non-statutory supplementary planning guidance such as area plans or planning briefs

**C) Transport**

- (1) To provide quality assurance, strategic planning for transport and monitor and challenge performance to deliver key projects and achieve the key measures for success set out in the Corporate Plan and associated strategies and policies.
- (2) To oversee the development and implementation of the Local Transport Plan to ensure that the transport elements of all major Council and private sector development initiatives contribute to the aims of the Council's transport strategy.
- (3) To provide quality assurance, strategic planning for transport-related services and monitor and challenge performance against the key measures for success set out in the Corporate Plan.
- (4) To ensure effective public, stakeholder and business participation in the planning and transport processes.
- (5) In partnership with neighbouring authorities:
  - to oversee the implementation of the Reading Area Transport Plans
  - to prepare a Transport Policy and Programme, and to recommend the Local Transport Plan bid and bids for supplementary grant, Local Strategic Transport Funding and other sources of Government, European and private funding to the Council.
  - To operate the Berkshire Local Transport Body Assurance Framework, and to represent the Council on the Local Berkshire Transport Body.
- (6) To co-ordinate liaison with:
  - Local Sustainable Transport Fund Cross-Boundary Councillor Steering Group
  - Berkshire Strategic Transport Forum
- (7) To be responsible for the following environmental health and public protection legislation and services within the Borough:
  - Hackney Carriage Licences (including Vehicle and Drivers Licences)
  - Private Hire (including Vehicle, Drivers and Operators Licences)

## **5. CORPORATE SERVICES & RESOURCES**

### **A) Audit and Financial Management**

- (1) To ensure the existence of effective financial and management audit arrangements, reporting any concerns to Audit & Governance Committee as necessary.
- (2) To oversee the development and implementation of corporate strategies and policies to deliver compliance with the governance and auditing arrangements required by the Council's Constitution and statutory provisions.
- (3) To be responsible for activities and services provided by the Deputy Chief Executive, except the Finance Service, which will be exercised by the Leadership.
- (4) To monitor the corporate management of the Council, and the effective delivery of its services to the public; and to oversee the Council's management processes to ensure their effective contribution to the provision of efficient, high-quality services; including the need for new services or changes in services where appropriate (with the Leadership).

### **B) Equalities and Human Resources**

- (5) To promote equal opportunities in employment and in the provision and delivery of services, both by the Council and by other agencies providing services locally; to monitor its effectiveness of this provision; and to disseminate good practice.
- (6) To oversee the development and implementation of relevant corporate strategies and policies.
- (7) To be responsible for corporate Human Resources and Organisational Development activities and services.

### **C) Performance Management and Service Improvement**

- (8) To monitor the delivery of the Council's Corporate Programme to achieve the savings and transformational change needed to ensure the Council's financial sustainability and service improvement
- (9) To work with the Chief Executive and the Corporate Management Team to support performance management and service improvement to meet the objectives of the Council's vision and priorities as set out in the Corporate Plan.
- (10) To promote a corporate governance framework for the Council, addressing community leadership, service delivery arrangements, structures and processes, risk management and internal controls, and standards of conduct, and to monitor its implementation.
- (11) To oversee the development and implementation of relevant corporate strategies and policies.
- (12) To promote a corporate framework for performance management and service planning, to identify areas of good and bad performance.
- (13) To promote and oversee the development and implementation of the Performance Improvement Programme and associated corporate projects.
- (14) Within the context both of corporate performance management and the overall budget situation, to review and evaluate alternative models of service provision, including developing new partnerships to deliver services differently, in consultation with the Leader and relevant Lead Councillors.

### **D) Environmental Health and Public Protection**

- (15) To be responsible for the environmental health and public protection legislation carried out by the Resources Directorate and services within the Borough (with other Lead Councillors where appropriate).

**E) Voluntary Sector**

- (16) To oversee and monitor the Council's procurement and commissioning arrangements, and recommending grants for such organisations, with reference to the Voluntary Sector Strategy (with the Leadership).
- (17) To oversee the corporate framework for the allocation of all grant aid to voluntary organisations, community bodies and other groups.

**6. EDUCATION & PUBLIC HEALTH**

**A) Education**

- (1) To develop, promote, and implement policies, strategies, and procedural arrangements for the provision of the Council's educational institutions, including the Council's scheme for the financing of schools.
- (2) To be accountable for the delivery of the Education functions of the authority covered by the contract with Brighter Futures for Children alongside the Executive Director for Children's Services and Chair of Brighter Futures for Children.
- (3) To ensure the effective commissioning and clienting of the contract with Brighter Futures for Children for the delivery of Council functions as Local Education Authority covered by the service contract.
- (4) To provide quality assurance, strategic planning for education-related services and monitor and challenge performance against the key measures for success set out in the Corporate Plan.
- (5) To oversee the development and implementation of policies, strategies and procedural arrangements for the provision of education functions, in accordance with the aims of the Corporate Plan priorities, in conjunction with Brighter Futures for Children where appropriate.
- (6) To work in partnership with Brighter Futures for Children, neighbouring local authorities, maintained schools, Academies, Free schools, the Regional Schools Commissioner and other educational providers to promote high educational standards and opportunities within Reading and for Reading children, and to ensure that the Council is able to meet its statutory duties to ensure the effective education of all local children.
- (7) To co-ordinate and monitor the nomination and/or the appointment of Borough representatives on School Governing and other Educational Bodies.
- (8) To be consulted on, and oversee and monitor, the responses by Brighter Futures for Children to inspections and consultation undertaken by external bodies (e.g. DfE, Ofsted, and the LGA) on education provision by schools in Reading, and provision outside Reading affecting residents in Reading.
- (9) To promote good community relations and consultation, with particular reference to partnerships and key stakeholders in the Education Service, parents, governors, teachers and the voluntary sector.
- (10) To monitor, support and challenge the performance of Brighter Futures for Children and schools.
- (11) Adult skills and community learning including New Directions College

(12) To be responsible for the following environmental health and public protection legislation and services within the Borough:

- Environmental education and health promotion
- School Transport Drivers' Licences
- Health and safety

## **B) Public Health**

(1) To oversee the development and implementation of policies, strategies and procedural arrangements for the provision of the Council's public health functions under the terms of the Health & Social Care Act 2012, the National Health Service Act 2006 and the Health and care Act 2022.

(2) To seek to secure the best possible health care system for the people of Reading and to reduce health inequalities in the Borough, by working in partnership with the Integrated Care Board, the local Healthwatch, the Thames Valley Area team of the NHS Commissioning Board, and other interested stakeholders, health bodies and interested community and voluntary groups.

(3) To work with health partners, the Director of Public Health for West Berkshire, the Executive Director of Children and the Lead Councillors for Adult Social Care, and Children, to improve the health of all people in the Borough's area, in association where appropriate with other services provided by the Borough Council across all portfolio areas.

(4) To lead for the Council on the Reading Health & Wellbeing Board, and to work in conjunction with Board members to:

- Oversee the preparation of Joint Strategic Needs Assessments with the Integrated Care Boards
- Approve a strategy for meeting the local health needs identified by the Joint Strategic Needs Assessment, including through the exercise of the Council's functions
- Develop, agree and implement a shared agenda for commissioning health provision in Reading
- Monitor the award and delivery of contracts for health provision in Reading, including contracts under the joint arrangement for public health in Berkshire
- Work with the NHS and other local authorities as part of the Integrated Care System for West of Berkshire, Oxfordshire and Buckinghamshire to plan and deliver joined up health and care services, and to improve the lives of people who live and work in the area.

(5) To provide quality assurance, strategic planning for health-related services and monitor and challenge performance against the key measures for success set out in the Corporate Plan.

(6) To oversee the implementation of the health transition programme in Berkshire, including the operation of the joint arrangement for public health and the Public Health Joint Advisory Board for Berkshire.

(7) To oversee the development and implementation of relevant plans and strategies in relation to health and public protection legislation and services within the Borough.

## **7. ENVIRONMENTAL SERVICES & COMMUNITY SAFETY**

### **A) Environment**

(1) To oversee the development and implementation of plans and strategies to promote the environment of local communities.

(2) To be responsible for environmental maintenance and cleansing in the Borough.

- (3) To promote good community relations and consultation, working in partnership with the voluntary sector and local interest groups.
- (4) To determine the position of the Borough Council in respect of the Authority's responsibilities and functions under legislation governing the Police and Fire & Rescue Services, including all matters concerned with the administration of these services.

#### **B) Community Safety**

- (1) To promote good community relations and consultation, working in partnership with the voluntary sector and local interest groups.
- (2) To oversee the development and implementation of corporate strategies and policies, which promote community safety.
- (3) To provide quality assurance, strategic planning for community safety-related services and monitor and challenge performance against the key measures for success set out in the Corporate Plan.

#### **C) Public Protection and Regulation**

To oversee the development and implementation of plans, and strategies within prescribed regulatory legislation in relation to premises and other licensing functions to deliver public protection measures for the Borough.

### **8. HOUSING**

- (1) To oversee the development and implementation of corporate strategies and policies, which promote the provision and improvement of housing in the Borough, including within the private sector.
- (2) To be responsible for provision of the Council's housing services and other related functions, including:
  - Providing housing accommodation for those households in need, either directly through the Council's own stock, or in other ways, in conjunction with Housing Associations and developers
  - Managing the Council's stock of housing and garages and assessing rents of dwellings
  - Temporary accommodation for those in urgent need through homelessness or emergency
  - Housing maintenance services
  - Housing Revenue Account-funded Anti-Social Behaviour Team
- (3) To provide quality assurance, strategic planning for housing-related services and monitor and challenge performance against the key measures for success set out in the Corporate Plan.
- (4) To oversee the promotion, licensing (where applicable) and enforcement of satisfactory standards in housing accommodation in the private sector, including houses in multiple occupation; action in respect of unfit individual private rented dwellings; and public safety in the case of empty properties.
- (5) To promote the assessment and fulfilment of present and future housing needs, whether in the public or private sectors.
- (6) To promote good community relations and consultation, working in partnership with the voluntary sector and local interest groups, including Reading Neighbourhood Network.

### **9. LEISURE & CULTURE**

#### **A) Leisure, Culture and Heritage**

- (1) To oversee policy priorities and objectives and strategies for the provision of arts, cultural and leisure services in Reading; both directly by the Borough Council and in partnership with the private sector and other agencies; and to monitor and review provision against the Council's corporate and strategic objectives.
- (2) To oversee the development and implementation of policies and strategies for the promotion of leisure, culture and heritage, in accordance with the aims of the Corporate Plan priorities.
- (3) To provide quality assurance, strategic planning for leisure and cultural services and monitor and challenge performance against the key measures for success set out in the Corporate Plan.
- (4) To promote:
  - Tourism in the Borough
  - The physical and intangible heritage of the Borough
  - The development and use of waterways within Reading
  - The general development of the arts and learning in Reading, including the support of community arts initiatives
  - Libraries
- (5) To ensure the care of the Council's historic monuments and buildings, including the Abbey Ruins, Abbey Gateway, and the Caversham Court Gazebo.
- (6) To co-ordinate all non-licensing aspects of Council policy towards arts and leisure festivals and other major events.
- (7) To promote good community relations and consultation, working in partnership with the voluntary sector and local interest groups.

**B) Sport and Leisure**

- (1) To oversee the development and implementation of the Sports Facilities Strategy.
- (2) To oversee the delivery and provision of indoor recreation facilities at the Council's leisure centres and those of its leisure partners.
- (3) To promote physical activity and sport development in the Borough.
- (4) Your Reading Passport (with Lead Councillor for Education & Public Health).

**10. PLANNING & ASSETS**

**A) Planning**

- (1) To oversee the implementation of the strategic planning framework for the Council, with particular reference to:
  - Local Plan
  - Sites and Detailed Policies Document
  - Unitary, Structure, Borough, and local plans
  - Minerals
  - Cross-boundary plans
  - Area plans or planning briefs for strategic sites within the Borough
  - Climate Change Strategy and Action Plan (with Lead Councillor for Climate Strategy & Transport)
  - Community Infrastructure Levy
- (2) To ensure the Council's position on strategic matters under consideration by the Joint Minerals and Waste Planning Committee is properly represented.



- (3) To be consulted on and approve responses (with Lead Councillor for Climate Strategy & Transport), in consultation with the Assistant Director of Planning, Transport and Public Protection, on:
- Major developments outside the Borough which affect the Borough
  - Regional or sub-regional planning guidance and regional transport strategy
  - Other authorities' local or structure plans
  - Any strategic, non-statutory supplementary planning guidance such as area plans or planning briefs
- (4) To be responsible for overseeing the effectiveness of the following functions:
- Planning policy
  - Development Management
  - Planning enforcement
  - Building Control
- (5) To promote effective public participation in the planning process.
- B) Assets**
- (1) To be responsible for overseeing the effectiveness of the Corporate Asset Management Plan to make the best use of corporate land, buildings, and assets with regard to:
- Acquisitions
  - Utilisation of assets
  - Management of facilities
  - Disposal of assets
- (2) To be responsible for overseeing the effective use of the Council's assets and ensuring best value is achieved from them in accordance with the Financial Procedure Rules / Regulations.
- (3) To oversee the Community Right to Bid for Assets of Community Value process.

# Article 7 - Committees

## COMMITTEE SYSTEM OF GOVERNANCE

### 7.1 Legal Status

7.1.1 Reading Borough Council operates a committee system form of governance.

7.1.2 The committee system form of governance appoints Committees and Sub-Committees with delegated powers and membership in proportion to the representation of the individual political groups on the Council.

7.1.3 In addition, a Health and Wellbeing Board has been set up as a committee of Council under Sections 101 and 102 of the Local Government Act 1972.

### 7.2 Standing Committees

7.2.1 There are four Standing Committees, to discharge those functions described in Part 3 of the Constitution:

- Policy Committee
- Adult Social Care, Children’s Services & Education Committee
- Housing Neighbourhoods and Leisure Committee
- Strategic Environment, Planning & Transport

<i>Committee</i>	<i>Purpose</i>
Policy	<ul style="list-style-type: none"> <li>▪ Oversight of strategy, policy and budget</li> <li>▪ Covering all services in the Chief Executive’s Office and Resources Directorate</li> <li>▪ Voluntary sector grants</li> <li>▪ Economic development and regeneration</li> <li>▪ Corporate land, buildings and assets - including where the Council is Trustee</li> <li>▪ Overview of service performance and improvement across all Council services</li> <li>▪ Partnerships: LSP (Community Strategy), LEP, Reading UK CIC, City Deal, Cultural Strategy</li> <li>▪ Decisions cutting across service committee areas</li> <li>▪ Any decision between committee meetings, on an urgency basis</li> <li>▪ Sole Member/Owner for Brighter Futures for Children Ltd</li> <li>▪ Shareholder for Reading Transport Ltd</li> <li>▪ Shareholder for Homes for Reading Ltd</li> </ul>
Adult Social Care, Children’s Services & Education	<ul style="list-style-type: none"> <li>▪ Covering personal services of the authority - Adult Care, Children’s Social Care, Education &amp; Commissioning, School Improvement</li> <li>▪ Oversight of the RBC Client function for Brighter Futures for Children</li> <li>▪ Schools - involvement of Church and School Governor representatives</li> <li>▪ Adult Education - New Directions</li> <li>▪ Health scrutiny</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Safeguarding responsibilities for children and adults</li> <li>▪ Partnerships: Children’s Trust, Post-16 joint arrangement</li> <li>▪ Corporate Parent</li> </ul>
Housing, Neighbourhoods & Leisure	<ul style="list-style-type: none"> <li>▪ Covering “place” services of the authority - Environment &amp; Consumer Services; Housing; Licensing; Neighbourhood and Community Services, Community Safety</li> <li>▪ Recreation; Arts and Cultural Services</li> <li>▪ Leisure and sports development</li> <li>▪ Green and clean environment - streetcare, parks and sport</li> <li>▪ Crime and disorder scrutiny</li> <li>▪ Partnerships: Community Safety and NAGs, waste disposal (Re3)</li> </ul>
Strategic Environment, Planning & Transport	<ul style="list-style-type: none"> <li>▪ Covering Planning, Highways and Transport services of the authority</li> <li>▪ Focus on strategic environment and climate change</li> <li>▪ Traffic management</li> <li>▪ Flood prevention scrutiny</li> <li>▪ Partnerships: RUAP, Berkshire Local Transport Body</li> </ul>

7.2.2 Committees delegate functions to Sub-Committees, under section 101 and 102 of the Local Government Act 1972.

<i>Sub-Committee</i>	<i>Appointing Committee</i>	<i>Purpose</i>
Trustees	Policy	To consider the Council’s responsibilities for its trusts
Traffic Management	Strategic Environment, Planning & Transport	Traffic Management functions and Highways Permits
Covid-19 Outbreak Engagement Board	Policy	To involve the public and partners in the evolution of the Reading COVID-19 Outbreak Control Plan, and to support swift and effective local communication with all residents potentially impacted by a local outbreak

### 7.3 Frequency of Meetings

7.3.1. In each Municipal Year the Committees will meet as set out in the Council diary.

7.3.2. Committees may call additional meetings where required, subject to compliance with the Access to Information Procedure Rules set out in Part 4 of this Constitution, and the normal quorum for the Committee being present at the meeting, as set out in Standing Order 30.

#### **7.4 Proceedings of Committees**

7.4.1 Proceedings of Committees will take place in accordance with the Standing Orders for Council and Committees set out in Part 4 of this Constitution.

#### **7.5 Responsibility for Functions**

7.5.1 The Standing Committees may exercise all functions of the Council, except those statutorily reserved to the Council, as set out in Article 4 and Part 3, and those delegated by the Council to the Regulatory and other Committees as set out in Article 8.

7.5.2. Council will delegate functions to be exercised by individual Committees as set out in Part 3.

7.5.3. All Committees may delegate any of their functions to be exercised by a Sub-Committee of Members, or by a senior officer.

7.5.4. In addition to the functions delegated to it by Council, the Policy Committee may take operational decisions across all functions of the authority where these have been delegated by Council to other committees, in the following circumstances:

- a) in between planned meetings of the committee, to avoid calling an additional meeting of the committee;
- b) on grounds of urgency.

7.5.5. The Policy Committee may make joint arrangements for the exercise of any Council function (other than those statutorily reserved to full Council) with other local authorities.

#### **7.6 Overview and Scrutiny**

7.6.1 The Council, having adopted a committee system form of governance, has resolved not to appoint any separate overview and scrutiny committee(s). Therefore, it has no call-in function.

7.6.2. The statutory overview and scrutiny functions of the authority will be exercised by each Committee with regard to the services, functions and partnerships covered by the Committee; and by the Policy Committee in respect of overview or scrutiny across Council services covered by more than one Committee.

7.6.3 The statutory external scrutiny functions of the authority to be exercised by the relevant service committees, are as follows:

- a) Health: Adult Social Care, Children's Services & Education
- b) Crime and Disorder: Housing, Neighbourhoods and Leisure
- c) Flood risk management: Strategic Environment, Planning and Transport

7.6.4 The Council's overview and scrutiny procedure rules, and Standing Order 25, will continue to apply when committees specify that they are undertaking their overview and scrutiny function; and the facility for each committee to set up and appoint task-and-finish groups will be retained, as set out in Part 4 of the constitution.

#### **7.7 Urgent Items**

7.7.1 The Policy Committee may take urgent decisions on all functions of the authority, including on behalf of other Committees, and Council, subject to the function not being reserved by statute to Council or another Committee.

7.7.2 An item of business will be urgent if the need for the decision could not have been foreseen at the preceding scheduled meeting of the relevant Committee, Policy Committee or Council,

and to delay taking the decision to the next scheduled meeting of either the relevant Committee or full Council would seriously prejudice either the Council's or the public's interests.

7.7.3 In addition to 7.7.2 above, the Policy Committee may call additional meetings to deal with any such urgent items of business, subject to:

- a) the meeting being called, and the agenda published in line with the Access to Information Procedure Rules in part 4 of this Constitution;
- b) the Committee having a quorum of three members present, which includes:
  - i) the Leader or Deputy Leader
  - ii) the Lead Councillor responsible for the function concerned or the Chair of the responsible Committee (if different, and a Policy Committee member)

7.7.4 In exceptional cases, where it is not possible to call an urgent meeting comprising the above, the Head of Paid Service or Monitoring Officer may agree to an additional meeting of Policy Committee being held to determine an urgent item of business to prevent the Council or public interest being seriously prejudiced, with up to three different members of the Policy Committee present.

7.7.5 The facility to call additional meetings of Policy Committee to determine urgent items of business is in addition to the general facility available to all Committees to call additional meetings as set out in para. 7.7.2 above.

## **7.8 Membership**

7.8.1 The Councillor members of each Committee and Sub-Committee shall be appointed for each Municipal Year by the Annual Council Meeting.

7.8.2 The Councillor membership of each Committee and Sub-Committee will comprise Councillors from all political groups on the Council, in proportion to the group's strength on the Council, with the exception of the Health & Wellbeing Board.

7.8.3 Council may appoint people who are not Councillors to be co-opted Members of Committees under Section 102(3) of the Local Government Act 1972, subject to these Co-opted Members not having voting rights on the Committee.

7.8.4 In the event, that the Adult Social Care, Children's Services & Education Committee establishes an Overview & Scrutiny Committee to consider education matters it will seek to include in its membership the following representatives:

1 Church of England diocese representative (at least 1)

1 Roman Catholic diocese representative (at least 1)

2 parent governor representatives (between 2 and 5)

7.8.5 The Health & Wellbeing Board will have the voting membership set out in Part 3 of the Constitution.

## **7.9 Advisory and Consultative Bodies, and Partnerships**

7.9.1 The Council sets up, or appoints Councillors to represent it on, a number of advisory bodies and Partnerships which are set out in Article 10.

7.9.2 Partnerships and Advisory / Consultative Panels may agree to make recommendations to any relevant committee and in such cases the Committee will offer them the facility to attend the Committee meeting and to speak to the agenda item when the recommendation is discussed by the Committee.

## **7.10 Leader, Deputy Leader and Lead Councillors**

- 7.10.1 The Annual Council Meeting will make appointments to these offices, and determine their portfolios, for each Municipal Year.
- 7.10.2 The role and operation of these offices are set out in Article 6.

# Article 8 - Regulatory and Other Committees

## 8.1 Legal Status

8.1.1 In addition to the Standing Committees and Sub-Committees set out in Article 7, each Municipal Year, the Council will appoint the following regulatory and other committees and sub-committees to discharge its quasi-judicial, regulatory and other functions as set out in Part 3 of the Constitution:

- Licensing Applications Committee
- Licensing Applications Sub-Committee
- Planning Applications Committee
- Audit and Governance Committee
- Health and Wellbeing Board
- Personnel Committee

8.1.2 The Council will also appoint an Appeals Panel and other bodies to hear appeals in individual cases, some of which may not involve Councillors. The functions of the Appeal Panel and other bodies are set out in Part 3 of the constitution.

8.1.3 The Committees and Sub-Committees in this Article are set up under Sections 101 and 102 of the Local Government Act 1972, or Sections 6 and 9 of the Licensing Act 2003.

8.1.4 For the purposes of Sections 15-18 of the Local Government & Housing Act 1989 (political balance on committees), the duty to allocate seats to political groups in proportion to their membership of the Council will apply to all of the bodies listed below, with the following exceptions:

- Licensing Applications Sub-Committee Health & Wellbeing Board (application of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013)
- Appeals Panel (unless meeting not as part of a statutory appeals process)
- Secure Accommodation Panel

## **Part 2 - Article 9 - Standards Committee**

See Agenda item 8 - Code of Conduct - Appendix 1



# Article 10 - Consultative Committees and Forums

## 10.1 Consultative Committees and Forums

Each Municipal Year the Council will appoint Councillors to represent it on the bodies listed below:

### 1. ACCESS AND DISABILITIES WORKING GROUP

- (1) To campaign for improved access for people with disabilities and to act as a pressure group in identifying and promoting public awareness of problems of access for disabled people to public buildings, commercial premises, the highway network and public transport within the Borough;
- (2) To monitor and review the role of the Council as an employer and as a provider of services to disabled people.

### 2. ADULT SAFEGUARDING PANEL

To meet on an ad hoc basis to consider serious adult safeguarding case reviews or scrutinise internal/external providers where complex whole systems issues arise.

### 3. ALLIANCE FOR COHESION AND RACIAL EQUALITY

- (1) To comment on and input to Council policies and services, with the aim of making them meet the needs of the black and ethnic minority communities in Reading.
- (2) To monitor the implementation of policies and services.
- (3) To promote and support new thinking.
- (4) To promote understanding and harmony between different black and ethnic minority groups in Reading.
- (5) To enable the exchange of information between the Council and the black and ethnic minority community.
- (6) To promote cross-community and cultural events.

### 4. ARTS AND HERITAGE FORUM

- (1) To act as an advisory, consultative and co-ordinating body on behalf of the Borough Council and other organisations in the

town, including voluntary groups, in relation to the arts and heritage.

- (2) To promote and develop arts, crafts and heritage in Reading, including community arts initiatives, through the involvement and cooperation of the Borough Council and local groups and organisations.
- (3) To encourage participation in arts and heritage-related activities and to promote the provision and maximum use of facilities.
- (4) To support educational opportunities in the development of arts, crafts and heritage in Reading.

## **5. CHILDREN'S SAFEGUARDING PANEL**

To meet on an ad hoc basis to consider serious case reviews or scrutinise internal/external providers where complex whole systems issues arise.

## **6. CHANNEL PANEL**

In compliance with the statutory requirements set out under sections 36 - 41 of the Counter Terrorism and Security Act 2015, Reading Borough Council has a Channel panel in place for its area, has regard to the Channel duty guidance 2020 and is committed to complying with the requirements within it.

### **Aims of the Panel**

- The aim of Prevent is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. Delivery of Prevent is grounded in early intervention and safeguarding.
- Channel provides early support for anyone who is vulnerable to being drawn into any form of terrorism or supporting terrorist organisations, regardless of age, faith, ethnicity or background.
- The Channel process adopts a multi-agency approach to identify and support to individuals at risk of being drawn into terrorism.

### **Strategic Objectives**

- Reduce the risk of a person living or working in Reading being drawn into violent extremism/terrorism.
- Establish an effective process which will allow for the identification, assessment and support of individuals who may be vulnerable to radicalisation, either through Channel and/ or other appropriate support services.
- Ensure appropriate representation of partner agencies, and other organisations as required, to form a multi-agency Channel Panel working in partnership.

- Ensure that the Channel Panel operates in accordance with the requirements of statutory guidance and make changes as required by any future changes in the guidance.
- Review the Channel Panel Terms of Reference annually.

### **Operational Objectives**

- Risk assess referrals by drawing on the Case Management Information System Vulnerability Assessment Framework and all relevant information shared by partners to agree the most appropriate response
- Agree and record a Support Plan for each case adopted by the panel.
- Identify if appropriate a suitable intervention provider (IP) (from a list designated by the Home Office) to offer support in order to reduce the level of threat/vulnerability/risk where a case has been adopted.
- If Channel is not considered appropriate, a referral to other forms of support must be considered, and arrangements made as considered necessary.
- Accurately record decisions on an agreed proforma, including the Support Plan for everyone adopted by the Channel Panel, keeping a complete audit trail of decision making, and ensure progress reports at each panel meeting including updated VAFs.
- Conduct full reviews at 6- and 12-months following case closure, with flexibility to agree to a 3-month review if deemed appropriate.

## **7. CIVIC BOARD**

To be the project board for the ongoing projects associated with the rationalisation of the Council's office and depot accommodation, the provision of improved office space and accommodation at Council buildings, the demolition of the former Civic Offices and the Masterplan for developing the former Civic Centre site area and other matters as necessary.

To consider nominations to the grant of Freedom of the Borough and make recommendations to a specially convened Council meeting to create Freemen and Aldermen and Alderwomen.

## **8. CLEANER AIR & SAFER TRANSPORT FORUM**

- (1) To propose measures to improve air quality across Reading Borough.
- (2) To evaluate, improve and promote transport sustainability across the Borough.
- (3) To influence Council policy and facilitate the development and direction of the Council's sustainability agenda.

- (4) To identify and share best practice in relation to clean and green 'healthy streets' initiatives which promote sustainability, healthy living, energy efficiency, sustainable transport and carbon reduction.
- (5) To identify and develop potential low traffic neighbourhoods.
- (6) To promote and raise awareness of sustainable initiatives within the Borough and to promote improved performance across the Council and its partners.
- (7) To extend networking to other relevant organisations and to maintain currency of knowledge and information within the context of transport sustainability and climate change matters.
- (8) To make recommendations to the Council on sustainability and climate change matters.
- (9) To support road safety initiatives, particularly for vulnerable road users.
- (10) To discuss progress and delivery of the Cycling Strategy in order to identify, prioritise and optimise actions to meet the objectives of the Cycling Strategy:
  - To improve the cycling environment;
  - To provide better facilities for cyclists;
  - To influence travel behaviour; and
  - To develop skills and capacity.

## **9. COMMUNITY SAFETY PARTNERSHIP**

- (1) To manage all aspects of the implementation in Reading of the Crime and Disorder Act 1998
- (2) To identify the resource demands on each partner agency
- (3) To identify the operational changes required of each partner agency
- (4) To co-ordinate Crime and Disorder input to the planning and strategy of partner agencies, and multi-bidding processes (e.g. Europe)
- (5) To manage public and inter-agency consultation about Crime and Disorder strategies and plans
- (6) To oversee the activities of the Safer Neighbourhood Forum, the Youth Justice Management Board, the Drugs and Alcohol Treatment Service and the Reading Anti-Social Behaviour Multi-Agency Panel

- (7) To monitor and manage performance and jointly-held budgets relating to the activities of the Partnership and its sub-groups
- (8) To exercise strategic oversight and scrutiny of the implementation of the Prevent duty in Reading
- (9) To act as the governing body for Reading Troubled Families Programme.

## **10. CULTURAL PARTNERSHIP BOARD**

- (1) To develop, support and promote an increase in the number of people that live, work, study and play in Reading participating in Culture as targeted in the Reading Sustainable Communities Strategy and the relevant feeder strategies.
- (2) To encourage discussions, between interested partners at a strategic level, on issues relating to health and wellbeing, community safety, inclusion, community cohesion and economic development, and the maximisation of culture, leisure and sport participation in the support role in delivery of improved outcomes.
- (3) To work in partnership to increase the profile, investment and support of culture, leisure and sport in Reading.
- (4) To oversee the priorities, development and implementation of the Reading Cultural Strategy and the annual delivery plan for 'Culture Reading' networks, receiving reports on the progress against the annual delivery plan, and agree actions and priorities as appropriate.

## **11. CYCLE FORUM**

To discuss progress and delivery of the Cycling Strategy in order to identify, prioritise and optimise actions to meet the objectives of the Cycling Strategy:

- To improve the cycling environment;
- To provide better facilities for cyclists;
- To influence travel behaviour; and
- To develop skills and capacity.

Such actions may be on any topic within the Cycling Strategy, including promotion, mapping, training, security, signing, route infrastructure, parking and monitoring.

## **12. LOCAL JOINT FORUM**

- (1) To establish and maintain regular methods of negotiation and consultation between the Council and its employees, excluding

matters of individual discipline, grievance, promotion or capability.

- (2) To seek to prevent differences and resolve them should they arise, notwithstanding the fact that disputes are dealt with through the Council's Disputes Procedure.
- (3) To implement Agreements entered into by the relevant National Joint Bodies or Provincial Councils.
- (4) To refer matters to the relevant National or Provincial Council on any matter within the scope of the functions of that Council.
- (5) To consider and recommend in relation to any matters of interest, including matters referred to it by the Employers or Trade Union sides, or by the Divisional Joint Forums.
- (6) To make recommendations to the Personnel Committee, or other Committees of the Council, Directorate Joint Forums or other relevant bodies.
- (7) Where recommendations and representations are not accepted by the Personnel Committee or by other Committees of the Council the matters shall be referred back to the Local Joint Forum for further consideration. The Local Joint Forum shall then have the right to make further recommendations to the appropriate body.
- (8) To establish and maintain machinery for the promotion and encouragement of measures affecting the health, safety and welfare of the Council's employees, to receive reports and to make recommendations for appropriate action.
- (9) Any other matters of collective bargaining including staff development, equal opportunities etc.
- (10) To consider and make recommendations concerning the way services are delivered.

### **13. OLDER PEOPLE'S WORKING GROUP**

- (1) To identify and promote awareness of the issues facing older people in the Reading borough;
- (2) To provide a channel for older people to influence the development of local services, particularly those provided or commissioned by the Council;
- (3) To improve older people's access to information about local services;

- (4) To support older people to take an active role as citizens.

#### **14. PARENTING PANEL**

##### **1. Purpose**

- To act as a focus for the Council's responsibilities as corporate parent by providing a channel of communication between looked after children and young people, council and other agency officers, carers and councillors, providing a forum for LAC policy development discussion and challenge.

##### **2. Scope**

The Corporate Parenting Panel

- Will be the champion of children looked after by them.
- Will champion the Children's Pledge in order to ensure the best life chances possible for looked after children.
- Will provide a channel of communication between children and young people who are or have been looked after, carers, officers and Councillors to discuss corporate parenting issues, as appropriate to the need to respect the privacy of looked after children.
- Will proactively engage with looked after children to gain a real understanding of the experience of being looked after as appropriate to the need to respect the privacy of looked after children; and
- Will celebrate the success of looked after children.

#### **15. PLANNING MANAGEMENT PANEL**

To preview the planning applications and other items on the Agenda for the forthcoming meeting of the Committee.

#### **16. SACRE**

- (1) To advise the Authority on such matters connected with religious worship in schools and the religious education to be given in accordance with an agreed syllabus as the Authority may refer to is or as it may see fit
- (2) In particular, to advise on methods of teaching, the choice of materials, and the provision of training for teachers

- (3) To consider, on an application made by a headteacher of any school after consultation with the governing body, whether it is appropriate for the requirement for Christian collective worship to apply in the case of the school, or in the case of any class or description of pupils at that school;

[SACRE shall arrive at its decision and communicate it to the headteacher in accordance with the provisions of Section 12 of the Education Reform Act 1988]

- (4) The representative groups on the SACRE, other than that representing the Authority, may at any time require a review of any Agreed Syllabus for the time being adopted by the Authority
- (5) To publish each year a report on its proceedings and those of its representative groups; to specify any matters on which the SACRE has given advice to the Authority and the reasons for offering the advice
- (6) To take any action assigned to it by the Authority in relation to the consideration and disposal of any complaint concerning collective worship or religious education in compliance with Section 23 of the Education Reform Act 1988

#### **17. SAFER READING NEIGHBOURHOOD FORUM**

- (1) To reduce crime and the fear of crime in Reading by establishing and supporting geographically based Safer Neighbourhood Forums;
- (2) To develop and support geographically based Safer Neighbourhood Forums which will involve the Police, Councillors, Council Staff, residents and other agencies to develop effective local problem solving responses to identified local priorities and where appropriate those which are contained in the Community Safety Plans;
- (3) To encourage collaboration across Reading on how best to address local issues through the sharing of best practice and jointly run projects.

#### **18. SCHOOL ADMISSION FORUM**

- (1) To consider how well existing and proposed admissions arrangements serve the interests of children and parents within the area of the authority;
- (2) To promote agreement on admission issues;



- (3) To consider the comprehensiveness and accessibility of the admissions literature and information produced for parents by each admission authority within the area of the authority;
- (4) To consider the effectiveness of the authority's proposed co-ordinated admission arrangements;
- (5) To consider the means by which admission processes might be improved and how actual admissions relate to the admission numbers published;
- (6) To monitor the admission of children who arrive in the authority's area outside a normal admission round with a view to promoting arrangements for the fair distribution of such children among local schools, taking account of any preference expressed in accordance with arrangements made under section 86(1) of the School Standards and Framework Act 1998 and in accordance with the School Admissions Code (Chapter 3);
- (7) To promote the arrangements for children with special educational needs, children in care and children who have been excluded from school;
- (8) To consider referring an objection to the Schools Adjudicator where either the Forum identifies policy, practice or oversubscription criteria of a school that may be unfair, unlawful or that contravene the mandatory provisions of the School Admission Code, or where their advice has been disregarded by admission authorities;
- (9) To review the comprehensiveness, effectiveness and accessibility of advice and guidance for parents by the local authority, both through the published composite prospectus and delivery of Choice Advice;
- (10) To endorse, promote and monitor local authority In-Year Fair Access Protocols for potentially vulnerable children including those previously excluded from school, children in care, children with special educational needs and/or disabilities, children who are hard to place, and those who arrive in the area outside the normal admission round;
- (11) To consider the draft local authority report to the School's Adjudicator;
- (12) To consider any other admission issues that arise;
- (13) To promulgate advice that represents the agreed views of all members of the Forum.

**19. TOWN TWINNING GROUP**

To provide a forum for liaison with the Reading Town Twinning Associations, for the exchange of information, to work together as joint projects, and to promote town twinning.

# Article 11 - Joint Arrangements

## 11.1 General Power of Competence

Under Chapter 1 of the Localism Act 2011, the Council or a Committee with delegated responsibility for the function concerned may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

This is subject to the Committee not entering into a joint arrangement for the discharge of the authority's functions with another local authority under Sections 101 and 102 of the Local Government Act 1972.

## 11.2 Joint Arrangements

11.2.1 Under Sections 101 and 102 of the Local Government Act 1972:

- (a) Full Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) Where the function to be exercised is an executive function in the other participating authorities, then full Council will establish the joint arrangement with the executives of those authorities. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Where an authority is operating an executive form of governance, its executive may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole. This does not apply to Members appointed by Reading Borough Council which has adopted a committee system of governance.

11.2.2 The authority has entered into the joint arrangements, including joint contracts, set out in the table below:

Function	Joint arrangement with	Date	Lead authority	Committee
Adopt Thames Valley Regional Adoption Agency (RAA)	Oxfordshire, Swindon & All Berkshire except Slough; also PACT & Barnardos	2017	Oxfordshire	Adult Social Care, Children's Services & Education
Adoption Advisory Service	Berkshire-wide	1998 (post-BCC)	Windsor & Maidenhead	Adult Social Care, Children's Services & Education
Adult Placements	Wokingham	2004		Adult Social Care, Children's

Function	Joint arrangement with	Date	Lead authority	Committee
				Services & Education
Archaeological Services	All except West Berkshire	2004 Cabinet March	Reading	Policy
Berkshire Community Equipment Store	Berkshire-wide	2012	Slough	Adult Social Care, Children's Services & Education
Berkshire Record Office / County Archive Service	Berkshire-wide	1998 (post-BCC)	West Berkshire premises Reading service staffing	Policy
Child Care Legal Service	Berkshire-wide	1998 (ex-BCC)	Reading	Policy / ASSSE
Construction Services - Architecture & Design	Hampshire / SECE	2007 Cabinet - Sept	S113 Agreement	Policy
Coroner for Berkshire	Berkshire-wide	1998 (post-BCC) Subsequent mergers	Reading	Policy
Emergency Duty Team - Social Services	Berkshire-wide	1998 (post-BCC)	Bracknell Forest	Adult Social Care, Children's Services & Education
Emergency Planning	Berkshire-wide	Post-BCC Officer arrangement Memorandum of Understanding	West Berkshire	Policy
Joint Waste Disposal Board (Re3 contract)	Reading, Bracknell Forest, Wokingham	2006 Cabinet - July	Shared Joint Committee	Housing, Neighbourhoods & Leisure
Local Countryside & Access Forum - Mid- and West Berkshire	Reading, West Berkshire. Wokingham	2005 Decision Book - May (S94, Countryside & Rights of Way Act 2000)	Reading	Strategic Environment, Planning & Transport
Lord Lieutenancy	Berkshire-wide	1998 (post-BCC)	Reading	Policy
Modern Records	Berkshire-wide	1998 (post-BCC)	Reading	Policy
Public Health	Berkshire-wide	2013 Cabinet March	Bracknell Forest S113 Agreement	Health & Wellbeing Board

Function	Joint arrangement with	Date	Lead authority	Committee
Raising Participation Partnership (Post-16)	Berkshire-wide	2010 Cabinet March	Slough	Adult Social Care, Children's Services & Education
School Museum Service	All except Wokingham	1998 (Post-BCC)	Reading	Policy
SCOOT - Urban traffic control system	Reading, Bracknell Forest, West Berkshire, Wokingham	1998 (post-BCC)	Reading	Strategic Environment, Planning & Transport
Sensory Needs - Service - Adults	Reading, Bracknell Forest, RBWM, Wokingham	1998 (post-BCC) Later modified	Windsor & Maidenhead	Adult Social Care, Children's Services & Education
Shared Lives Service	Reading, Wokingham		Reading	Adult Social Care, Children's Services & Education
Substance Misuse	Reading, Wokingham, West Berkshire	2010 Cabinet - Nov 09	Reading	Housing, Neighbourhoods & Leisure
Local Transport Body for Thames Valley Berkshire	Berkshire-wide - plus LEP	2013 Cabinet - Feb	Slough	Strategic Environment, Planning & Transport
Joint Health Scrutiny Committee	Reading, Wokingham, West Berkshire, Buckinghamshire, Oxfordshire			Adult Social Care, Children's Services & Education

### 11.3 Access to Information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive
- (c) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply. This is the case for Reading Borough Council.

### 11.4 Delegation to and from other Local Authorities

- (a) The authority may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The authority may also accept delegated functions from another local authority or, if they are executive functions, from the executive of another local authority.
- (c) The decision whether or not to make or accept such a delegation with / from another local authority shall be reserved to the Council meeting.

# Article 12 - Officers

## 12.1 Management Structure

12.1.1 The authority may appoint and employ staff under Section 112 of the Local Government Act 1972. Staff are employed by the authority. Appointment of staff below deputy chief officer level must be the responsibility of the Head of Paid Service or his/her nominee.

12.1.2 Councils must include a standing order on the appointment of chief officers, the people who can or must be involved in the appointment of officers and disciplinary action against the Head of Paid Service, Chief Financial Officer and Monitoring Officer.

(a) **General.**

The authority may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers**

The Council will confirm the appointment of the Chief Executive (Head of Paid Service) and the Personnel (Appointments) Committee will make appointments to the following posts (or such other similar posts as it may decide from time to time), who will be designated chief officers:

- Deputy Chief Executive
- Executive Director of Resources
- Executive Director of Adult Care and Health Services
- Executive Director of Children's Services
- Executive Director of Economic Growth & Neighbourhood Services

(c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer and Deputies**

The Council has designated the following posts as shown:

- Chief Executive - Head of Paid Service
- Director of Finance - Chief Finance Officer and Section 151 Officer
- Assistant Director of Legal and Democratic Services - Monitoring Officer

The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 prescribe that the dismissal of the Head of Paid Service, Monitoring Officer and the Chief Finance Officer must be confirmed by Council.

The Council has designated the following Deputy posts as shown:

- Deputy Chief Executive - Deputy Head of Paid Service
- Financial Planning and Strategy Manager - Deputy Chief Finance Officer and Deputy Section 151 Officer

Such posts will have the functions described in Article 12.2-12.4 below.

(d) **Structure**

The senior management of the Council is set out at Part 7 of this Constitution.

(e) **Delegations**

A considerable number of decisions are made by designated officers under approved delegated powers and a register of these is published on the Council's website and is available for inspection by Councillors and citizens on request. An officer may not take a key decision under the exercise of a delegated function, and all key decisions must be taken by full Council or a Committee. This process is described in Article 13.

In certain circumstances where there is no existing officer delegation, Directors and Statutory Officers may take decisions which are not key decisions in consultation with the relevant Lead Councillor, and subject to these decisions being recorded by using the Decision Book process. This process is described in Standing Order 42 (See the Rules of Procedure - Part 4 below)

## 12.2 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council**  
The Head of Paid Service will report to full Council or the Policy Committee on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions**  
The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

## 12.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.**  
The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by Members, staff and the public; and will advise on the application of the Constitution.
- (b) **Ensuring lawfulness and fairness of decision-making**  
After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to a Committee if s/he considers that any proposal, decision or omission by that body would give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Promoting and maintaining high standards of conduct by Members**  
The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through promoting the local Member Code of Conduct; providing advice and support to Members of the authority and to the Standards Committee on the Code; and operating the authority's procedure for dealing with complaints about Members. The Local Member Code of Conduct is in Part 5 of the Constitution. The terms of reference of the Standards Committee, and the procedure for dealing with complaints about Members, are in Article 9.
- (d) **Proper officer for access to information**  
The Monitoring Officer will ensure that the decisions of the Council and its Committees, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as required by the Access to Information Rules in part 4 of the Constitution.
- (e) **Advising whether decisions are within the policy framework.**  
The Monitoring Officer will advise whether decisions of full Council and Committees are not contrary to the policy framework of the authority, under the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.
- (f) **Contributing to corporate management**  
The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.
- (g) **Providing advice**  
The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- (h) **Restrictions on posts**  
The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

## 12.4 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making**  
After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Council or Policy Committee, and the Council's external auditor, if s/he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs**  
The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Advising whether decisions are within the budget framework.**  
The Chief Finance Officer will advise whether decisions of Council and its Committees are not contrary to, or not in accordance with the budget framework of the authority, under the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.
- (d) **Contributing to corporate management**  
The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (e) **Providing advice**  
The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (f) **Give financial information**  
The Chief Finance Officer will provide financial information to the media, members of the public and the community.

## 12.5 Duty to provide sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide Head of Paid Service, the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## 12.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

## 12.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.



# Article 13 - Decision Making

## 13.1 Responsibility for Decision Making

- 13.1.1 The Council has adopted a committee system of governance. Consequently, the responsibility for decision making will be determined within the statutory context of Sections 101 and 102 of the Local Government Act 1972.
- 13.1.2 Council will be responsible for the exercise of all functions of the authority. It may delegate functions to be exercised by individual Committees or Sub-Committees, or by a senior officer(s). Committees in turn may delegate any of their functions to be exercised by a Sub-Committee of Members, or by a senior officer; and a Sub-Committee in turn may delegate any of its functions to be exercised by a senior officer.
- 13.1.3 The functions delegated by Council to Committees and Sub-Committees, and their arrangements for exercising them, are set out in Part 3 of the Constitution.
- 13.1.4 Under Sections 101 and 102 of the Local Government Act 1972, there is no statutory power to delegate the exercise of any function to an individual Councillor, including the Leader.
- 13.1.5 The functions and responsibilities delegated by Council and its Committees and Sub-Committees to individual officers are set out in Part 3 of the Constitution.

## 13.2 Types of Decision.

### 13.2.1 Reserved Functions

Several functions are reserved by statute to be exercised by Council. These are set out in Article 4. Decisions relating to the functions listed in Article 4.2 must be made by Council and cannot be delegated.

### 13.2.2 Policy, Strategy and Budget Decisions

The authority's policy and budget frameworks are set out in Part 4 of this Constitution. Committees set policies, plans and strategies for the functions delegated to them, with the Policy Committee having the responsibility for setting the policies, plans and strategies for functions which cut across more than one committee area.

Council will continue to set the authority's budget and overall strategic direction, which the Policy Committee may recommend to it.

### 13.2.3 Operational Decisions

Individual Standing Committees can take decisions about the functions delegated to them.

### 13.2.4 Regulatory Functions

Separate Licensing Applications and Planning Applications Committees have delegated to them the licensing and planning functions

This does not preclude Council in the future from making an alternative arrangement to delegate any of these functions to a Standing Committee, or to delegate other functions to either of these Committees.

## 13.3 Key Decisions

- 13.3.1 Key Decisions are those decisions which are reserved to the Standing Committees for decision. Non-Key Decisions are delegated to officers in the terms of reference of the respective Standing Committees.

13.3.2 A Standing Committee may specifically delegate a key decision to an officer for them to make. In which case, the decision when taken by the officer, should be formally recorded by them.

13.3.3 Irrespective of these 'key decision' limits, officer should always ask themselves, whether this decision might have a significant effect upon residents or communities.' If it does, then they should raise the matter initially with the Lead Councillor.

13.3.4 A Key Decision is a decision:

- Where the value to the Council in terms of revenue, income or expenditure exceeds £500,000 per annum: or
- The value to the Council in terms of savings exceeds £250,000 except where such saving has been approved as part of the Council's revenue budget or Medium-Term Financial Strategy; or
- For Spend approval on capital expenditure projects (already in the capital programme) except for the following which are not 'key decisions':
  - Expenditure on rolling programmes of routine capital expenditure included on the capital programme (e.g., for housing and highways maintenance programmes), and
  - Expenditure of up to £100k on capital preparatory/feasibility works for projects
- For spend approval for any capital scheme not on the capital programme
- A budget variation or virement as described in Standing Orders
- Relating to:
  - The closure of a service or an establishment within a service;
  - The externalisation of a service or a substantial part of it;
  - A variation to the Council's budget including virement or additional revenue expenditure of more than £500,000 per annum or additional capital expenditure of £2.5m, except where such expenditure has already been approved as part of the Council's revenue or capital expenditure budget or plan;
  - the value to the Council in terms of savings exceeds £250,000 except where such saving has been approved as part of the Council's revenue budget;
  - Decisions materially affecting the terms of joint arrangements or partnership arrangements with other local authorities or bodies;
  - A decision not in accordance with, or to vary, an approved policy, plan, or strategy;
  - Submission of a bid for funding from all available funding sources, if (a) match funding is required and (b):
    - the Council is lead partner and/or accountable body, the total costs of the scheme for which the Council will accept liability are more than £500k per annum over the length of the scheme
    - the Council is not lead partner or accountable body, the costs to the Council are more than £500k over the length of the scheme, AND the financial commitment to the Council extends beyond the current financial year
    - the Council does not have budget provision for it to make its contribution the costs of the scheme Such bids must be approved by the relevant Committee before submission.
  - A traffic regulation order proposing a major change to an existing order, and/or affecting two or more wards;

- Approving arrangements for admissions to maintained schools where the Council is the admissions authority;
- Appointing the Council's representatives to represent the Council on outside bodies, (other than) casual vacancies.

### **13.4 Decision-making by Council**

13.4.1 Subject to Article 13.8, the Council meeting will follow the Council and Committee Standing Orders set out in Part 4 of this Constitution when considering any matter.

### **13.5 Decision-making by Committees and Sub-Committees.**

13.5.1 Subject to Article 13.8, Committees and Sub-Committees will follow the Council and Committee Standing Orders set out in Part 4 of this Constitution when considering any matter.

### **13.6 Decision-making by Committees when acting as Overview and Scrutiny Panels**

13.6.1 The Council's Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution, and Standing Order 25, will apply when Committees which have been delegated an overview and scrutiny function specify that they are exercising this function.

### **13.7 Decision-making by Officers**

13.7.1 Subject to Article 13.8, decision-making by officers will be by Corporate Directors or Assistant Directors, where a function has been delegated to that officer, and in line with the rules of operation set out in Part 3 of the Constitution.

13.7.2 In the absence of a specific officer delegation to exercise a function, the Head of Paid Service, Executive Directors, Chief Financial Officer, or Monitoring Officer may take decisions on behalf of the Council and its Committees, subject to

- a) the decision not being a key decision as defined in Article 13.3 above;
- b) the decision not being statutorily reserved to Council or Committees or the Licensing Applications Committee to exercise;

### **13.8 Decision-making by Council Bodies acting as Tribunals**

13.8.1 The Council, Councillors or officers acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights in so far as that is achievable within the statutory provisions affecting that tribunal.

# Article 14 - Finance and Contract Matters

## 14.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

## 14.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution unless the Council or a Committee decide otherwise.

# Article 15 - Review and Revision of the Constitution

## 15.1 Duty to monitor and review the constitution

The Constitution will be reviewed at the Annual Meeting of the Council although this does not mean that it cannot be changed at any time where the Council decides that amendment is necessary to assist in the achievement of the objectives set out in Article 1.

## 15.2 Changes to the Constitution

Changes to the constitution will only be approved by the Council after consideration of a report on the proposal by the Monitoring Officer.

# Article 16 - Suspension, Interpretation and Publication of the Constitution

## 16.1 Suspension of the Constitution

- (a) **Limit to suspension.**  
The Articles of this Constitution may not be suspended. The Rules specified below or any one or more of them may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.**  
A motion to suspend any rules will not be moved without notice unless at least half of the whole number of Councillors are present; and two thirds of those present vote to give permission to do so (see Standing Order 26). The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.**  
The following Rules may be suspended in accordance with Article 16.1:
- Council Procedure Rules (Standing Orders)
  - Contract Procedure Rules
  - Financial Procedure Rules
  - Budget and Policy Framework Procedure Rules
  - Overview and Scrutiny Procedure Rules
  - Officer Employment Procedure Rules

## 16.2 Interpretation

The ruling of the Monitoring Officer as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

## 16.3 Publication

The Assistant Director of Legal and Democratic Services:

- (a) will give a copy of this Constitution to each member of the authority within one month of the signature of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

## REVISED TERMS OF REFERENCE

### PART 3 TERMS OF REFERENCE OF COUNCIL, COMMITTEES and DELEGATIONS TO OFFICERS

#### COUNCIL RESPONSIBILITIES

##### Procedural Functions

- (1) To adopt and uphold the Constitution of the Council;
- (2) To agree the roles and responsibilities of all committees and keep them under review and to delegate functions to officers;
- (3) To elect the Mayor and Deputy Mayor of the Council;
- (4) To agree the composition and membership of all committees unless the function has been delegated by the Council;
- (5) To adopt Standing Orders and Financial Procedure Rules (Regulations) for the Council and to keep them under review;
- (6) To adopt a Code of Conduct for Members and any Member/Officer Protocols;
- (7) To consider any report from committees;
- (8) To consider any matters referred to the Council for decision.
- (9) To receive any report by the Chief Executive, Monitoring Officer or Responsible Finance Officer;
- (10) The appointment of representatives to outside bodies unless the appointment has been delegated by the Council

##### The Budget and Policy Framework

- (11) Council must exercise the following functions:
  - (a) Approving or adopting the following the plans and strategies including any subsequent amendment, modification, variation or revocation (but subject to the exceptions mentioned in (c) below)
    - The Budget, including:
      - Setting the Council Tax
      - The control of borrowing and investments
      - Capital expenditure
      - Determining the authority's minimum revenue provision and agreeing the Council's capital strategy and asset management plan;
    - Plans and Alterations which together comprise the Local Plan;
    - Crime and Disorder Reduction Strategy;
    - Licensing Authority Planning Statement;

- Gambling Act Statement of Principles
  - Pay Policy Statement
  - Local Transport Plan;
  - Youth Justice Plan.
- (b) The Council must approve any part of the above plans or strategies, whether or not in draft form, which is required to be submitted to the Secretary of State.
- (c) The Council must amend, modify, vary or revoke any of the above plans or strategies, once approved or adopted, unless:
- The amendment etc is required to give effect to requirements made by the Secretary of State or a Minister in relation to a plan or strategy submitted for approval, in whole or in part; OR
  - Council, when approving or adopting the plan or strategy, makes an arrangement for its future amendment.
- (d) The following public health document which the authority is required to prepare and publish, with its partner Integrated Care Board and involving the local Healthwatch and local people living or working in the area:
- Joint Health & Wellbeing Strategy to meet the health needs of the area included in the Joint Strategic Needs Assessment, relating to the exercise of public health functions by the authority, the NHS Commissioning Board or the Integrated Care Board. This document will be recommended by the Health and Wellbeing Board to Council for adoption.
- (e) Other plans and strategies, and successor documents, may be adopted, approved, amended modified, varied or revoked by the Committee to which the subject function has been delegated, or the Policy Committee. This provision does not prevent the relevant Committee from recommending a plan or strategy to Council for consideration if it so wishes.

(12) The Council may set the strategic vision and corporate objectives of the Council;

#### **Powers Reserved to the Council**

- (13) To keep under review ward boundaries and to decide the Council's response to any proposals by the Local Government Boundary Commission affecting the authority's electoral boundaries;
- (14) To promote or oppose local, personal, or other Bills of Parliament;
- (15) To determine the Council's Scheme for Members' Allowances after having regard to the Independent Remuneration Panel's report;
- (16) To appoint the Head of Paid Service (Chief Executive); and to designate the Monitoring Officer and section 151 Officer

- (17) To make, amend, revoke, or re-enact any byelaws to apply within the unitary boundaries.
- (18) Any other matter by law required to be considered or determined by the Council;
- (19) Confirming the dismissal of the Head of Paid Service, Chief Finance Officer, or Monitoring Officer;
- (20) Appointing the external auditors and agreeing the arrangements for their appointment;
- (21) Applications to the Secretary of State in respect of any Housing Land Transfer Housing Land for approval of a programme of disposal of 500 or more properties to a person or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.
- (22) Applications to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to -
  - (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or
  - (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).
- (23) Making referrals to the Secretary of State, the regulator, or the NHS Commissioning Board arising from the exercise of the health scrutiny function of the authority
- (24) Council may take a decision in respect of any function it has delegated to a committee or officer, in place of that Committee or officer; and a Committee or officer may refer or recommend a decision in respect of a delegated function to be taken by Council.

#### **Functions Relating to Elections and the Name and Status of Areas and Individuals**

- (25) To change the name of the council or its wards under Section 74 of the Local Government Act 1972.
- (26) To confer the title of Freedom of the Borough and Honorary Alderman under Section 249 of the Local Government Act 1972
- (27) To appoint an electoral registration officer under Section 8(2) of the Representation of the People Act 1983;
- (28) To appoint a returning officer for Local Government elections under Section 35 of the Representation of the People Act 1983;
- (29) To divide constituencies into polling districts under Section 18 of the Representation of the People Act 1983;
- (30) To divide wards and parliamentary constituencies into polling districts at local government elections under Section 31 of the Representation of the People Act 1983;



- (31) To declare vacancy in office in certain cases under Section 86 of the Local Government Act 1972;
- (32) To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 under Section 10 of the Representation of the People Act 2000
- (33) To decide whether to carry out governance and/or electoral reviews.

[Note. The balance of the electoral functions are delegated to the Returning Officer/Electoral Registration Officer which is the Assistant Director of Legal and Democratic Services. These include (but are not limited to):

- To assign officers in relation to requisitions of the registration officer under Section 52(4) of the Representation of the People Act 1983;
- To exercise all powers in respect of holding of elections under Section 39(4) of the Representation of the People Act 1983;
- To pay expenses properly incurred by electoral registration officers under Section 54 of the Representation of the People Act 1983;
- To give public notice of a casual vacancy;]

## **STANDING COMMITTEES AND SUB-COMMITTEES**

### **POLICY COMMITTEE**

- (1) To make recommendations as appropriate on matters reserved to Council for decision, including constitutional matters and the authority's budget and overall strategic direction;
- (2) To set the policy framework for those functions for which the Committee is responsible, and for functions which cut across more than one committee area;
- (3) To be responsible for the authority's corporate assets and resources, in particular the financial, land and property, and information assets and resources;
- (4) To ensure the corporate management of the Council, and the efficient and cost-effective delivery of its services to the public
- (5) To be responsible for making Key Decisions (as defined in paragraph 13.3 of Article 13) for the following functions and services:
  - Appointments to outside bodies
  - Business and financial planning
  - Civic Buildings
  - Compulsory Purchase Orders -The making of CPOs
  - Communication
  - Council Tax, NNDR, Revenues and Benefits
  - Councillor Services
  - Customer Services
  - Economic Development and Regeneration - including town centre management
  - Electoral Services

- Emergency Planning and Business Continuity
  - Equalities
  - Finance
  - Grants to Voluntary Bodies
  - Health and Safety (internal)
  - Information and Communication Technology (ICT)
  - Land, Property and Asset Management - acquisition, utilisation, facility management and disposal
  - Legal and Democratic Services
  - Local Ombudsman Investigations
  - Markets
  - Open Services and Procurement
  - Performance Management and Service Improvement
  - Public Health
  - Registrars
  - Voluntary sector - support and promotion
- (6) To act as Trustee for the Council in respect of such charities as agreed from time to time.
- (7) To promote health care, health improvement, and the reduction of health inequalities for local people
- (8) To be responsible for any joint arrangements and partnership areas, relevant to the functions of the Committee in which the authority is involved.
- (9) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible, and for functions which cut across more than one committee area;
- (10) To exercise Powers for Community Call for Action, Petitions, and scrutiny of other Public Service Providers, as set out in the Local Government and Public Involvement in Health Act 2007 (see also Adult, Social Care, Children’s Services & Education Committee below re: Health Scrutiny functions).
- (11) To be responsible for decision-making in matters which cut across the delegation of functions to Committees;
- (12) To act as the shareholder to the Council’s wholly owned Housing Company: “Homes for Reading Limited.”
- (13) To act as sole member/owner of Brighter Futures for Children and to exercise all the Council’s responsibilities in relation to this function.
- (14) To act as the shareholder to the Council’s wholly owned Company, Reading Transport Limited.
- (15) To take decisions on operational matters in functions which have been delegated to another Committee but where a decision is required out of that Committee’s normal cycle of meetings;
- (16) The Policy Committee may take urgent decisions on behalf of Council, subject to the function not being reserved by statute to Council.

- (17) The Reading Climate Emergency Strategy and the Council's Carbon Plan- To contribute to and adopt the relevant parts of the Strategy and Plan.
- (18) Delegation to Officers
- (a) The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than key decisions which are reserved to this Committee) are delegated to the Executive Directors and Assistant Directors in the corporate and senior management structure. An officer can only carry out a responsibility if:
- they (or an officer who reports to them) have budgetary or management responsibility for it and
  - the constitution or the law does not require it to be carried out by someone else.
- (b) Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee. Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
- (c) The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

#### **Trustees' Sub-Committee**

To act as Trustee for the Council and consider and respond to any proposal made by any organisation, including the local authority, which might affect the objectives of the charitable trusts below:

- Mapledurham Playing Fields
- Albert Road Recreation Ground
- Blagrove Recreation Ground
- Cintra Playing Fields
- Grove Road Allotments (Poor's Allotments)
- King George V Gardens (Eldon Square)
- Robert Hewitt Recreation Ground
- Sol Joel Playing Fields
- Victoria Recreation Ground

#### **Reading Covid-19 Outbreak Engagement Board (Sub-Committee of Policy Committee)**

To involve the public and partners in the evolution of the Reading COVID-19 Outbreak Control Plan, and to support swift and effective local communication

#### **ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE**

- (1) To be the authority's Education and Social Services Committee.

- (2) To be responsible for and take key-decisions the statutory and non-statutory functions relating to the services listed below, and to set the policy framework for those functions for which the Committee is responsible:
- a. Adult Social Care
  - b. Children’s Services
  - c. Education
  - d. Health  
The Health Scrutiny function (see below), except scrutiny of “Quality Accounts” from Acute sector which is delegated to the Health and Wellbeing Board
- (3) To be responsible for oversight of the Reading Borough Council client function of the service delivery contract with Brighter Futures for Children for the delivery of the Council’s children’s social care, early years and education services covered by the contract, and the governance of the children’s company.:-
- (4) To be responsible for any joint arrangements and partnerships relevant to the functions of the committee in which the authority is involved
- (5) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
- (6) To undertake the health scrutiny functions of the local authority under Section 244 of the National Health Services Act 2006 as amended by Sections 190 and 191 of the Health & Social Care Act 2012.
- (7) To provide a corporate framework for the scrutiny of Children’s Services as set out in the Children Act 2004 and to ensure effective accountability for providing a focus on the needs of children across all services of the Council, and the integration of all public services provided to children by the Council, health, and other partners.
- (8) Reading Climate Emergency Strategy and the Council’s Carbon Plan - To contribute to and adopt the relevant parts of the Strategy and Plan.
- (9) Delegation to Officers
- (a) The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than key decisions) are delegated to the officers in the corporate and senior management structure. An officer can only carry out a responsibility if:
    - they (or an officer who reports to them) have budgetary or management responsibility for it and
    - the constitution or the law does not require it to be carried out by someone else.
  - (b) Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee. Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

- (c) The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

## **HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE**

- (1) Subject to officer delegations, to be responsible for the statutory and non-statutory functions relating to the services and areas of responsibility listed below, and to set the policy framework for those functions for which the Committee is responsible:
- a. Housing
  - b. Neighbourhoods
    - Environmental and public protection
    - Environmental maintenance and cleansing
    - Community Safety
    - Community Capacity Development
  - c. Recreation including allotments, parks and open spaces and sports development
  - d. Arts and Cultural Services
- (2) To be responsible for the any joint arrangements and partnerships, relevant to the functions of this Committee, in which the authority is involved.
- (3) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible
- (4) To undertake the crime and disorder scrutiny functions of the local authority under Section 19 of the Police & Justice Act 2006; and in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, to act as the crime and disorder committee of the Council:
- (5) Reading Climate Emergency Strategy and the Council's Carbon Plan - To contribute to and adopt the relevant parts of the Strategy and Plan.
- (6) Delegations to Officers
- a. The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than key decisions) are delegated to the officers in the corporate and senior management structure. An officer can only carry out a responsibility if:
    - they (or an officer who reports to them) have budgetary or management responsibility for it and
    - the constitution or the law does not require it to be carried out by someone else.
  - b. Officers' use of delegated powers
    - Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee.
    - Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

- c. The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

### **STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE**

- (1) Subject to officer delegations, to be responsible for the statutory and non-statutory functions relating to the services and areas of responsibility listed below, and to set the policy framework for those functions for which the Committee is responsible:
  - a. Strategic Environment matters, including:
    - Agenda 21 and biodiversity
    - Air quality, noise, and radiation
    - Contaminated land
    - Flood prevention
    - Recycling and waste disposal (not operational matters - see Housing Neighbourhoods and Leisure Committee)
    - Woodlands Plan
  - b. Planning and Building Control (other than those regulatory functions reserved to the Planning Applications Committee)
  - c. Highways & Transport and Car Parking
- (2) To be responsible for any joint arrangements and partnerships, relevant to the functions of the Committee in which the authority is involved:
- (3) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible
- (4) To review and scrutinise the exercise of flood risk management functions by the lead local authority under Section 9FH of the Local Government Act 2000 (as amended by Schedule 2 to the Localism Act 2011)
- (5) Reading Climate Emergency Strategy and the Council's Carbon Plan - To contribute to and adopt the relevant parts of the Strategy and Plan.
- (6) Delegation to Officers
  - a. The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than key decisions) are delegated to the officers in the corporate and senior management structure. An officer can only carry out a responsibility if:
    - they (or an officer who reports to them) have budgetary or management responsibility for it and
    - the constitution or the law does not require it to be carried out by someone else.
  - b. Officers' use of delegated powers
    - Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee.

- Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
- c. The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

## **REGULATORY COMMITTEES**

### **LICENSING APPLICATIONS COMMITTEE**

All members of the Licensing Applications Committee may serve on a Sub-Committee. The Monitoring Officer is delegated to select members to serve on a sub-committee on a case-by-case basis.

1. Subject to officer delegations, to determine the following functions under the Licensing Act 2003 and any regulations or orders made under that Act:
  - a. Application for personal licence where a relevant representation is made by the Responsible Authority (Police);
  - b. Application for premises licence/club premises certificate where a relevant representation is made and not withdrawn;
  - c. Applications to vary designated premises supervisor where a relevant representation is made by the Responsible Authority (police);
  - d. Application for provisional statement if a relevant representation is made and not withdrawn;
  - e. Application to vary premises licence/club premises certificate if a relevant representation is made and not withdrawn;
  - f. Applications for transfer of premises licence where a relevant representation is received from the Responsible Authority (Police);
  - g. Consideration of an objection from a Responsible Authority (Police) made to an interim authority notice;
  - h. Any application to review premises licence/club premises certificate;
  - i. Decision to give counter notice following Police objection to a temporary event notice;
  - j. Decision to object when Local Authority is a consultee and not the lead authority.
  
2. To determine the following functions under the Gambling Act 2005
  - a. Application for a licence (including for variation and provisional statement) where relevant representations have been made and not withdrawn
  - b. Application for the transfer of a licence where relevant representations have been received from the Gambling Commission;
  - c. Applications for the review of a licence
  - d. Applications for club gaming / club machine permits where the Assistant Director Planning, Transport & Public Protection is minded to refuse;
  - e. The cancellation of club gaming / club machine permits where relevant representations have been received and not withdrawn;
  - f. Decision to give a counter notice to a temporary use notice.
  
3. In relation to Sex Establishments and Sexual Entertainment Venues

- a. The determination of applications for grant, variation, renewal, or transfer of licences where objections or representations have been received
  - b. The decision to revoke a licence
4. In relation to hackney carriage and private hire licensing:
- a. In relation to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 to revoke, refuse to grant or renew, hackney carriage, private hire, and School Transport drivers and operators' licences;
  - b. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local Government (Miscellaneous Provisions) Act 1976 and the Local Government (Miscellaneous Provisions) Act 1982;
  - c. To determine applications for the revision of the taxi fare tariff pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976
5. To approve and monitor all policies relating to the above licensing functions and recommend to the Council changes to those policies where the Committee considers it appropriate to do so or where the matter is reserved to Council to determine.
6. To determine applications for, and revocations of, a scrap metal Site or Collector's licence where a relevant representation is received against a proposal to refuse or revoke.
7. To determine appeals against a decision taken under delegated powers, to refuse an application for approval of premises, or to revoke any approval granted under the Marriage Act 1994.
8. To promote equal opportunities, sustainability, and community safety in relation to the provision of the committee's services.
9. Delegations to Officers
- a. The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than those reserved to the committee at 1-4 above) are delegated to the officers in the corporate and senior management structure. An officer can only carry out a responsibility if:
    - they (or an officer who reports to them) have budgetary or management responsibility for it and
    - the constitution or the law does not require it to be carried out by someone else.
  - b. Officers' use of delegated powers
    - Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee.
    - Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).



- c. The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

### **PLANNING APPLICATIONS COMMITTEE**

1. Subject to officer delegations the determination of:
  - applications for planning permission;
  - approval of reserved matters;
  - variations of conditions;
  - variations of legal agreements or planning obligations;
  - advertisement consent;
  - listed building or conservation area consent;
  - works affecting trees covered by tree preservation order,
2. The committee has reserved the following matters to be determined by the Committee:
  - ALL Major planning applications where the officer recommendation is to GRANT planning permission.
  - ALL applications made by the Council jointly or alone
  - All applications made by a serving elected member of the Council
  - All applications made by officers employed by the Council at Head of Service level and above
  - Applications where a Member has requested that it be decided by Planning Applications Committee and that request has been agreed by the Chair in consultation with the Development Manager (Planning & Building Control).
  - Applications where Planning Applications Committee has resolved that further decisions should be referred to Planning Applications Committee for a decision.
  - Any development which is considered by the Assistant Director for Planning, Transport and Public Protection to be a departure from the provisions of the adopted development plan and where the application is recommended for approval.
  - Applications made under Section 73 and 96a of the Town and Country Planning Act 1990 where the original application was decided by Committee having been confirmed by the Chair and relevant Ward members.
  - Certificates of existing or proposed lawful use or development made by serving councillors and any member of staff at Head of Service Level of above and any person employed or engaged by Planning and Legal Services.
3. Other decisions to be determined Planning Applications Committee only:
  - Additions or removal of properties from the Local List.
  - To serve direct action notices.
  - To approve street names.
4. Delegations to Officers
  - a. The responsibilities for making decisions in respect of the matters within the responsibility of this Committee other than those set out in section 2 and 3 above, are delegated to the officers in the corporate and senior management structure.

- b. An officer can only carry out a responsibility if:
  - they (or an officer who reports to them) have budgetary or management responsibility for it and
  - the constitution or the law does not require it to be carried out by someone else.
- c. Officers' use of delegated powers
  - Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee.
  - Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
  - The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

#### **TRAFFIC MANAGEMENT SUB-COMMITTEE**

- (1) To act as a greater Reading consultative body to promote public transport, cycling and walking within Reading;
- (2) To consult with operators of public transport services, cyclists, pedestrians, and users of public transport in Reading, on matters affecting transportation in the Reading area;
- (3) To receive and hear petitions about, and to determine, transport and traffic management schemes which affect the public highway and may require a regulatory process for which the Council as Transport Authority for the area is responsible, in the following areas:
  - Traffic and Transport Schemes such as Local Area Enhancements;
  - Road Safety Schemes;
  - Traffic Management Schemes such as signalised junctions;
  - Safer Routes to School Schemes;
  - Traffic Management elements of Section 106 Agreements;
  - Traffic Regulation Orders;
  - Residents' Parking Schemes;
  - Enforcement of Traffic Regulation Orders
  - On-street and off-street Car Parking.
- (4) To consider and make representations to Committee on transport schemes requiring changes to the public highway resulting from the development of the Reading Transport Strategy, emerging either through the Local Transport Plan process, Local Sustainable Transport Fund Cross-Boundary Councillor Steering Group, or from area or specific consultation exercises;
- (5) To review proposals referred by the Planning Applications Committee to resolve a transport impact generated by a proposed development and, where appropriate, to make recommendations for actions affecting the public highway to be included in such development to either the Planning Applications Committee or another Committee, as appropriate;

- (6) To receive the Minutes of the Cycle Forum.
- (7) To act as the **Discretionary Highway Permits Panel**, in respect of appeals concerning discretionary parking permits, and the use of the highway under Section 115E of the Highways Act 1980. See Article 8.

### **AUDIT AND GOVERNANCE COMMITTEE**

This is set up under Sections 101 and 102 of the Local Government Act 1972. It is the Council's audit committee as recommended by the Audit Commission and CIPFA.

#### **Audit Activity**

- (1) To approve (but not direct) Internal Audit's strategy, plan and monitor performance.
- (2) To review Internal Audit reports and the key issues arising and seek assurance that action has been taken where necessary.
- (3) To seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- (4) To consider reports from the Executive Director of Resources on progress with the implementation of agreed audit recommendations; and require Executive Directors and/or Assistant Directors to attend for the consideration of specific reports.
- (5) To approve the Chief Internal Auditor's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- (6) To consider the findings of the review of effectiveness of the systems of internal audit.
- (7) To consider the external auditor's annual audit letter, relevant reports, and the report to those charged with governance.
- (8) To consider specific reports as agreed with the external auditor.
- (9) To comment on the scope and depth of audit work, to ensure it gives value for money and to make recommendations as appropriate.
- (10) To commission work from internal and external audit, subject to budget provision being available.
- (11) To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

#### **Regulatory Framework**

- (12) To maintain an overview of the Constitution in respect of contract procedure rules and financial regulations and to make recommendations to Council as appropriate.

- (13) To complement the work of the Standards Committee in relation to its role in promoting high ethical standards and ensuring adherence to the Code of Conduct for Members and Officers, making recommendations to, and receiving recommendations from it as appropriate.
- (14) To review any issue referred to it by the Council, Chief Executive, Directors, or Service Managers.
- (15) To provide an independent assurance of the adequacy of the Risk Management Strategy and the associated control environment. In particular
  - i) To receive the annual review of internal controls and be satisfied that the Annual Governance Statement accurately reflects the risk environment and any actions required to improve it;
  - ii) To receive six monthly reports covering implementation of the Council's Risk Management Policy and Strategy to determine whether strategic risks are being actively managed;
  - iii) To review and revise as necessary the Risk Management Policy and Strategy on an annual basis.
- (16) To have the knowledge and skills requisite to their role with regard to risk management and to undertake awareness training in respect of Risk Management as and when specific training needs are identified.
- (17) To monitor Council policies on whistle blowing and the anti-fraud and anticorruption strategy and the Council's complaints process.
- (18) To review and agree the Authority's Annual Governance Statement.
- (19) To consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
- (20) To consider the Council's compliance with its own and other published standards and controls and to make recommendations as appropriate.

#### Accounts

- (21) To approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (22) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- (23) To review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

- (24) To monitor treasury management decisions to ensure compliance with the approved Treasury Management Strategy.

#### Training

- (25) To identify training opportunities for Audit and Governance Committee Members and all Members of the Council in corporate governance issues and to make recommendations as appropriate.

#### Governance

- (27) To make recommendations to the Council on:
- (i) the process for appointing the external auditors and in particular whether to opt-in to auditor appointment by the specified person; and
  - (ii) the appointment of the external auditors.

## OTHER COMMITTEES

### HEALTH AND WELLBEING BOARD

- (1) To discharge the functions of the Health & Wellbeing Boards as set out in Sections 195-196 of the 2012 Act, i.e.:
  - Duty to encourage integrated working in health and social care under the National Health Service Act 2006
  - Power to encourage closer working in relation to wider determinants of health
  - Power to give its opinion to the authority on whether the authority is discharging its duty to have regard to the Joint Strategic Needs Assessment and Joint Health & Wellbeing Strategy for its area
  - Duty to provide an opinion - to its partner Integrated Care Boards and/or the NHS Commissioning Board - about whether the local commissioning plans have taken proper regard of the Joint Health & Wellbeing Strategy
- (2) To discharge any other health functions delegated to it by the authority.
- (3) To ensure that the authority meets its duties as a relevant authority, under Section 16 of the Local Government & Public Involvement in Health Act 2007 (“the 2007 Act”), as amended by Sections 192 and 193 of the Health & Social Care Act 2012:
  - a. to prepare, with its partner Integrated Care Boards, and publish a Joint Strategic Needs Assessment for the area, involving the local Healthwatch and local people living or working in the area;
  - b. to prepare, with its partner Integrated Care Boards, and publish a Joint Health & Wellbeing Strategy to meet the health needs of the area included in the Joint Strategic Needs assessment, relating to the exercise of public health functions by the authority, the NHS Commissioning Board or the Integrated Care Boards, involving the local Healthwatch and local people living or working in the area;
  - c. to ensure that the local authority, and its partner Integrated Care Boards have regard to these documents.
- (4) To promote health care, health improvement and the reduction of health inequalities for all local people, including children and vulnerable adults, and to exercise the following statutory duties on behalf of the authority:
  - a. To improve the health of people in its area under Section 28 of the National Health Service Act 2006, including:
    - any public health functions of the Secretary of State which s/he requires local authorities to discharge on his/her behalf
    - dental health functions of the Council
    - the duty to co-operate with the prison service to secure and maintain the health of prisoners
    - the Council’s duties set out in Schedule 1 of the National Health Service Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services
    - arrangements for assessing the risks posed by violent and sexual offenders

- b. To improve public health under Sections 2B and 111 of the National Health Act 2006 (as amended by Section 12 of the Health & Social Care Act 2012), including:
- (i) Under Section 2B(3):
    - Providing information and advice
    - Providing services or facilities designed to promote healthy living (including helping individuals address behaviour that is detrimental to health or in any other way)
    - Providing services for the prevention, diagnosis, or treatment of illness
    - Providing financial incentives to encourage individuals to adopt healthier lifestyles
    - Providing assistance (including financial) to help individuals minimise any risks to health arising from their accommodation or environment
    - Providing or participating in the provision of training for persons working or seeking to work in the field of health improvement
    - Making available the services of any person or any facilities
  - (ii) Under Section 2B(4), providing grants or loans on such terms as the local authority considers appropriate.
  - (iii) Under Section 111 and Schedule 1:
    - Dental public health (S111)
    - Medical inspection of pupils (Paras 1-7B)
    - Research for any purpose connected with the exercise of the authority's health functions (Para 13)
- (5) To discharge health and social care functions identified by the Government and/or the National Health Service for exercise by the Board, including the integration of health and social care functions within Reading;
  - (6) To approve and publish a Pharmaceutical Needs Assessment for Reading;
  - (7) To oversee and implement any joint arrangements and partnerships, relevant to the functions of the committee in which the authority is involved;
  - (8) To make representations to the Adult Social Care, Children's Services and Education Committee as the authority's health scrutiny committee;
  - (9) To scrutinise Quality Accounts on behalf of Adult Social Care, Children's Services and Education Committee.

### Membership

The Council may co-opt additional persons or representatives to be members of the Board as it thinks appropriate, either as voting or non-voting Members, subject to the Council consulting beforehand with the Board.

The membership of the Board, under Section 194(2) of the Health & Social Care Act 2012, is as follows:

- 4 Councillors - i.e., the Leader of the Council, and the Lead Councillor for Education & Public Health, Adult Social Care and Children (the Act requires at least 1 Councillor to be on the Board)

- The Director of Adult Social Care & Health \*
- The Director of Children, Education & Early Help Services \*
- Director of Public Health for the Local Authority or his/her representative \*
- Two representatives from the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (the Act requires a representative of each relevant Integrated Care Board)
- A representative from the Local Healthwatch organisation

(\* the Members asterisked will not have voting rights, as explained below)

#### Voting rights

Under the provision of Regulations 6 and 7 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the Council, following consultation with the shadow Health & Wellbeing Board, has decided as follows:

- To disapply the duty to allocate seats to political groups under Sections 15 and 16 of the Local Government & Housing Act 1989
- To treat the following as non-voting members of the Board:
  - The Director of Adult Care & Health Services (or his/her representative)
  - The Director of Children, Education & Early Help Services (or his/her representative)
  - The Director of Public Health (or his/her representative)

The voting membership of the Board must be named by the body they are representing. It will therefore be as follows:

- 4 Councillors by relevant office, i.e., the Leader of the Council, and the Lead Councillors for Education & Public Health, Adult Social Care, and Children
- 1 named Local Healthwatch representative
- 2 named local Integrated Care Board representatives

The bodies appointing voting Members to the Board may, in addition, appoint named substitute Members who may attend as voting Members in the place of their named Member.

Voting Members will be subject to the Council's local Member Code of Conduct, and will be required, under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to register with the Monitoring Officer, and to declare at meetings, any disclosable pecuniary interest that both they and/or their spouse/partner has in the business of the Board.

#### Co-opted Members

The following will be co-opted as non-voting additional members:

- The Chief Executive of Reading Borough Council (or his/her representative)
- A representative from Reading Voluntary Action
- A representative from Thames Valley Police's Reading Local Police Area
- A representative from Royal Berkshire Fire & Rescue Service

#### Observers

The following observers may attend and participate but not vote at Board meetings:



- Chair - Local Safeguarding Adults Board
- Chair - Local Safeguarding Children Board
- One relevant shadow Lead Councillor for each opposition group on the Council (up to three in total).
- A named representative of NHS England will join the Board to help in the preparation of the Joint Strategic Needs Assessment or Joint Health and Well-being Strategy.

### **PERSONNEL COMMITTEE**

To be responsible for functions exercised under Section 112 of the Local Government Act 1972 namely:

- (1) Subject to Officer Employment Procedure Rules set out in the constitution:
  - a) to arrange for the appointment of the Council's Head of Paid Service, and make recommendations to Council in this respect;
  - b) to appoint Executive Directors, the Monitoring Officer and Section 151 Officer;
  - c) to dismiss Executive Directors;
  - d) to establish a Panel (Sub-Committee) under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer of the authority, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, and which requires the Panel to include at least two independent persons appointed under section 28(7) of the Localism Act 2011;
  - e) to settle all matters relating to the above appointments or dismissals unless the decision on the matter is reserved to Council.
- (2) To take any decisions affecting the remuneration, terms and conditions of service of the Head of Paid Service;
- (3) To undertake performance appraisals of the Head of Paid Service and to set annual targets against which performance can be measured.
- (4) To discharge the Council's functions under Section 112 of the Local Government Act 1972, including:
  - (a) determining the terms and conditions on which staff hold office;
  - (b) approving compensation levels in line with the Council's policies and procedures governing redundancy, medical or early retirement as applying from time to time before notice of dismissal is given to staff below Executive Director level.
  - (c) approving matters referred to it by the Local Joint Forum; and resolving matters where it has not been possible to secure agreement at the Local Joint Forum;
  - (d) advising the Council and Committees on:

- (i) the requirements for, and the availability of, human resources necessary for the fulfilment of the Council's policies;
  - (ii) the promotion of good employee relations in the Council;
  - (iii) matters of general employment and personnel concern to the Council;
  - (iv) the promotion of equal opportunities for all employees of the Council, and in the Council's recruitment and selection procedures, and to monitor the effectiveness of such measures;
- (5) To receive from the Assistant Director of Human Resources and Organisational Development twice a year a report on all early retirements and redundancies made in the preceding six months.
- (6) To decide on claims for injury allowance made under the Local Government Superannuation (Amendment) (No. 2) Regulations 1982, where the claim and recommendation for consideration are agreed between both management and trades unions.
- (7) Where appropriate, to convene an Investigatory Committee to examine matters relating to the conduct or capability of Directors and Heads of Service.
- (8) Delegation to Officers
- (a) The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than key decisions) are delegated to the officers in the corporate and senior management structure. An officer can only carry out a responsibility if:
    - they (or an officer who reports to them) have budgetary or management responsibility for it and
    - the constitution or the law does not require it to be carried out by someone else.
  - (b) Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee. Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
  - (c) The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

**MEETING AS AN APPOINTMENTS PANEL, in accordance with the Officer Employment Procedure Rules as set out Part 4 of the Council's Constitution "Rules of Procedure"**

- (9) Where the Council appoints a Personnel (Appointments) Committee or a Sub-Committee to carry out the function of appointing any officer to the positions referred to in paragraph 2.2 of the Officer Employment Procedure Rules, the membership of the Committee or Sub-Committee shall consist of members nominated by the Group Leaders from the political groups represented on the Personnel Committee and should include the Leader and/or at least one Lead Councillor.

### **Investigating and Disciplinary Committee (Relevant Officers)**

To deal with disciplinary matters relating to the Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources) and the Monitoring Officer (Assistant Director of Legal and Democratic Services) ('relevant officers'), including the authority:

- To implement sanctions other than dismissal of a 'relevant officer,' including suspension;
- To make representations to the Independent Panel in the event the Committee makes a recommendation to dismiss a 'relevant officer.'

### **Appeals Committee (Relevant Officers)**

To hear appeals from the Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources) and the Monitoring Officer (Assistant Director of Legal and Democratic Services) ('relevant officers') in relation to disciplinary matters short of dismissal.

### **Independent Panel (Relevant Officers)**

An Independent Panel, comprising at least two people appointed under section 28 of the Localism Act 2011, to hear from the 'relevant officer' and the Chair of the Investigating and Disciplinary Committee (IDC) and advise Council in the event of a recommendation from the IDC to dismiss a 'relevant officer' i.e., Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources) and the Monitoring Officer (Assistant Director of Legal and Democratic Services).

(NB: confirming the dismissal of a relevant officer i.e., the Head of Paid Service, Chief Finance Officer and Monitoring Officer is a matter reserved to Council.)

## **APPEALS BODIES**

### **Appeals Panel**

To provide a pool of trained Councillors to hear individual appeals and complaints, either as part of a statutory complaints process or as part of the Council's own policies and procedures in respect of the areas set out below, on the following bases:

- (a) Where the meeting is part of a statutory process, the Panel will have a quasi-judicial role.
- (b) Where the meeting is not part of a statutory process, the Panel will meet as a Committee of Council.
- (c) the Panel will provide Councillors:
  - (i) to hear individual complaints which reach the third stage of the Council's curriculum complaints process;
  - (ii) to hear appeals against the removal of Early Years Providers from the Council's Directory of Providers.

### **Discretionary Highway Permits Panel**

This is exercised by the Traffic Management Sub-Committee of the Strategic Environment, Planning and Transport Committee: See also Article 7.

- (1) To consider and determine appeals against decisions made by the AD Planning, Transport and Public Protection to refuse discretionary parking permits, and with the right, in exceptional circumstances, to overturn decisions and grant permits
- (2) To review decisions to refuse applications for the grant of permission for use of the highway under Section 115E of the Highways Act 1980.

### **Secure Accommodation Panel**

In accordance with the Children Act 1989, to review the position of each young person placed in secure accommodation, within 28 days of the initial placement being made, and quarterly thereafter.

### **Social Services Complaints Review Panel**

In accordance with the National Health Service and Community Care Act 1990 and Children Act 1989, to hear individual complaints which reach the third stage of the Council's Social Services Complaints process.

Councillors may not serve on the Social Services Complaints Review Panel.

### **Education Appeals and Review Panels**

To hear and determine:

- (1) School admission appeals
- (2) Individual reviews of decisions of the School's Governing Body to uphold the Head Teacher's decision to exclude pupils permanently from Academies, LEA maintained, voluntary-controlled, and maintained special schools.

Councillors may not serve on Education Appeal and Review Panels.

## JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (BUCKINGHAMSHIRE, OXFORDSHIRE, READING, WEST BERKSHIRE, WOKINGHAM)

1. Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority (according to patient flow), the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.
2. The NHS Long-Term Plan (published at the beginning of 2019) sets out the vision and ambition for the NHS for the next 10 years. It states - "Every Integrated Care System will need streamlined commissioning arrangements to enable a single set of commissioning decisions at system level." The purpose of the JHOSC would be to hold to account and challenge these commissioning decisions at system level. This function would be new and a different part of local health scrutiny arrangements. The powers and duties of health scrutiny would remain unchanged at Place and Neighbourhood level (see definitions below) - and, in recognition of the slight differences across the ICS footprint, also at Locality level. The creation of a JHOSC to scrutinise system level decisions would strengthen existing scrutiny arrangements.
3. These terms of reference set out the arrangements for Buckinghamshire Council, Oxfordshire County Council, Reading Borough Council, West Berkshire Council, Wokingham Borough Council, to operate a JHOSC in line with the provisions set out in legislation and guidance and to allow it to operate as a mandatory committee.

### **Terms of Reference**

4. The new JHOSC will operate formally as a mandatory joint committee i.e., where the councils have been required under Regulation 30 (5) Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 to appoint a joint committee for the purposes of providing independent scrutiny to activities delivered at system level (as detailed below) by the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System.

The Kings Fund published a report in April 2020 "Integrated Care Systems explained: making sense of systems, places and neighbourhoods" which says that NHS England and NHS Improvement has adopted the terminology used in some systems to describe a three-tiered model - System, Place and Neighbourhood.

System - typically covering a population of 1-3 million people. Key functions include setting and leading overall strategy, managing collective resources and performance, identifying and sharing best practice to reduce unwarranted variations in care, and leading changes that benefit from working at a larger scale such as digital, estates and workforce transformation.

Place - a town or district within an ICS, typically covering a population of 250-500,000. This is where the majority of changes to clinical services will be designed and delivered and where population health management will be used to target intervention to particular groups. At this level, providers may work together to join up their services through alliances and more formal contractual arrangements.

Neighbourhood - a small area, typically covering a population of 30-50,000 where groups of GPs and community-based services work together to deliver co-ordinated, pro-active care and support, particularly for groups and individuals with the most complex needs. Primary Care Networks and multi-disciplinary community teams form at this level.

Activities at Place, Neighbourhood and Locality would be scrutinised by the relevant local authority through their existing health scrutiny arrangements.

5. The purpose of the mandatory JHOSC across Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham is to:
  - a. make comments on the proposal consulted on
  - b. require the provision of information about the proposal
  - c. gather evidence from key stakeholders, including members of the public
  - d. require the member or employee of the relevant health service to attend before it to answer questions in connection with the consultation.
  - e. Refer to the Secretary of State only on where it is not satisfied that:
    - consultation on any proposal for a substantial change or development has been adequate in relation to content or time allowed (NB. The referral power in these contexts only relates to the consultation with the local authorities, and not consultation with other stakeholders)
    - the proposal would not be in the interests of the health service in the area
    - a decision has been taken without consultation and it is not satisfied that the reasons given for not carrying out consultation are adequate.
6. Notwithstanding point (e) above, Member authorities have the right to refer an issue to the Department of Health if the joint health scrutiny committee does not collectively agree to refer an issue.
7. With the exception of those matters referred to in paragraph [3] above responsibility for all other health scrutiny functions and activities remain with the respective local authority Health Scrutiny Committees.
8. The process for determining the appropriate level of scrutiny - i.e.. System or Place/Neighbourhood/Locality will be in accordance with an agreed toolkit which will set out the process for initiating early dialogue between ICS Leads and the Members of the JHOSC. All constituent authorities will be notified of the outcome of those discussions.
9. No matter to be discussed by the Committee shall be considered to be confidential or exempt without the agreement of all Councils and subject to the requirements of Schedule 12A of the Local Government Act 1972.

### **Governance**

10. Meetings of the JHOSC will be conducted under the Standing Orders of the Local Authority hosting and providing democratic services support and subject to these terms of reference.

### **Frequency of meetings**

11. The JHOSC will meet at least twice a year with the Integrated Care System Leads to ensure oversight of key priorities and deliverables at system level.

### **Host authority**

12. The JHOSC would be hosted by one of the named authorities. The role of host authority would be undertaken by the chairing authority for the same time period [24 months].

### **Membership**

13. Membership of the JHOSC will be appointed by the Buckinghamshire, Oxfordshire, Reading, West Berkshire and Wokingham bodies that have responsibility for discharging health scrutiny functions.
14. Appointments to the JHOSC have regard to the proportion of patient flow. The Joint Committee will therefore have 19 members, consisting of 6 from Buckinghamshire, 7 from Oxfordshire, 2 from Reading, 2 from West Berkshire, 2 from Wokingham.
15. Appointments by each authority to the JHOSC will reflect the political balance of that authority.
16. The quorum for meetings will be 6 voting members, comprising at least one member from each authority. Member substitutes from each authority will be accepted.
17. The JHOSC shall reserve the right to consider the appointment of additional temporary co-opted members in order to bring specialist knowledge onto the committee to inform specific work streams or agenda items. Any co-opted member appointed will not have a vote.
18. Healthwatch shall be recognised as a key stakeholder and a standing item will be included on the JHOSC agenda to allow the organisation to report back on patient and public views from across the ICS.

### **Chairman & Vice Chairman**

19. The Chairman of the JHOSC shall be drawn from the members of it and will normally be filled by the member whose authority is hosting the Committee for a period of 24 months.
20. The Vice-Chairman of the JHOSC shall be drawn from members on the Committee and elected every 24 months.

### **Task & Finish Groups**

21. The Committee may appoint such Working Groups of their members as they may determine to undertake and report back to the Committee on specified investigations or reviews as set out in the work programme. Appointments to such Working Groups will be made by the Committee, ensuring political balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

### **Committee support**

22. The work of the JHOSC will require support in terms of overall coordination, setting up and clerking of meetings and underpinning policy support and administrative arrangements.

23. Meetings of the committee are to be arranged and held by the host authority.

Should a press statement or press release need to be made by the JHOSC, this will be approved all authorities before being signed off by the Chairman.



## **OFFICER SCHEME OF DELEGATION OF FUNCTIONS**

### **1. The scheme of delegation to Officers**

1.1 The intention of the scheme is to authorise the Chief Executive or an Executive Director or Assistant Director to carry out responsibilities for all functions which the Council has not reserved to itself or delegated to a Committee or Sub Committee in this constitution and which Council has not authorised another officer to carry out.

1.2 The fact that an Officer is authorised to carry out a function does not require that Officer to give the matter their personal attention and the Officer may authorise an officer of suitable skills and experience to carry out that function. Any such authorisation must be set out in writing, kept by the Director, and notified to the Monitoring Officer.

1.3 Where an Officer is authorised to carry out a function, they will authorise another officer or officers to carry out that function in his absence, or as required by him or her.

1.4 Officers do not have to deal with all matters where they have authority to do so: they can refer the matter back to the Council, Committee, or a Sub Committee.

### **2. Interpreting these rules**

2.1 The scheme delegates functions of the Council to officers and should be interpreted widely rather than narrowly. In cases of dispute as to the interpretation of this scheme the interpretation of the Monitoring Officer shall apply.

2.2 In the scheme “officer” means an Executive Director or assistant Director or the holder of any post named in this scheme.

An Executive Director means an officer who reports directly to the Chief Executive and who does not carry out a role which has the primary function of carrying out an administrative or secretarial support role.

An Assistant Director means an officer who reports directly to an Executive Director and who does not carry out a role which has the primary function of carrying out an administrative or secretarial support role.

2.3 This scheme operates under the Local Government Act 1972, the Local Government Act 2000, the National Health Service Act 2006, the Localism Act 2011, and all other legislation conferring powers and responsibilities on the Council as amended consolidated or re-enacted from time to time.

2.4 Any reference to a statute, statutory provision or statutory instrument includes a reference to that statute, statutory provision, or statutory instrument together with all rules and regulations made under it as from time to time amended, consolidated, or re-enacted.

- 2.5 Where an Officer is authorised to carry out a function within this scheme of delegation or elsewhere in the Constitution, they have authority to do anything necessary to carry it out that function (unless it was forbidden when the responsibility was delegated).

Examples of this are the authority to sign all necessary documents, determine applications, authorise payments, authorise prosecutions, implement national agreements, issue, and serve statutory and other notices, authorise entry to land in pursuance of statutory powers, and take statutory action if:

- a) The Officer has management or budget responsibility for the function concerned, and
- b) The law or the Council's standing orders do not require the action to be taken by someone else and
- c) The decision maker has had regard to any advice from the Chief Financial Officer under Section 114 of the Local Government Finance Act 1988 and the Monitoring Officer under section 5 of the Local Government and Housing Act 1989.

### **3. Limitations**

This scheme does not delegate to officers: -

- a) Any matter which by law may not be delegated to an officer;
- b) Any matter reserved to Council and which Council has not authorised an officer to carry out;
- c) Any decision that has been delegated and reserved to a Committee or Sub-Committee of Council and which that Committee or Sub-Committee has not authorised an officer to carry out; This includes:
  - a. Key Decisions which are generally reserved to committees;
  - b. Any matter that is a new policy or is a departure from the existing and agreed policy framework of the Council.
  - c. Any decision that is not in accordance with the budget.
  - d. Any matter in which the officer has a personal interest.

Any delegations or authorisations will remain in place until superseded.

### **4. Urgency and Emergency Powers**

The Chief Executive can take such action as they consider necessary in urgent or emergency situations to protect the interests of the Council, having consulted with the Leader of the Council and Lead Councillors where appropriate, subject to the action taken being reported to the next meeting of the Council or its committees as appropriate.

### **5. Legal Powers**

The Assistant Director of Legal and Democratic Services has power:

- (1) to institute, defend, appeal, settle or abandon legal proceedings on the Council's behalf in any court, arbitration or tribunal. And

(2) to instigate and conduct legal proceedings for any offence or any matter arising under:

- a. legislation which gives the Council a right or duty to prosecute
- b. any order notice or licence issued in pursuance to any legislation under which the Council has powers or duties
- c. any other order or regulation under which the Council has powers or duties

**6. Proper Officer Appointments**

6.1 The following table, subject to 2 and 3 below, sets out the proper officer appointments of the Council.

6.2 Legislation in these tables includes any amendments, re-enactments and subordinate legislation.

6.3 In relation to any other proper officer appointments which are contained with legislation, whether that legislation was made before or after this list was approved and requiring a proper officer appointment, or authorised officer the Chief Executive shall (or the Deputy Chief Executive in their absence) shall be delegated the responsibility to allocate all such functions to appropriate officers, in consultation with the Leader.

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper officer</b>
Public Health Act 1936	S85	To serve notice requiring remedial action where there are verminous persons or articles	Assistant Director of Planning, Transport & Public Protection
	S84	Cleansing of filthy and verminous articles	
Public Health Act 1961	S37	Controlling verminous things	Assistant Director of Planning, Transport & Public Protection
Registration Services Act 1953		To be the Proper Officer (the Proper Officer is called the Superintendent Registrar) for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994) the Civil Partnership Act 2004, the and the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 and to set fees	Superintendent Registrar, appointed by Head of Community Services

		and offer discounts where applicable.	
Local Government Act 1972	Section 83(1) to (4)	Witnessing and receiving declarations of acceptance of office	Chief Executive or Monitoring Officer
	Section 84(1)	Receiving a Councillor's resignation	Monitoring Officer
	Section 88 (2)	Calling a Council meeting to elect a Mayor if there is a casual vacancy	Chief Executive
	Section 89	Giving notice of a casual vacancy	AD of Legal and Democratic Services
	Section 100B	Access to Agenda and Connected Reports	Monitoring Officer
	Section 100C	Inspection of minutes and other documents after the meeting	Monitoring Officer
	Section 100D	Listing background papers for reports and making copies available for the public to look at	Monitoring Officer
	Section 100F	Additional right of access to documents for members	Monitoring Officer
	Section 115	Receiving money due from officers	Director of Finance
	Section 151	Responsibility for the administration of the Council's financial affairs.	Director of Finance
	Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Chief Valuer or AD
	Section 210	To exercise certain residual functions relating to charities	AD of Legal and Democratic Services
	Section 225	Depositing documents	AD of Legal and Democratic Services
	Section 228(3)	Making accounts available for Councillors to look at	Director of Finance
	Section 229(5)	Certifying photocopies of documents	AD of Legal and Democratic Services
Local Government Act 1972	Section 234	Authenticating documents	AD of Legal and Democratic Services
	Section 238	Certifying byelaws	AD of Legal and Democratic Services
	Section 248	Keeping a list of Honorary Aldermen and Freemen	Chief Executive
	Schedule 12, paragraph 4(2)(b)	Signing the summons to Council	Chief Executive

	Schedule 14, paragraph 25 (7)	Certifying resolutions passed under this paragraph	AD of Legal and Democratic Services
Local Government Act 1974	Section 30(5)	Giving notice that copies of an Ombudsman's report are available	AD of Legal and Democratic Services as MO
Local Government (Miscellaneous Provisions) Act 1976	Section 41(1) Section 41 (2A)	Certifying copies of resolutions and minutes	AD of Legal and Democratic Services
	Sections 16, 23, 25 and 29	Relating to requisitions for information, dangerous trees, dangerous excavations and protection of buildings	AD of Planning, Transport and Public Protection
	Part II	To act as Authorised Officer for the purposes of Part II (Hackney Carriages and Private Hire Vehicles)	AD of Planning, Transport and Public Protection
	SS50(4), 53(3), 56(2), (3) & 4, 58(2), 68 and 72	To appoint additional authorised Officers, where necessary,	AD of Planning, Transport and Public Protection
Rent Act 1977	Part IV	To exercise the functions of proper officer under the provisions of Part IV of the Rent Act 1977	AD of Planning, Transport and Public Protection
Representation of the People Act 1983  And Section 87 of the Local Government Act 1972		With the exception of powers reserved to the Council as set out in Article 4, to exercise the Council's powers and duties in relation to electoral registration and local and parliamentary elections.	AD of Legal and Democratic Services
Public Health (Control of Disease) Act 1984	S48	Certifying that the retention of a body in a building would endanger health	Director of Public Health
	S59	Authentication of documents relating to matters within the post's responsibility	

Access to Information Act 1985	All		AD of Legal and Democratic Services
Berkshire Act 1986	Sections 32, 33, 35, 36, 37 and 38	Fire and safety matters	AD of Planning, Transport and Public Protection
Local Government and Housing Act 1989	Section 2	To retain on deposit a list of politically restricted posts	Monitoring Officer
	Section 4	Designated as 'Head of Paid Service'.	Chief Executive
	Section 5	Designated as Monitoring Officer	AD of Legal and Democratic Services
	Section 6	Officer responsible for financial administration	Director of Finance
		To undertake all matters relating to the formal establishment of political groups within the membership of the Council.	Monitoring Officer
Food Safety Act 1990		To act as Proper Officer for the purposes of the Act, including the authentication of documents.	Assistant Director of Planning, Transport & Public Protection
Local Government (Committees and Political Groups) Regs 1990	All	Dealing with political balance on committees	Monitoring Officer
Local Authorities (Referendum) (Petitions and Directions) Functions Regulations 2000	Part 2	Petitions and Referendums	AD of Legal and Democratic Services
Local Government Act 2000		Acting as PO for all the responsibilities under the LGA2000 and subordinate legislation	Monitoring Officer
Freedom of Information Act 2000	Section 36	Qualified Person to grant exemption	Monitoring Officer

Local Authorities (Standing Orders) (England) regulations 2001		Giving notice of appointments and dismissals of officers in accordance with the regulations	Chief Executive or Monitoring Officer
Housing Act 2004	Section 4	To inspect where an 'official complaint' on the condition of residential premises under Sub-Section 2 is received and, where Sub-Section 6 applies, to produce a report	AD of Planning, Transport & Public Protection
Traffic Management Act 2004	Section 17(2)	To act as the Council's Transport Manager in respect of the performance of the authority's network management duty.	AD of Planning, Transport & Public Protection
Mental Capacity Act 2005	Section 45	To act as the Appointee of the Department of Work and Pensions and Deputy of the Court of Protection	Director of Adult Social Care
Coroners and Justice Act 2009		To appoint coroners	AD of Planning, Transport and Public Protection in consultation with AD for Legal and Democratic Services
Health Protection (Notification Regulations) 2010	Regs 2, 3, and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons	Director of Public Health
Localism Act 2011	Section 33	Determination of written requests from members for dispensations where they have a disclosable pecuniary interest	Monitoring Officer
Local Authorities Petition Regulations 2011	Reg 4	To publish the verification number of Local Government electors for the purposes of petitions for holding a referendum on changing to a different form of governance	AD of Legal and Democratic Services
Local Authorities (Conduct of		Conducting Referenda	AD of Legal and Democratic Services

Referendums) (England) Regulations 2012			
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Reg 7	Access to agenda and connected reports for public meetings	Monitoring Officer
	Reg 10	General exception to publication and access duties	Monitoring Officer
	Reg 15	Inspection of background papers	Monitoring Officer
	Reg 20	Confidential Information and exempt information	Monitoring Officer

\* In relation to appointments of proper officers under section 234 of the Local Government Act 1972 the appointments shall be to each of the officers to sign, any notice, order or other document required to be made, given, or issued to give effect to the powers delegated to them only where:

- (i) They or one of their staff has budgetary or management responsibility for that function; and
- (ii) The officer appointed is qualified to carry out the functions of a proper officer; and
- (iii) The Council's standing orders or the law does not require the function to be carried out by someone else.

## 7. Statutory Officers

Legislation	Function	Officer
S4 Local Government & Housing Act 1989	Head of Paid Service	Chief Executive
S5 Local Government & Housing Act 1989	Monitoring Officer	Assistant Director of Legal & Democratic Services
S151 Local Government Act 1972 and Section 114	Chief Finance Officer	Director of Finance



of the Local Government Finance Act 1988		
Sections 8 and 35, Representation of the People Act 1983	Electoral Registration Officer	Assistant Director of Legal & Democratic Services
S24(3) Representation of the People Act 1983	Returning Officer	Assistant Director of Legal & Democratic Services
S6(A1) Local Authority Social Services Act 1970	Director of Adult Social Services	Director of Adult Care & Health Services
S18 Children Act 2004	Director of Children's Services	Executive Director of Children's Services
S71(1)(a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Public Protection Manager
S21ZA of the Local Government Act 2000 (as amended by Section 31 of the Local Democracy, Economic Development and Construction Act 2009)	Scrutiny Officer	Democratic Services Manager
Data Protection Act 2018 and GDPR	Data Protection Officer	Customer Relations & Information Governance Manager
Regulation of Investigatory Powers Act 2000 as amended	RIPA Monitoring Officer	Customer Relations & Information Governance Manager
Section 2(6)(zb) of the Local Government and Housing Act 1989, inserted by Schedule 5 of the Health and Social Care Act 2012.	Director of Public Health	Director of Public Health Berkshire West

# Part 4 - Rules of Procedure

## Council and Committee Procedure Rules (Standing Orders)

### AS TO TYPES OF MEETINGS

#### 1. ANNUAL MEETING OF THE COUNCIL

##### 1.1 Timing and Business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or Head of Paid Service;
- (vi) appoint the Leader, Deputy Leader and Lead Councillors;
- (vii) approve the arrangements for the exercise of the authority's statutory overview and scrutiny functions;
- (viii) approve a programme of ordinary meetings of the Council for the year; and
- (ix) consider any business set out in the notice convening the meeting.

##### 1.2 Selection of Councillors on Committees

At the annual meeting, the Council meeting will:

- (i) decide which committees and sub-committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees and sub-committees;
- (iii) decide the allocation of seats [and substitutes] to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each committee, sub-committee and outside body; and
- (v) appoint to those committees, sub-committees and outside bodies.
- (vi) appoint the Chairs and Vice-Chairs of those committees in accordance with Standing Order 31

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting.

## **3. EXTRAORDINARY MEETINGS**

### **3.1 Calling Extraordinary Meetings.**

Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:

- i) the Council by resolution;
- ii) the Mayor;
- iii) the Leader;
- iv) the Head of Paid Service, Monitoring Officer, or Chief Finance Officer; and
- v) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **3.2 Business**

The business at such meetings shall be limited to the purposes for which the meeting was called as set out in the notice of the meeting.

## **AS TO MEETINGS OF THE COUNCIL - MOTIONS, QUESTIONS AND PETITIONS**

### **1. Arrangements for Meetings**

#### **4.1 Start of Meeting**

At each meeting of the Council, the Chair must be taken at exactly the time at which the meeting is due to start. The business of the meeting must begin immediately.

#### **4.2 Chair of the Meeting**

If the Mayor does not chair the meeting, any other person who takes the Chair will have all the powers and duties of the Mayor relating to the conduct of the meeting.

#### **4.3 Quorum for the Meeting**

- (1) The quorum for a meeting is the number of Councillors required to be present before the meeting can take place, or continue.
- (2) The quorum for a Council meeting is a quarter of all members of the Council. This currently is 12.
- (3) If, during a Council meeting, the Mayor or another Councillor notices that there is not a quorum present, the Mayor must announce that this is the case and adjourn the meeting. At that time the Mayor should set a time for the meeting to restart. If the Mayor does not set a time for the meeting to restart, any business that has not been dealt with will be adjourned to the next ordinary meeting of the Council.

#### **4.4 Adjournment Motion**

At the end of any speech after 9.30 pm, any Councillor can move a motion to adjourn the meeting until 6.30 pm the next day. There must be no debate on this motion. If an adjournment motion is lost, no Councillor may move another adjournment motion within the next hour.

## **2. Order of Business**

- (1) The Summons for a Council meeting shall set out the items of business to be considered at that meeting.
- (2) The first four items of business at each Council meeting will be:
  - (a) To choose someone to take the Chair if the Mayor or Deputy Mayor are absent;
  - (b) Mayor's announcements;
  - (c) To deal with any business that is required by law to be dealt with before other business;
  - (d) To approve and sign the Minutes of the last meeting of the Council as a correct record.

For ordinary meetings of the Council, the following items should be considered next:

- (e) To consider any motion to remove the Leader, in which case the item must be followed by (f);
  - (f) To appoint the Leader of the Council (where required);
  - (g) To receive petitions under Standing Order 8;
  - (h) To answer questions under Standing Order 9;
  - (i) To answer questions under Standing Order 10;
  - (j) To consider reports or announcements from the Leader of the Council or Lead Councillors;
  - (k) To receive presentations on matters for which there are reports from officers;
  - (l) To consider reports from officers;
  - (m) To consider recommendations from Committees, and associated reports;
  - (n) To consider motions in the order in which they have been received;
  - (o) To deal with any business remaining from the last meeting;
  - (p) Any other business specified in the Summons.
- (3) The order of items may be changed:
    - (a) At the discretion of the Mayor;
    - (b) By Motion. The motion must be moved, seconded and put to the vote without discussion. This motion need not be in writing.

## **3. Motions which do not Need to be Submitted in Writing before the Meeting**

The following motions do not need to be submitted in writing before the meeting. They should however be proposed and seconded and put in writing before they are discussed:-

- (a) To move a motion about the accuracy of the Minutes;
- (b) To move a motion to do with the Mayor's announcements;
- (c) To refer an item back to a Committee for further consideration;
- (d) To appoint a Committee of one or more of its Members arising from an item mentioned in the Summons to the meeting;
- (e) To consider reports from and the Minutes of Committees or other bodies or Officers, and to move any other resolutions that are necessary because of this;
- (f) To suspend Standing Orders, in accordance with Standing Order 26;
- (g) To exclude the public under Section 100A of the Local Government Act 1972 (as amended);
- (h) To request a Councillor to stop speaking, or to leave the meeting, in accordance with Standing Order 21;
- (i) To give the consent of the Council where it is required under Standing Orders.

The following motions do not need to be in writing at all:-

- (j) To appoint a Chair of the meeting;
- (k) To ask permission to withdraw a motion;

- (l) To move to the next item of business;
- (m) To vote on the motion or amendment being discussed, in accordance with Standing Order 16;
- (n) To adjourn the meeting under Standing Order 4.
- (o) To change the order of business under Standing Order 5(3)(b)

#### 4. Motions which Need to be Submitted in Writing before the Meeting

- (1) If a Councillor wishes to move a motion at a Council meeting (except those listed in Standing Order 6) the Councillor must submit it in writing. The motion must be sent to and received by the Assistant Director of Legal and Democratic Services at least six clear working days before the Council meeting. **(This means that if the Council meeting is on a Tuesday, the motion must be received in writing by 12.00 noon on the Friday two weeks before, assuming that no Bank Holidays fall within this period).**
- (2) The Assistant Director of Legal and Democratic Services will number and date all motions in the order they are received and keep a record which can be inspected by all Councillors.
- (3) The Summons to the meeting will set out all the motions which have been submitted in accordance with paragraph 7(1) above in the order in which they have been received, unless:
  - (a) The Councillor submitting the motion states in writing that he/she wants the motion to be considered at a later meeting of the Council instead;
  - (b) The Councillor submitting the motion has withdrawn it, in writing. A Councillor may withdraw any motion of which he/she has given notice that he/she will move up till midday two clear working days before the Council meeting. **(This means that if a Council meeting is on a Tuesday, the Motion may be withdrawn up to 12 noon on the preceding Thursday.)**
- (4) If a Councillor does not move a motion which he/she has submitted in writing, and it is not moved by someone else on his/her behalf, it will not be considered at the meeting. However, the Council can agree to consider the motion at a future meeting, instead. If the Council does not agree to do this, the Councillor may submit the motion in writing again for a future meeting.
- (5) Each motion must be relevant to the Council's powers and duties or be about a matter which affects the Borough or its residents.

#### 8. Petitions

- (1) A member of the public may present a petition to Council or a Committee provided the petition has not previously been considered by a committee, sub-committee or other body established by the Council.
- (2) Petitions presented must be received by the Assistant Director of Legal and Democratic Services by not later than 12 noon four clear working days before the day of the meeting. **(For example, this means that if a Council meeting is on a Tuesday, the petition must be received in writing by 12 noon on the Tuesday before).**
- (3) Petitions must be presented in the order in which they have been received.
- (4) A petitioner may only submit one petition to any Council or Committee meeting. The petitioner may present the petition to the Council or Committee but may not speak for longer than three minutes in total, and the Mayor or Chair shall be able to set a shorter time limit if the number of petitions being presented to the Council or Committee meeting in question warrants this.
- (5) The same petition may only be presented once and may not be submitted to a subsequent meeting of another meeting.
- (6) Where petitions are submitted to the Council or Committee:

- (a) The Leader or Lead Councillor or Chair responsible will reply to the petition, and, if appropriate, may indicate the body of the authority to which the petition will be referred.
- (b) There will be no right of reply by the petitioner, and no debate.
- (c) The time limit for the consideration of petitions and questions from members of the public is thirty minutes in total.
- (d) If petitions are not presented or heard within the time limit they will be referred to the relevant Committee, Sub-Committee or other Council body.
- (e) Where a petition is submitted to the Council signed by 1,500 or more people who live, work or study in the local authority's area, the Assistant Director of Legal and Democratic Services, at the request of the Lead Petitioner, will include the topic of the petition on the next available appropriate agenda to allow a debate on the matter. [Petitioners must demonstrate they live, work or study in the Borough for example by providing a valid postcode for their home address or place of work or study on signing the petition. Petitioners who do not live, work or study in the Borough will not be counted towards the 1,500 signatories that can trigger a debate].
- (f) That, in relation to Council Procedure Rule 8(6)(e) above, the petition organiser will be entitled to address the Council or Committee on the topic of the petition but may not speak for longer than five minutes in total without special dispensation from the Mayor.
- (g) If the petition is about a planning application or a licensing application or a matter before the Standards Committee refer to Council Procedure Rule 36(4).

## 9. Questions from Members of the Public

- (1) Subject to the provisions of this Standing Order, a member of the public may ask a question:
  - (i) about any matter relating to the Council's powers and duties;
  - (ii) about a matter which affects the Borough or its residents; or
  - (iii) about a matter which affects an organisation on which the Council is represented by a Councillor appointed or nominated by it, **and** which falls within (ii) above.
- (2) Any such question may be answered by the following, as appropriate:
  - (a) the Leader or Lead Councillors
  - (b) a Committee or Sub-Committee Chair
  - (c) any Councillor appointed or nominated by the Council to an outside body
- (3) Questions under this Standing Order must be submitted by the questioner in writing to the Head of Legal and Democratic Services by not later than 12 noon four clear working days before the meeting **(This means that, for example, if the meeting is on a Tuesday, the question must be received in writing by 12 noon on the Tuesday before, assuming that no Bank Holidays fall within this period).**
- (4) Any person specified in (2)(a), (b) or (c) above, may reserve the right to reply in writing to a question submitted in accordance with (1) above, where s/he considers:
  - (a) that the question is a repetition of a question asked at a previous meeting of the Council within the last twelve months;
  - (b) that the reply contains purely factual information and could more readily be provided in written form;
  - (c) that to reply orally would represent an inappropriate use of the time provided for questions from members of the public under Standing Order 9(6) below.
- (5) The member of the public shall ask the question himself/herself. To clarify a reply to the question s/he has asked, a member of the public may ask one supplementary question, provided the reply to the original question was not given under the provisions of Standing Order 9(4) above. If the questioner is not present, the question will be answered in writing as provided in Standing Order 11(3).

- (6) The time limit at each Council meeting for questions from members of the public and petitions is thirty minutes in total. This time limit cannot be extended. There shall also be a time limit of five minutes for each answer given orally to a question from a member of the public.
- (7) A member of the public may ask no more than three questions at any one Council meeting
- (8) Questions answered in writing and questions which are not answered because they fall out of time shall be recorded in the Minutes of the meeting, in the same manner as those answered orally.

#### **10. Questions from Councillors**

- (1) Subject to the provisions of this Standing Order, a Councillor may ask a question about any matter relating to the Council's powers and duties; or which affects the Borough or its residents or which affects an organisation on which the Council is represented by a Councillor appointed or nominated by it.
- (2) Any such question may be answered by the following as appropriate:
  - (a) the Leader or Lead Councillors
  - (b) a Committee or Sub-Committee Chair
  - (c) any Councillor appointed or nominated by the Council to an outside body
- (3)
  - (a) Subject to (b) below, questions under this Standing Order must be delivered in writing to the Assistant Director of Legal and Democratic Services by no later than 12 noon four clear working days before the meeting. **(This means that, for example, if the meeting is on a Tuesday, the question must be received in writing by 12 noon on the Tuesday before, assuming that no Bank Holidays fall within this period).**
  - (b) The time limit set out in (a) above may be waived to allow a Councillor to ask a question on any matter as described therein, where the Mayor and the Monitoring Officer are satisfied that the circumstances giving rise to the question have arisen after the date specified and that the matter is of genuine urgency, and provided that the question is received in writing by 12 noon on the day before the Council meeting.
  - (c) Questions asked under Standing Order 10(3)(b) shall not be subject to the time limit at each Council meeting for questions from Councillors, specified in Standing Order 10(4).
- (4) The time limit at each Council meeting for questions from Councillors is thirty minutes. This time limit cannot be extended. There shall also be a time limit of five minutes for each answer given orally to a question from a Councillor.
- (5) The Councillor shall ask the question him/herself. In his/her absence the question shall be asked by the relevant Group Leader or his/her nominee. To clarify a reply to a question, any Councillor may ask a supplementary question. Only one supplementary may be asked unless the Mayor allows more.
- (6) A Councillor may ask no more than three questions at any one Council meeting.
- (7) Questions answered in writing shall be recorded in the Minutes of the meeting in the same manner as those answered orally.

#### **11. Rules applying to all Questions asked under Standing Orders 9 and 10**

- (1) Questions will be asked in the order received by the Assistant Director of Legal and Democratic Services.
- (2) The Councillor of whom the question is asked may decide how to reply and may ask any other Councillor to reply on his/her behalf.

- (3) If questions are not answered within the time limit the Assistant Director of Legal and Democratic Services will ensure that the Councillor or member of the public receives a written answer within two days of the Council meeting.

## **12. Minutes of Council Meetings**

- (1) A copy of the Minutes of each meeting of the Council must be sent to each Councillor before the next ordinary scheduled meeting of the Council.

Where an extraordinary meeting of the Council has been called (under paragraph 3 of Schedule 12 of the Local Government Act 1972), the Minutes of this meeting will be sent to each Councillor before the next ordinary scheduled meeting of the Council and will be signed at that meeting.

- (2) If a report or document mentioned in the Minutes has been sent separately to each Councillor, or is required by law to be published, it need not be sent out with the Council Minutes.
- (3) The Mayor must ask whether the Minutes of the meeting of the Council held on the ..... day of ..... constitute a correct record.
- (4) No discussion must take place about the Minutes, except about their accuracy. Any questions on the accuracy of the Minutes must be asked by a Member moving a motion. If no question is raised, or when a question has been raised and dealt with, the Mayor shall sign the Minutes.

## **13. Consideration of Recommendation from Committees**

- (1) When a Committee makes a recommendation to the Council, an item shall be included on the Agenda for the next Council meeting and a report on the matter, including the Committee recommendation, shall be circulated with the agenda for the Council Meeting at which the recommendation is considered, or sent to each Councillor, on or before the day of the Council meeting.
- (2) Where a recommendation is made to Council by a Committee, it will be moved by the Chair or Vice-Chair, or by the responsible Lead Councillor, or by another Councillor nominated by the Chair or Vice-Chair, as appropriate.

Where a recommendation is made to Council by an officer in a report, it will be moved by the Leader or the responsible Lead Councillor or by another relevant Councillor.

- (3) Any amendment to a recommendation of a Committee must be put in writing and be available to the Council before it can be discussed.
- (4) The rules for debating recommendations from Committees are the same as those applying to motions or amendments, as set out in Standing Order 14.

## **AS TO RULES OF DEBATE**

### **14. Motions or Amendments**

- (1) All motions and amendments must be proposed and seconded.
- (2) A motion or an amendment must be put in writing and be available to the Council before it can be discussed, unless it arises under Standing Orders 6(j) to (o), 14(10) & (11), 16, 21 and 26.

- (3) **Seconders's Speech**

A Councillor who seconds a motion or an amendment, does not have to speak immediately, but may reserve his/her right to speak until later in the debate.

- (4) **One Councillor to Speak at a Time**



If two or more Councillors indicate they wish to speak together, the Mayor will ask one to speak and the others should then wait to be called to speak by the Mayor. When a Councillor is speaking, other Councillors must remain silent unless to make a point of order or to give a personal explanation.

**(5) Content and Length of Speeches**

A Councillor must only speak on the subject under discussion, in personal explanation or on a point of order. A Councillor may only speak for five minutes. A mover of a motion must limit his/her speech and reply to the debate to five minutes each, unless the Council allows otherwise.

**(6) When a Councillor may Speak Again**

A Councillor may only speak once on any motion whilst it is the subject of debate. The exceptions to this rule are:

- (a) If he/she wishes to speak once on an amendment moved by another Councillor;
- (b) If the motion has been amended since he/she last spoke, to move a further amendment;
- (c) If his/her first speech was on an amendment moved by another Councillor, he/she may speak to the main motion, whether or not the amendment was carried;
- (d) To exercise his/her right of reply;
- (e) On a point of order;
- (f) In personal explanation.

**(7) Amendments to Motions**

Amendments must be relevant to the Motion. They may only be moved:

- (a) To refer a subject of debate to a Committee for consideration or reconsideration;
- (b) To leave out words;
- (c) To leave out words and insert or add others;
- (d) To insert or add words;
- (e) Not to approve a recommended item contained in a set of Minutes submitted to the Council.

An amendment must only be used to make changes to the substance of a motion. It must not be used simply to negate the Motion.

**(8)** Only one amendment may be moved and discussed at a time. A Councillor must not move a further amendment until the amendment under discussion has been dealt with.

**(9)** If an amendment is lost, other amendments can be moved on the original motion. If an amendment is carried, the amended motion takes the place of the original motion. The amended motion then becomes the motion upon which any other amendment can be moved.

**(10) Alteration of a Motion**

If Council gives its consent (which must be given without discussion) a Councillor may:

- (a) Alter a motion which he/she has submitted in writing before it is moved;
- (b) Alter a motion which he/she has moved, with the agreement of the seconder.

Any alteration made by the mover of a motion must be one that could be moved as an amendment to the motion (see Standing Order 14(7) above).

**(11) Withdrawal of a Motion**

A motion or an amendment, once moved and seconded, may be withdrawn by the Councillor who moved it, with the consent of the Council. This must be without discussion. No Councillor can speak about the motion once permission has been given to withdraw the motion.

**(12) Right to Reply**

- (a) The mover of a motion has a right of reply at the end of debate on the motion, just before it is put to the vote;
- (b) The mover of an amendment has the right of reply on his/her amendment. The Mayor will not call upon him/her to reply, however, until the mover of the motion has had the opportunity to speak about the amendment;
- (c) The mover of an amendment or motion must not introduce any new issues in his/her right of reply.

**15. Motions which may be Moved during Debate**

When a motion is being debated, no other motion shall be moved, except the following:

- (a) To amend the motion;
- (b) To adjourn the meeting under Standing Order 4;
- (c) To vote upon the motion;
- (d) To request a Councillor not to speak again under Standing Order 21;
- (e) To request a Councillor to leave the meeting, under Standing Order 21;
- (f) To exclude the public under Section 100A of the Local Government Act 1972 (as amended);
- (g) To ask permission to withdraw a motion;
- (h) To give the consent of the Council where it is required under Standing Orders.

**16. Closure Motions**

- (1) At the end of any speech the Councillor, whether or not he/she has spoken to the motion or amendment, may move 'that the motion or amendment be voted upon'.
- (2) If the Mayor thinks that the matter has been discussed sufficiently, he/she must ask the Council to vote on the motion that a vote be taken. If the motion that a vote be taken is passed, before the vote is taken the Mayor must:
  - (a) If it is a motion, allow the mover of the motion a right of reply;
  - (b) If it is an amendment, allow the mover of the motion to speak if he/she has not already done so, and then allow the mover of the amendment to reply.

**17. Points of Order**

- (1) A Councillor should stand up if he/she has a point of order or wishes to give a personal explanation. He/she must be heard immediately.
- (2) A point of order must relate to either an alleged breach of Standing Orders or statutory provision. The Councillor must specify what Standing Order or statutory provision he/she considers to have been breached and how he/she considers it to have been breached.
- (3) A personal explanation must relate to part of a former speech he/she has made earlier in the debate, which appears to have been misunderstood.
- (4) The Mayor must decide whether a point of order or a personal explanation is relevant. The Mayor's ruling is final.

**18. Respect for the Chair**

Councillors must always address the Mayor. Whenever the Mayor stands up during a debate, any Councillor must stop speaking, and the Council must be silent.

**19. Use of Official Titles**

When speaking, all Councillors must refer to other Councillors or Officers by their official titles.

**20. Debate affecting People employed by the Council**

The appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of an employee of the Council, must not be discussed until the Council has considered whether the public should be excluded under Section 100A or Section 100E of the Local Government Act 1972 (as amended).

## **21. Disorderly Conduct at Council Meetings**

- (1) The Mayor should advise the Council if he/she considers that, during a meeting of the Council, a Councillor is:
- (a) Misconducting himself/herself by ignoring the ruling of the Chair; or
  - (b) Behaving irregularly, improperly or offensively; or
  - (c) Wilfully obstructing the business of the Council.

The Mayor, or any Councillor may move 'that the Councillor named must not speak again' on the matter being discussed. If the motion is seconded, it must be put to the vote without discussion.

- (2) If the Councillor in question continues his/her misconduct after such a motion has been carried, the Mayor shall:
- (a) Move 'that the Councillor named must leave the meeting'. This motion should be put to the vote without seconding or discussion; or
  - (b) Adjourn the meeting for such time that he/she considers necessary.
- (3) If there is a general disturbance which the Mayor feels makes it impossible to continue with the business of the meeting, he/she may, without debate, adjourn the meeting for any length of time that he/she considers necessary.

## **22. Interruption of a Meeting by Members of the Public**

If members of the public interrupt the proceedings of a meeting, the Mayor should warn them that if they do not stop, they will be asked to leave the meeting. If they continue the interruption, the Mayor may order the members of the public to leave the Council Chamber. If there is a general disturbance in the part of the Chamber open to the public, the Mayor must order everyone in that part of the Chamber to leave.

## **23. Resolutions already made by the Council or Committees**

- (1) The Council may only pass a motion:
- (a) To cancel any motion, resolution or amendment which has been passed by the Council or by a Committee or Sub-Committee exercising delegated powers, within the last six months; or
  - (b) Which would have the same effect as any motion, amendment or resolution that has been moved and lost at a Council meeting within the last six months;

if permission to move the motion is given at a meeting of the Council where at least 24 Councillors are present and vote in favour.

- (2) If a Committee or Sub-Committee wishes to cancel a resolution it has made itself, it must take a recommendation directly to the Council. The decision cannot be cancelled unless at least 23 Councillors are present and vote to give permission to move a motion to cancel the decision.
- (3) Once the Council has given this permission, the motion to cancel a decision still has to be moved. This does not have to be passed by 24 Councillors, but by a simple majority.
- (4) The period of six months will begin from the end of the meeting at which the decision has been made.

## **24. Voting**

- (1) Subject to (3) below, all voting will be done by show of hands, unless three Councillors demand that the vote be recorded. If this happens, then the names of those voting for or against the motion or amendment must be taken down in writing and entered in the Minutes. Any Councillor present who does not vote must declare that he/she is abstaining.
- (2) Where a non-recorded vote has been taken, any Councillor may request immediately after the vote that how s/he voted, or the fact that s/he abstained from voting, should be recorded in the Minutes of the meeting.
- (3) Where any vote is taken at a Council meeting on setting the budget for the authority, then the Minutes of the meeting will record the names of all Councillors present at the vote and how each Councillor voted (for or against) or the fact that they abstained from voting. Therefore every such vote shall be treated as a recorded vote under (2) above.

Such votes will be on any decision to make the budget calculation required under Sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF and 52Z of the Local Government Finance Act 1992, or to issue a precept under Chapter 4 of Part 1 to that Act,

These decisions will have been included as items of business on the agenda for the meeting.

## **25. Recommendations from Scrutiny Reviews undertaken by Overview and Scrutiny Panels**

- (1) This Standing Order applies where a Committee is undertaking, at the request of the Council, a scrutiny review of a function of the authority under the provisions of para. 6.3(b) of Article 6 to the Constitution.
  - (i) A Committee may at any time during the course of a scrutiny review make interim recommendations to the Council seeking authority to proceed to the next stages of the review. These recommendations may be accompanied by a report and shall be considered in accordance with Standing Orders 5(2)(m) and 13 to 24.
  - (ii) At the conclusion of each individual scrutiny review the Committee shall submit its conclusions and any recommendations which may be accompanied by a report to the next available meeting of the Council.
  - (iii) When the recommendations first appear before the Council in accordance with paragraph (ii) above, the Chair of the Committee shall introduce the report following which the Leader or relevant Lead Councillor shall make a statement in relation to the report and its recommendations.
  - (iv) The Council, having debated the recommendations, may take one or more of the following decisions in respect of all or individual recommendations:
    - a. to accept the recommendations - in which case they will then be implemented
    - b. to accept the recommendations with amendments - in which case they will be implemented unless Council resolves to refer the amendments back to the Committee for further consideration
    - c. to make alternative proposals for the Committee to consider
    - d. to note the recommendations but take no further action
    - e. to reject the recommendations
    - f. a variation of any of the above
  - (v) The recommendations of the Scrutiny Panel shall be dealt with in accordance with the Standing Orders 13 to 24.

AS TO SEALING OF DOCUMENTS, MEMBERS' INTERESTS AND SUSPENSION OF STANDING ORDERS

## **26. Suspension of Standing Orders**

The Council may, by passing a resolution, suspend all or any of its Standing Orders if two thirds of the Councillors present at a meeting of the Council, at the time when the vote is taken, vote to give permission to do so.

**27. Sealing of Documents**

- (1) The Common Seal of the Council must be kept in the custody of the Assistant Director of Legal and Democratic Services.
- (2) Any documents which need to be sealed before a decision of the Council or a Committee or Sub-Committee can be put into effect, must be sealed with the Common Seal of the Council.
- (3) The Seal shall be attested by either the Head of Paid Service, Assistant Director of Legal and Democratic Services, or any other officer of the Council nominated by the Head of Paid Service.
- (4) The Assistant Director of Legal and Democratic Services must enter the details of each document that has been sealed into a Seal Register. He/she must also record the date on which this was done.

**28. Councillors' Interests in Contracts and Other Matters**

At any meeting subject to these Standing Orders, if any Councillor present declares that s/he has a disclosable pecuniary interest (as defined in the Member Code of Conduct) which relates to or is likely to affect an item of Council business being transacted at a meeting of the authority at which s/he is present, s/he may make representations, answer questions and give evidence on the item of business, subject to there being equivalent public speaking rights, but s/he may not participate in the discussion or vote on the item of business, and s/he 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.

**AS TO CHIEF OFFICERS**

The Officer Employment Rules are set out in Part 4 of the constitution.

**AS TO MEETINGS OF COMMITTEES**

**NB** References to a Committee shall include a Sub-Committee unless otherwise indicated.

**29. Summoning Committees**

- (1) Any Committee can be summoned at any time at the request of the Chair, or any three members of the Committee, with the exception of the Standards Committee or the Personnel Committee when a particular post is under discussion.
- (2) Additional meetings of the Policy Committee may be called to deal with urgent items of business as set out in Article 7.7 of this Constitution.

**30. Quorum**

- (1) The quorum for a meeting is the number of people required to be present before the meeting can take place or continue. The quorum for bodies set up by the Council shall be three unless specified otherwise and for the following meetings is as follows:

Standing Committees (including Policy Committee)	five
Planning Applications Committee	five
Licensing Applications Committee	four
Licensing Applications Sub-Committees	two

- (2) The quorum for the Policy Committee when an additional meeting is called to conduct urgent items of business shall be three, as set out in Article 7.7 of this Constitution.

**31. Election of Chair and Vice-Chair**

The Council may at its Annual Meeting or at any other meeting held for the purpose of appointing Committees, appoint the Chairs and Vice-Chairs of those Committees. More than one Vice-Chair may be appointed for any one Committee.

Subject to the above, the Councillors on each Committee must elect one of their number as Chair at the first meeting of the Committee.

**32. Attendance by Councillors at Committees and Overview and Scrutiny Panels**

- (1) A Councillor, who is not a member of a particular Committee or Sub-Committee, may attend any meeting of that Committee or Sub-Committee as an observer. If the Councillor wishes to make a statement on any of the items on the Agenda, s/he may do so at the invitation of the Chair. He/she must give notice to the Chair before the meeting that s/he wishes to speak on an item. The Councillor may only make a statement on any matter considered by the Committee or Sub-Committee following a resolution to exclude the press and the public if the Chair is satisfied:

- (a) that the item directly affects the Ward which the Councillor represents.
- (b) that the Councillor is the Chair or Vice-Chair of a Committee with an interest in the item.
- (c) that the Councillor is a Lead Councillor with an interest in the item.

- (2) Standing Order 32(1) does not apply to:

- (i) a meeting of the Personnel Committee, when a particular post or postholder is under discussion, or to meetings of the Standards Committee. In such cases Standing Order 32(3) below, will apply.
- (ii) a meeting of a Licensing Applications Sub-Committee dealing with applications and reviews under the Licensing Act 2003. In such cases, a Councillor can only speak at the Sub-Committee meeting if s/he has submitted a relevant representation to the Licensing Authority or is representing another interested party who has submitted a relevant representation (see the Licensing Guidelines for further details).

- (3) When the Standards Committee is meeting, or the Personnel Committee is considering an appointment or matter related to a particular post or post-holder, the Leaders of each group registered with the Head of Paid Service under the Local Government (Committees and Political Groups) Regulations 1990 will have the following rights:

- (a) If they are not members of the Committee, the right to attend meetings of the Committee as observers (or the right to nominate other Councillors to attend on their behalf)
- (b) If they are members of the Committee, the right to nominate an additional Councillor to attend the meeting as an observer.

**33. Respect for the Chair**

Councillors shall always address the Chair. If they are requested by the Chair not to speak further on a particular item, they must not do so.

**34. Disorderly Conduct at Committee and Sub-Committee Meetings**

- (1) The Chair should advise the meeting if he/she considers that, during a meeting, a member of the Committee or Sub-Committee is:

- (a) Misconducting himself/herself by ignoring the ruling of the Chair; or
- (b) Behaving irregularly, improperly or offensively; or
- (c) Wilfully obstructing the business of the meeting.

- (2) The Chair or any other member of the Committee or Sub-Committee may move 'that the Councillor named must not speak again' on the matter under discussion. If the motion is seconded, it must be put to the vote without discussion.
- (3) If the Councillor continues his/her misconduct after such a motion has been carried, the Chair may:
  - (a) Move 'that the Councillor named must leave the meeting'. This motion must be put to the vote without seconding or discussion; or
  - (b) Adjourn the meeting for such time that he/she considers necessary.
- (4) If there is a general disturbance which the Chair feels makes it impossible to carry on with the business of the meeting he/she may, without question, adjourn the meeting for any length of time that he/she considers necessary.

**35. Interruption of Committee Meetings by a Member of the Public**

If a person, other than a Councillor, interrupts the proceedings of any meeting, the Chair shall warn him/her that if he/she does not stop he/she will be asked to leave the meeting. If s/he continues the interruption the Chair will order that the member of the public must leave the meeting.

**36. Participation by Members of the Public**

- (1) Subject to (3) and (4) below, members of the public may present a petition to a Standing Committee, subject to:
  - The petition being about a matter relating to the Committee's powers and duties; and
  - The petition being received by the Assistant Director of Legal and Democratic Services by no later than 12 noon, four clear working days before the day of the meeting.

**(This means that, for example, if the meeting is on a Tuesday, the petition must be received in writing by 12 noon on the Tuesday before, assuming that no Bank Holidays fall within this period).**

The petition will be dealt with under Standing Order 8 above.

- (2) Subject to (3) below, a Councillor or a member of the public may ask the Chair of any Committee (but not the Standards Committee) a question about that body's powers and duties, if:
  - (a) It has been submitted in writing to the Assistant Director of Legal and Democratic Services;
  - (b) It has been received by him/her by not later than 12 noon four clear working days before the meeting.

**(This means that, for example, if the meeting is on a Tuesday, the question must be received in writing by 12 noon on the Tuesday before, assuming that no Bank Holidays fall within this period).**

The question will be dealt with under Standing Order 9 or 10 above.

- (3) Questions asked in accordance with (2) above shall not be permitted if they involve consideration of confidential information or exempt information as defined in Paragraphs 1-7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).
- (4) At meetings of the Planning Applications Committee, Licensing Applications Committee, Standards Committee or their sub-committees, a petition may not be submitted or a question may not be asked about any individual application to be determined or individual case to be heard at the meeting.
- (5) There shall be a time limit of 30 minutes for petitions to and questions asked at Committees.

**36A. Public Speaking at Planning Applications Committee**

- (1) Public speaking at meetings of the Planning Applications Committee will be allowed in line with the resolutions of Planning Applications Committee on 23 September 1998 and 7 November 2001 (Minutes 55 and 57 refer):

In every case where an individual planning application is to be considered by the Planning Applications Committee, the Assistant Director of Planning, Transport and Public Protection will:

- a) Inform all people who have commented on a planning application that the application is to be considered by the Committee, and the date of the Committee meeting, and
  - b) Send them information about the public speaking arrangements at Planning Committee.
- (2)
    - (a) Any persons receiving the information described in 1(a) above may notify the Assistant Director of Planning, Transport and Public Protection that they wish to speak on the application at the Planning Applications Committee meeting, subject to such notification being in writing and being received by the Head of Planning and Building Control by 12 noon two days before the Planning Applications Committee meeting (**this means that if the Committee meeting is held on a Wednesday, this notification must be received by 12 noon on the preceding Monday**)
    - (b) The local Reading MP may also give similar notice that he/she wishes to speak on the application at the Planning Applications Committee, subject to the site being within his/her constituency.
  - (3) Where the Assistant Director of Planning, Transport and Public Protection receives a notification under (2) above:
    - a) S/he will then notify the applicant and agent that other person(s) have given notice that they wish to speak on their application at the meeting.
    - b) The applicant and agent may notify the Assistant Director of Planning, Transport and Public Protection, up to 1:00pm of the day of the meeting, that they also wish to speak on the application.
    - c) Applicants/agents may only speak on their application if another person has given notice to speak under (2) above; and where they have themselves given notice to speak under 3(b) above.
  - (4) Public speaking will take place after the introduction of the item by the Chair/officers but before discussion of the item by the Committee.
  - (5) Public speakers who have given notice will speak first and together will be allowed a maximum of five minutes to address the Committee (unless the Chair of the Committee using his/her discretion, allows a longer period for public speaking), regardless of the number of public speakers, and whether they are objecting or supporting the application.
  - (6) The Committee may then ask questions of individual public speakers to clarify any points made by them.
  - (7) The applicant/agent of the application will then be allowed a maximum of five minutes to address the Committee.
  - (8) The Committee may then ask questions of the applicant/agent to clarify any points made by them.
  - (9) No members of the public will be allowed to address the Committee unless they have given notice to speak under (2) above or the Chair of the Committee uses his/her discretion to give such permission to speak.
  - (10) Members of Committee will then debate the proposal and make their decision.
  - (11) Public speaking may not take place on the same application more than once in any six month period, unless the Chair of the Committee, using his/her discretion, considers it is appropriate to do so, for example in cases where there has been a significant “material change in circumstances” within the preceding six months.

### **36B Public Participation in Standing Committees**



- (1) The Chair of a Standing Committee or Sub-Committee listed in Part 3 of this Constitution may, at his/her discretion, invite members of the public present at the meeting to indicate if they wish to speak on any particular item on the agenda, and to make up to five minutes available on any agenda item for public speaking, subject to:
  - any one member of the public being able to speak on one item only on any Committee agenda;
  - advance notice being encouraged, but not a requirement;
  - the Chair having the discretion to end these flexible arrangements in the event of abuse of the right to speak, for example by representatives of political parties
- (2) The Chair of a Standing Committee or Sub-Committee may invite local residents, stakeholders and partners, and/or members and officers of other bodies providing public services in Reading to attend a Committee meeting, to address the meeting, to discuss issues of local concern and/or answer questions.
- (3) Any Partnership or Advisory /Consultative Panels listed in Article 10 of this Constitution may make recommendations to a relevant Committee or Sub-Committee, in which case a representative of the body may attend the Committee to speak to the agenda item when the recommendation is discussed by the Committee.

### **36C Putting Items onto Committee Agendas**

- (1) The Assistant Director of Legal and Democratic Services will determine the agenda for each Committee and Sub-Committee meeting, subject to consultation with the Leader and the Head of Paid Service and Chief Financial Officer for the Policy Committee; and the Chair, responsible Lead Councillors and the lead officers for the other Committees.
- (2) The Leader or a Lead Councillor may request the Assistant Director of Legal and Democratic Services to include an item on the agenda for the next available meeting of a Committee which covers part of his/her portfolio.
- (3) An Opposition Group Leader or the Mayor may ask the Assistant Director of Legal and Democratic Services to put an item on the agenda of a Committee or Sub-Committee meeting for consideration, and if the Assistant Director of Legal and Democratic services agrees the item will be considered at the next available meeting, subject to there being no more than two such reports per Committee or Sub-Committee meeting. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.
- (4) The Head of Paid Service, Monitoring Officer and/or the Chief Financial Officer may include items for consideration on the agenda of any Committee or Sub-Committee meeting and may require that an additional meeting of a Committee be called in pursuance of their statutory duties.

### **37. Debate affecting People employed by the Council**

The appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of an employee of the Council must not be discussed until a Committee or Overview and Scrutiny Panel has considered whether the public should be excluded under Section 100A or Section 100E of the Local Government Act 1972 (as amended).

### **38. Recording of Vote**

Immediately after a vote has been taken, any Councillor may request that how she/he voted, or the fact that he/she abstained from voting, should be recorded in the Minutes of the meeting.

### **39. Application of Standing Orders to Committee Meetings**

**NB** This Standing Order sets out the Rules of Debate, described in Council Procedure Rule 14 (above), which shall apply to Committee and Sub-Committee meetings.

- (1) Any Councillor who is a member of the Committee or Sub-Committee may move an amendment to a recommendation contained in a report to that committee or Sub-Committee, or a recommendation moved by the Chair.

- (2) All amendments must be proposed and seconded.
- (3) Amendments must be relevant to the motion. They may only be moved:
  - (a) To leave out words
  - (b) To leave out words and insert or add others
  - (c) To insert or add words
- (4) Only one amendment may be moved and discussed at a time. A Councillor must not move a further amendment until the amendment under discussion has been dealt with.
- (5) If an amendment is lost, other amendments can be moved to the original recommendation. If an amendment is carried, the amended recommendation takes the place of the original. The amended recommendation then becomes the recommendation upon which any other amendments can be moved.
- (6) An amendment, once moved, may be withdrawn by the Councillor who moved it, with the consent of the Committee or Sub-Committee.
- (7) The mover of an amendment has the right of reply on his/her amendment at the end of the debate on the amendment.

**40. Rights of Additional Members**

- (1) Committees and Sub-Committees shall not include additional members who are not members of the Council unless there is a statutory entitlement to do so.
- (2) Representatives of Foundations Schools and Parent Governors will be co-opted to attend meetings of the Adult Care, Children's Services and Education when it is operating as an overview and scrutiny committee and considering education matters. These additional members may only vote on such education matters.
- (3) Additional members may not serve as chair or vice-chair of a Committee or Sub-Committee.

**41. Disclosure of Confidential or Exempt Information by Councillors**

- (1) No member or additional member shall disclose or quote in public the contents of any agenda, report or other document which is marked 'confidential' or 'not for publication' unless and until the document has been made available to the public or the press by or on behalf of the Council or a Committee or Sub-Committee.
- (2) No member or additional member shall disclose to a non-member or quote in public any matter that is not otherwise published which has come to his/her knowledge by virtue of his/her office as a member of the Council where such disclosure would or may prejudice the interest of the Council.

**41A Councillors' Interests in Contracts and other Matters**

Standing Order 28 will apply to all Committees and Sub-Committees.

**42. Decision Book**

- (1) Subject to the provisions of the constitution relating to the powers of the Council, the powers and duties of the Committees and Sub-Committees, Article 13.7, and the Scheme of Delegations, the Head of Paid Service, the Executive Directors, the Chief Financial Officer and the Monitoring Officer shall have power to take decisions on functions which have not been delegated to an officer, on behalf of the Council or the responsible Committees or Sub-Committee, subject to the following provisions:
  - (a) Before exercising any such delegation, the officer proposing to exercise the delegation shall consult with the relevant Lead Councillor(s) and shall prepare a report on the matter including

the precise decision which is to be taken and a list of background papers as defined in the Local Government Act 1972 or any variation of that definition from time to time in force.

- (b) The Head of Paid Service shall maintain a Decision Book in which all decisions made under this delegation shall be recorded together with copies of reports referred to in (a) above. The Decision Book shall be published on the Council's website; circulated electronically to all Councillors on publication.
  - (c) Copies of the reports shall be given to the press and the public on request in accordance with the Local Government Act 1972 or any amendment of it and any Regulation made under the provisions of the Local Government Act 2000.
  - (d) Members of the Council may reasonably request such copies of the reports as they require.
  - (e) Not less than three Members of the Council may request the Head of Paid Service in writing to refer a decision to the responsible Committee or Sub-Committee within a period of ten days of the decision being included in the Decision Book.
  - (f) Where a reference is requested in accordance with (e) above, no further action shall be taken on the decision in question by any officer unless the Head of Paid Service or Monitoring Officer is of the opinion that delay is likely seriously to damage the interests of the Council.
- (2) This delegation may not be used to take any decision which is inconsistent with the Council's Policy and Budget Framework as described in the constitution.

#### AS TO SCRUTINY

The Overview and Scrutiny Procedure Rules are set out in Part 4 of the constitution

#### AS TO THE STANDARDS COMMITTEE

The rules governing the Standards Committee are set out in Article 9 of the constitution.

#### AS TO REVENUE AND CAPITAL EXPENDITURE

##### REVENUE

##### **Council's Annual Budget**

45. The Director of Finance shall collate annual revenue estimates as prepared by Assistant Directors and submit them to the Policy Committee, which shall recommend to the Council a budget for the ensuing year. This will include estimates of Council Tax, the General Fund Budget and the Housing Revenue Account or any other accounts that the Council is required or considers appropriate to maintain.

##### **Budget Variations (overspends and underspends)**

##### **General Fund**

46. The sum of all budget variations which are estimated for the financial year will be considered to be a Key Decision if exceeds additional net expenditure of £500,000 and results in the estimated level of the General Fund balance at 31 March as calculated by the Director of Finance, falling below the minimum balance requirement recommended by the Director of Finance and approved by Council in setting the budget.

##### **Housing Revenue Account**

47. The sum of all budget variations which are estimated for the financial year will be considered to be a Key Decision if it exceeds additional net expenditure of £500,000 and does not result in the estimated level of the HRA balance at 31 March, as calculated by the Director of Finance, falling below the minimum balance requirement recommended by the Director of Finance and approved by Council in setting the budget.

Council would need to consider any request from the Policy Committee, taking into account the advice from the Director of Finance on the level of balances.

#### **Capital Project/Programme Budget**

48. A budget variation will be considered to be a Key Decision if it is over £500,000 revenue or over £2.5m capital .

#### **Virement (revenue budgets)**

49. A virement shall be considered a Key Decision if it exceeds £500,000.

#### **Virement (capital expenditure)**

50. A virement shall be considered a Key Decision if it exceeds £500,000, the virement being between projects/programme within the approved Capital Programme of the service area for which spending approval has been given.

Revenue Virements of less than £500,000 and Capital Virements of less than £500,000 are subject to the procedures set out in the Budget Holders Manual and Financial Regulations.

#### **Annual Accounts**

51. After each financial year the Director of Finance shall present to the Council by the 30<sup>th</sup> September each year, the Annual Accounts and report a comparison of performance against estimates.

#### **CAPITAL**

##### **Capital Programmes**

52. Assistant Directors shall make arrangements for the preparation of the programme of estimated capital expenditure for consideration by the Policy Committee in consultation with the Director of Finance.

##### **Approval to Spend**

53. The inclusion of schemes in programmes of estimated capital expenditure shall not commit the Council to proceed with them, nor authorise expenditure to be incurred on them, except as otherwise provided by the Policy Committee or the Council from time to time in accordance with Standing Order 54 below.

54. A scheme included in the approved capital programme shall remain subject to

(i) spending approval in detail by the responsible committee or officer, as outlined in the Scheme of Delegation,

(ii) the Director of Finance confirming the availability of funds.

##### **Monies from Planning Agreements**

- 55.

##### **Approval of Government Departments**

- 56.** In addition to Standing Orders 53-54 above, where works or other matters are subject to the sanction of a Government Department, no contract shall be entered into, no money shall be expended or work done without such sanction being first obtained or a written intimation being received from the Government Department concerned that the sanction will be forthcoming, unless the Council has given specific authority to do so. Spending on projects which are funded, part-funded or otherwise sanctioned by a Government Department shall not commence without the further authority of the Director of Finance in order to ensure that the necessary funds are available.

## SCHEDULE 12 OF THE LOCAL GOVERNMENT ACT 1972

*Schedule 12 sets out various minimum requirements which procedural rules should reflect.*  
Reference should be made to the schedule itself, but in summary it provides that:

- the annual meeting must be held between 8 and 21 days after the retirement of Councillors in an election year, and in March to May in other years;
- any five members can requisition an extraordinary meeting if the chair fails to do so;
- at least five clear days' notice must be given of meetings and a summons must be sent by post or left at the usual place of residence of every member;
- unless otherwise specified, the quorum for a meeting is one quarter of the membership;
- decisions are to be made by simple majority voting, with a casting vote to the chair;
- the names of members at a meeting must be recorded; and
- minutes must be signed at the next suitable meeting.

# Access to Information Procedure Rules

## 1. SCOPE

These rules apply to all meetings of the Council, its Committees and Sub-Committees, the Health & Wellbeing Board, the Standards Committee and Appeals Panels (together called meetings).

## 2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

## 3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

## 4. NOTICES OF MEETING

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Offices.

## 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item is added to the agenda.

## 6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Assistant Director of Legal and Democratic Services (Monitoring Officer) thinks fit, any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

## 7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## 8. BACKGROUND PAPERS

### 8.1 List of background papers

The author of the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report but do not include published works or those which disclose exempt or confidential information (as defined in Rule 10), and the advice of a political adviser where such officers are appointed.

## **8.2 Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Offices. These rules constitute that summary.

### **9.1 General**

The Local Government Access to Information Act 1985, provides for greater public access to meetings of the Council, its Committees and Sub-Committees, to reports and associated documents and to minutes. It places a duty on local authorities to publish certain information about its Members and the constitution of its Committees and Sub-Committees.

The main provisions of the Act require that, subject to certain exceptions, all meetings of the Council, etc, shall be open to the public, and not less than five clear days public notice of the time and place of meetings shall be given and that copies of any reports shall be available for inspection during that period of notice.

### **9.2 Members' Rights of Inspection**

The Act also provides that *'any document which is in the possession or under the control of the Council and contains materials relating to any business to be transacted at a meeting of the Council shall be open to inspection by any Member of the Council'*. This right also applies to meetings of Committees and Sub-Committees. However, the Assistant Director of Legal and Democratic Services may decline to make documents available for inspection where they contain certain types of information described in the Act.

Requests to inspect documents should be addressed to the Assistant Director of Legal and Democratic Services.

### **9.3 Inspection of Documents after Meetings**

The Act provides that Minutes of meetings (insofar as they do not disclose exempt information), agendas and any reports dealt with whilst a meeting was open to the public shall be available for inspection by members of the public for a period of six years.

Furthermore, in respect of such reports a list of 'background papers' has to be compiled and copies of the list and the papers included in the list must be open to inspection for a period of four years.

'Background papers' are documents which were relied upon to a material extent in compiling the report, excluding published works.

### **9.4 Information to be published by the Council**

Every local authority has to maintain:

1. a register of the names and addresses of every member of the Council and the Ward they represent;
2. the name and address of every Member of each Committee or Sub-Committee of the Council;
3. a list of delegations to each Committee and to each officer of the Council [this is published Part 3 of the Constitution];



4. a summary of the rights of people to attend meetings of the Council, etc, and to inspect and copy documents;
5. the Members' Allowances Scheme adopted by the Council and the details of payments made under the scheme.

These Registers are open to inspection by the public through their publication on the Council's website.

## 10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

### 10.1 Confidential information - requirement to exclude public

Confidential information is either information given to the Council by a Government Department upon terms which forbid the disclosure of the information to the public, or information whose disclosure to the public is prohibited by or under any enactment or by an order of a court. In this case the press and public *must* be excluded from the meeting.

### 10.2 Exempt information - discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

When the public are to be excluded from a meeting, a motion similar to the following will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following Item/s on the agenda, as it is likely that there will be disclosure of exempt information as defined in the relevant Paragraphs of Part 1 of Schedule 12A (as amended) to that Act.”

### 10.3 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):

Category	Condition
1) Information relating to any individual	
2) Information that is likely to reveal the identity of an individual	
3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<p>Not exempt if required to be registered under:</p> <ul style="list-style-type: none"> <li>• Companies Act 1985</li> <li>• Friendly Societies Acts 1974 and 1992</li> <li>• Industrial &amp; Provident Societies Acts 1965 to 1978</li> <li>• Building Societies Act 1986 *</li> <li>• Charities Act 1993</li> </ul> <p>Relates to past, current or contemplated activities</p> <p>* in relation to the Building Societies Act 1986, “registered” means recorded in the public file of any building society (within the meaning of that act)</p>

Category	Condition
4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority	<p>Employee means a person employed under a contract of service</p> <p>Labour relations matter means:</p> <ul style="list-style-type: none"> <li>• Any matters specified in paras. (a)-(g) of S218(1) of the Trade Union and Labour Relations (Consolidations) Act 1992 (matters which may be the subject of a trade dispute)</li> <li>• Any dispute about a matter falling within (a) above</li> </ul> <p>Office holder means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p>
5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	
<p>6) Information which reveals the authority proposes:</p> <ol style="list-style-type: none"> <li>a. To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>b. To make an order or direction under any enactment</li> </ol>	
7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Information falling within any of paragraphs 1-7 above, and which is not prevented from being exempt by virtue of the conditions above, is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing it (the public interest test).

#### 11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

#### 12. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

##### 12.1 Material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Council or its Committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 6 or 7 of the categories of exempt information (subject to the identity of a protected informant not being disclosed); or
- (b) it contains the advice of a political adviser.

## **12.2 Nature of rights**

These rights of a Member are additional to any other right s/he may have.

## **13. OVERVIEW AND SCRUTINY ACCESS TO DOCUMENTS**

### **13.1 Rights to copies**

Subject to Rule 23.2 below, where a Committee resolves to carry out an overview or scrutiny exercise and sets up a task-and-finish group to do so, the Committee and task-and-finish group will be entitled to copies of any document which is in the possession or control of the Council or its Committees and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Council or its Committees; or
- (b) any decision taken by an individual officer under delegated authority.

### **13.2 Limit on rights**

A Committee or task-and-finish group, when undertaking an overview or scrutiny exercise, will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

# Overview and Scrutiny Procedure Rules

## 1. Overview & Scrutiny Statutory Functions

- 1.1 Under the provisions of Paragraph 9JA of Schedule 2 to the Localism Act 2011, the Council, having adopted a committee system form of governance, has resolved not to appoint any separate overview and scrutiny committee(s). Therefore the call-in function has ended.
- 1.2 The statutory overview and scrutiny functions of the authority will be exercised by each Committee with regard to the services, functions and partnerships covered by the Committee; and by the Policy Committee in respect of overview or scrutiny across Council services covered by more than one Committee.
- 1.3 The statutory external scrutiny functions of the authority to be exercised by the relevant service committees, are as follows:
  - a) Health: Adult Social Care, Children's Services & Education
  - b) Crime and Disorder: Housing, Neighbourhoods & Leisure
  - c) Flood risk management : Strategic Environment, Planning & Transport
- 1.4 The Council's overview and scrutiny procedure rules, and Standing Order 25, will continue to apply when committees specify that they are undertaking their overview and scrutiny function; and the facility for each committee to set up and appoint task-and-finish groups will be retained, as set out in Part 4 of the constitution.

## 2. Overview & Scrutiny Roles of Committees

2.1 Within their terms of reference, Committees may carry out overview or scrutiny exercises including:

1) Policy Development and Review:

- To assist the Council in the development of its budget framework and policies by in-depth analysis of policy issues;
- To conduct research, community and other consultation in the analysis of policy issues and possible options;
- To consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- To question Lead Councillors and/or Directors and Heads of service about their views on issues and proposals affecting the area;
- To liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

2) Performance Monitoring:

- To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- To question Lead Councillors and/or chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

3) External Scrutiny:

- To review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
- To question representatives of Health bodies about their views on issues and proposals affecting their areas, review and scrutinise matters relating to the health service in the authority's area and make reports and recommendations on these matters to local NHS bodies. Any member or employee of a relevant NHS body or a relevant health service provider may also be required to

attend to answer questions, as provided for by the National Health service act 2006 (as amended by Section 190 of the Health & Social Care Act 2012)

- To question partners in the Community Safety Partnership on issues and proposals affecting crime and disorder, as provided for by the Crime and Disorder (Overview and Scrutiny) Regulations 2009.
- To review and scrutinise the exercise of flood risk management functions by the lead local authority under Section 9FH of the Local Government Act 2000(as amended by Schedule 2 to the Localism Act 2011).

#### 4) Holding to Account:

- To scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions covered by the Committee. As well as reviewing documentation, in fulfilling the scrutiny role, a Committee may require any Lead Councillor and/or any senior officer to attend before it to explain in relation to matters within their remit:
  - i) any particular decision or series of decisions;
  - ii) the extent to which the actions taken implement Council policy; and/or
  - iii) their performance (subject to the provisions of Standing Orders);

#### 2.2 As set out in Paragraph 5 of the Member:Officer protocol, in Part 5 of this Constitution:

- (1) Lead Councillors and officers must attend such scrutiny exercises if requested, unless exceptional circumstances prevent this, in which case arrangements for an alternative date will be made in consultation with the Lead Councillor and Chair of the Panel. They are also required to answer all questions asked of them, unless they would otherwise have grounds for not answering the question if it were put to them in a court of law.
- (2) Officers who are not Corporate Directors or Heads of Service and who are requested to attend to give evidence at a scrutiny exercise can, at the officers' request, be accompanied by a senior manager or a Trades Union representative. This request cannot be reasonably denied by the Committee or task-and-finish group..
- (3) Councillors and officers may not be accompanied by an external legal representative without the specific approval of the Monitoring Officer.

### 3. Overview & Scrutiny Exercises

#### 3.1 Where Committees agree to carry out an overview & scrutiny exercise they will determine the appropriate form of scrutiny to be used, to include:

- Hands-on task-and-finish groups
- One-off evidence-taking sessions
- Commissioning officer reports reviewing service areas
- Discursive meetings on set topics, as training or learning sessions

#### 3.2 When carrying out an Overview & Scrutiny exercise a Committee or task-and-finish group may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

### 4. Task and Finish Groups

#### 4.1 Where appropriate, the Committees may set up and appoint task-orientated, time-limited task-and-finish groups to undertake an overview & scrutiny exercise and report back to the appointing Committee. The Committee will:

- determine the specification or terms of reference for the group's scrutiny exercise - in general terms the groups will be charged with carrying out an in-depth investigation into a specific service area or policy or any issue of genuine importance to the town
- appoint Councillors to the task-and-finish group on the following basis:
  - the group to be small, and focused on outcomes
  - at least two political groups on the Council to be represented on the group
  - to include at least one Member of the appointing Committee, to be appointed to chair the group
  - other Councillor members to be agreed in consultation with Group Leaders, and need not be members of the Committee

4.2 These task-and-finish groups are not established as Sub-Committees under the Local Government Act 1972, and Committees will not be expected to make the appointments in accordance with the proportionality rules set out in Sections 15-17 of the Local Government & Housing Act 1989.

## **5. Rights of Overview and Scrutiny Members to Documents**

5.1 In addition to their rights as Councillors, Committee or task-and-finish group members carrying out Overview and Scrutiny have the additional right to documents, and to notice of meetings as set out in Paragraph 15 of the Access to Information Procedure Rules in Part 4 of this Constitution.

## **6. Evidence Gathering for Overview and Scrutiny**

6.1 Where a Committee or task-and-finish group conducts an Overview & Scrutiny exercise, they may also ask community and voluntary sector organisations, users of services and others to attend to give evidence at meetings, which are to be conducted in accordance with the following principles:

- i) that the investigation be conducted fairly and all members of the committee or group be given the opportunity to ask questions of attendees, and to contribute and speak;
- ii) that those assisting the committee or group by giving evidence be treated with respect and courtesy; and
- iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

## **7. Overview & Scrutiny Reports**

7.1 Once it has completed any investigation or review and formed any recommendations, a Committee or its task-and-finish group will prepare a formal report and submit it to the Head of Paid Service for consideration by the relevant Committee (if the proposals are consistent with the existing budgetary framework), or by the Council or Policy Committee as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget or policy framework).

7.2 If a task and finish group cannot agree on one single final report to the Committee or Council as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

7.3 The Committee or Council shall normally consider a report at the next available meeting. Following any investigation or review, the committee shall make its report and findings public.

## **Part 4 - Financial Regulations**

The review of the Financial Regulations will be reported to a future meeting

## **CONTRACTS PROCEDURE RULES**

### **1. Introduction**

- (1) These Contracts Procedure Rules provide the basic rules to anyone making a contract for the Council. They apply equally to the supply of goods, materials, services or other work. In making such contracts, the overriding objective is to obtain the best value for the Council in all the relevant circumstances.
- (2) They explain the minimum standards and base procedure that the Council expects from all staff responsible for buying goods, works, services and concessions on behalf of the Council. The detailed policies and procedures that must be followed are set out more fully in the Council's Procurement and Contract Management Guidance available on the Council Intranet.
- (3) The Directors and Assistant Directors have delegated authority to accept tenders for Council contracts under Contracts Procedure Rules 17 to 21, and to exercise any other functions ascribed to the Assistant Directors or Project Officer in the Council's Contracts Procedure Rules. This includes, where applicable, authorising the execution of contracts as an officer with delegated authority.

### **2. Exempt Contracts**

- (1) These Standing Orders do not apply to contracts relating to:
  - (a) An employee's individual terms of employment;
  - (b) Contracts relating solely to disposal or acquisition of an interest in land;
  - (c) Social care, housing or education provision for an individual client with specific personalised care, housing or education requirements and where the estimated contract value is below the current threshold in the Regulations for the light touch regime;
  - (d) The estimated value of the contract does not exceed £10,000;
  - (e) The procurement is covered by and conducted in accordance with Regulation 32 of the Public Contracts Regulations 2015 (Use of the negotiated procedure without prior publication);
  - (f) The engagement of external solicitors/barristers for potential legal proceedings and urgent advice.

### **3. Compliance**

- (1) Every other contract made by or for the Council for the carrying out of works or for the supply of goods, materials or services must comply with these Standing Orders except in the circumstances where exemptions are obtained in advance.



- (2) All procurement opportunities, whenever possible should be advertised through the Reading Council's Supplier e-Tendering Portal.
- (3) Where tenders or quotes have been invited on behalf of any consortium, collaboration or agency arrangement of which the Council is a member, the Standing Orders or requirements adopted by the lead agency can be observed if they differ from these Standing Orders.
- (4) All contracts must comply with the relevant Public Contract Regulations in force at the time the procurement is carried out. Where there is a conflict between these Standing Orders and any statutory provision, the law must prevail. Advice on the tender process and form of contract should be taken from Legal Services and Procurement at the start of any procurement project.
- (5) The Procurement and Contract Management Guidance must also be complied with as part of these rules

#### **4. Framework Agreements, Dynamic Purchasing Systems**

- (1) The Council may wish to access and use consortia, buying groups, Dynamic Purchasing Systems, Framework Agreements set up by another body. Advice should be sought from Procurement, and where appropriate Legal, to confirm the ability of the Council to legally access such arrangements.

### **PREPARING FOR THE CONTRACT**

#### **5. Requirement for a nominated Project Officer and Contract Manager**

- (1) All contracts must be fully documented on a single dedicated contract file, with a complete audit trail recording all communications and actions taken. This file can be hard copy or electronic according to the records management policy of the Service concerned. The file must cover the procurement and contract management stages.
- (2) At the outset, all contract files should clearly record the identity of the staff member undertaking the procurement (the Project Officer) and the staff member responsible for managing the contract once it is in place (the Contract Manager).
- (3) Before commencing a procurement exercise, it is essential that the Project Officer leading the procurement has identified the need and fully assessed any options for meeting those needs.
- (4) If the Project Officer and the Contract Manager are not the same person, then there must be consultation between the two at the start of the project, and unless there are exceptional reasons, the Contract Manager should be a part of the project team for the procurement.

- (5) As part of its Best Value duties, the Council is required to complete a formal, evidence-based analysis when considering options for the delivery of a service (though the principles should be applied equally to supplies or works). The options include:
  - (a) Not providing the service at all (or providing different services to better meet the need)
  - (b) Providing the service ourselves ("in-house")
  - (c) Getting someone else to provide the service ("outsourcing"/ provision by the private, public or voluntary sector)
  - (d) Providing the service in partnership with someone else (with the public, private or voluntary sector)
  - (e) By commissioning jointly with another Council or other body, including the setting up and/or use of relevant frameworks
  - (f) Consideration of sharing services with other public bodies
- (6) The Project Officer must also take into account:
  - (a) The priorities and objectives of the Council's Corporate Plan and other corporate obligations including the Public Sector Equality Duty and the Public Services (Social Value) Act 2012.
  - (b) Any commissioning or procurement category strategies that may be relevant to the contract being procured.
  - (c) Whether an existing contract or framework agreement would be an appropriate means of meeting the identified need.
  - (d) Whether tenders or quotations should be sought from an existing approved supplier list.
  - (e) Whether the use of a mandated corporate contract is required for the relevant contract.
- (7) Once the need for supplies, services or works is determined, it is then necessary to decide on a process by which they will be acquired. These procedure rules govern any process that results in an official order or invitation to tender being issued, and a contract being entered into.
- (8) The Project Officer leading the procurement is responsible for ensuring and recording on the contract file that the relevant authority (Council, Committee or delegated as appropriate) has been obtained and there is sufficient budgetary provision in place for the procurement before any steps are undertaken.

## **6. Contractor Suitability**

- (1) The Project Officer is to ensure that the contractor is sufficiently capable and financially sound to undertake the contract by making enquiries, pursuing references and reviewing the quotes, tender proposals/method statements as appropriate, during the procurement process. The Project Officer is also required to ensure that the

contractor has appropriate health and safety policies and procedures in place (as appropriate).

- (2) Only where considered appropriate by the Project Officer will follow a two-stage assessment process including a pre-qualification stage to assess suitability of those invited to quote or tender be used. Advice should be sought from the AD of Legal and Democratic Services as to whether a two-stage process is required for contracts above the UK procurement thresholds. If a two-stage process is used the person authorised under column 6 of table 1 shall be authorised to select the bidders to be invited to quote or tender.

## **7. Specification and Selection Criteria**

- (1) A specification and selection criteria must be prepared in advance of tenders or quotations being sought. The main selection criteria will normally be the lowest price. Where this is not appropriate, a reasonable balance needs to be struck between cost and quality, including other factors such as timing. Both the specification and the selection criteria must be recorded on the contract file and be used to evaluate tenders/quotations received. Further guidance will be found in the Procurement and Contract Management Guidance.

## **PROCEDURAL STEPS OF THE PROCUREMENT**

### **8. Estimated Value of Contracts**

- (1) An estimated value must be prepared and documented for every contract immediately before starting the procurement process to confirm there is adequate budget provision, and to determine the appropriate form of tender or quotation process to follow.
- (2) For contracts which continue over a number of years, the estimated value of the contract shall be taken to be the annual value multiplied the length of contract in years, as this will allow the Project Officer to assess whether UK procurement rules may apply. The value of all extensions permitted by the particular legal terms of a procurement must be included in determining the length in years when calculating that contract value.
- (3) For concessionary contracts (contracts for which the Council does not pay the provider for the services/works/goods, but the contractor receives consideration in other ways e.g., directly from the end user), the contract value will be based upon the anticipated income, which the contractor is likely to receive from any source pursuant to such contract.
- (4) For consistency, contract values should be calculated in accordance with the Regulations even when the Regulations are not applicable.

The Council should make the best use of its purchasing power by aggregating purchases wherever appropriate.

- (5) Where a recurring pattern of purchases can be seen for like supplies, services or works, consideration should be given as to whether one or more framework agreement(s) would represent better value in terms of price, service, invoicing or other administration costs. Where the aggregate spend on a given category of supply or service exceeds the relevant thresholds, such requirements must be advertised in accordance with the Regulations.

## **9. Division of Contracts**

Large scale works or orders must not be broken down into smaller units for the purpose of creating lower value contracts unless there are sound operational or management reasons for doing so. Any such action must be authorised by the Director of Finance in writing with the reasons recorded on the contract file. The avoidance of any provision of these Standing Orders is not an acceptable reason for such action.

## **10. Low Value Procurement**

Competitive quotations/tenders are not required for contracts or orders with an estimated value of below £10,000. A written quotation shall be obtained from the supplier before a formal purchase order can be issued. Detailed guidance is available in the Council's Procurement and Contract Management Guidance.

## **11. Intermediate Value Procurement**

- (1) Subject to Contracts Procedure Rule 12(1) (c), for procurement valued over £10,000 but below £100,000 at least 3 written tenders or quotations shall be invited before a formal purchase order is issued specifying the supplies, services or works to be provided.
- (2) Subject to Contracts Procedure Rule 17, the lowest tender or quotation shall be accepted unless the Director or Assistant Director is satisfied that better value for money will be achieved by accepting a different one and bidders have been made aware of the evaluation criteria to be applied.

## **12. High Value Procurements**

- (1) The following shall be regarded as High Value Procurements ("High Value"):
  - (a) Procurements valued at or above £100,000, or
  - (b) Where the risk in a specific procurement is perceived to be high, or

- (c) Any procurement of any value that may involve a transfer of staff.
- (2) For all High Value procurements for services and supplies that do not exceed the relevant current thresholds in the Regulations and are not subject to the Light Touch Regime as defined in the Regulations the procedure will be conducted in accordance with the Open procedure as set out in the Regulations, but a pre-qualification stage must not be used. The contract opportunity shall be advertised on Contracts Finder in accordance with the Regulations and tenders must be returned using the Council's E-Tendering system.
- (3) For all High Value procurements for social health education and other specific services listed in the Regulations that do not exceed the relevant threshold in the Regulations, the procedure will be conducted in accordance with the Regulations (The Light Touch Regime).
- (4) For all High Value procurements for Works contracts that are valued below the relevant threshold for public works:
  - (a) Where the contract value does not exceed the relevant threshold for services and supplies, the procedure will be conducted in accordance with the open procedure as defined and set out in the Regulations;
  - (b) Where the contract value exceeds the relevant threshold for services and supplies, the procedure may be conducted in accordance with either the open, restricted procedure or, where appropriate, the competitive procedure with negotiation, as defined and set out in the Regulations.
  - (c) In either (a) or (b) above, the contract opportunity shall be advertised on Contracts Finder and tenders must be returned using the Council's E-Tendering system.
- (5) For all High Value procurements for concessions that do not exceed the relevant current thresholds in the Regulations, the procedure will be conducted in accordance with the principles of the applicable Concessions Regulations. The contract opportunity shall be advertised on Contracts Finder and quotations must be returned using the Council's E-Tendering system.
- (6) For all High value procurements, the relevant Executive Director/Assistant Director shall appoint a Project Officer and Contract Manager for the procurement.
  - (a) The procurement should be managed as a project using appropriate project management methodology with advice sought from and provided by the legal and procurement teams throughout the procurement.
  - (b) The procurement must be conducted in accordance with the procedures set out in on the Council Intranet.

- (c) The Project Officer will complete the Procurement Plan before any advertisement is placed or invitations to tender issued.

### **13. Late Tenders**

- (1) Subject to (2) (a) & (b) below, any tender received after the specified time shall be promptly rejected or returned as applicable.
- (2) Any tender that does not comply with the Contracts Procedure Rules 14 and 16(1) may nevertheless be considered if the Assistant Director of Procurement and Contracts or the Monitoring Officer is satisfied that:
  - (a) There is clear evidence of attempted submission of the tender by the tenderer using the Council's e-tendering system in time for the due date and time and this has not been successful owing to circumstances beyond the control of the tenderer, and the other tenders have not been opened, and
  - (b) No unfair advantage is likely to have been achieved by the absence of compliance.

### **14. Tender Evaluation**

Tenders shall be evaluated in accordance with the relevant Regulations and the evaluation criteria set out in advance in accordance with the Procurement and Contract Management Guidance.

### **15. Errors and clarifications of tenders**

Where examination of tenders reveals errors or ambiguities which would affect the tender score in an otherwise successful tender and those errors or ambiguities can be resolved easily and quickly the tenderer should be asked to clarify their tender. This clarification must not be permitted to change the tender.

### **16. Tender Award Report**

- (1) At the conclusion of the tender evaluation process, the Project Officer will compile and agree with the project team and evaluation panel a tender award report to support the recommendation to award a contract to the successful tenderer and to comply with the Regulations. The report will provide a summary of the tender process and will include full reasons for the decision to recommend the contract award.
- (2) The report must follow the Regulations and the Procurement and Contract Management Guidance.

### **17. Tender Acceptance**

- (1) The decision to authorise acceptance of a tender must be made in accordance with the information contained in the tender evaluation report and the Regulations.
- (2) Acceptance of tenders with a value of £500,000 per annum (revenue) or £2.5m (capital) or greater must be authorised by:
  - (a) A formal decision of Council or Committee
  - (b) Or by an officer with an authority delegated specifically by a formal decision of Council or Committee.
- (3) Acceptance of tenders with a value between £100,000 or £500,000 per annum must be authorised by formal decision of the Assistant Director
- (4) Acceptance of quotes or tenders with a value less than £100,000 may be authorised by the relevant Assistant Director or Director.
- (5) Acceptance of quotes or tenders with a value of less than £50,000 may be authorised by the Cost Centre Manager.
- (6) Acceptance of a tender submitted by an officer or Councillor must always be authorised by the Chief Executive in consultation with the Monitoring Officer and Director of Finance.
- (7) The contract shall not be entered into, and a letter of acceptance shall not be sent to the successful tenderer, until the Project Officer has provided evidence of the existence of a delegated power or Council/Committee decision and approved budget to enter into the contract; and the evidence has been accepted by the AD of Procurement and Contracts.
- (8) Table 2 provides a summary of the Delegated Authorities for all aspects of the Procurement.

## **17. Standstill Period**

At the conclusion of the relevant competitive process evaluation a standstill period shall be applied. The standstill period will be conducted in accordance with the procedures set out in the Regulations. A standstill period will be applied in all tender procedures including those where the Regulations do not specifically apply.

## **18. Contract Award Notice**

Where a contract has been tendered pursuant to the Regulations, the Council shall publish a contract award notice on the Find a Tender and/or the Contracts Finder portal no later than 48 days after the date of award of the contract.

## **CONTENT OF CONTRACTS**

## **19. Form and Execution of Contracts**

- (1) A written contract is required for all supplies of goods, materials, equipment or vehicles or for the execution of works or services including consultancy services to a value exceeding £10,000, regardless of whether a formal tender or a quotation was or should have been obtained.
- (2) Every contract for the supply of supplies, works or services over £100,000 must be in writing, in a form approved by the AD of Legal and Democratic Services. All contracts of £500,000 and over in value (other than for vehicle purchase) must be in writing and under seal.
- (3) Contracts which qualify as Key Decisions must be authorised: -
  - (a) By a formal decision of Committee or Council, or
  - (b) In writing by an officer with an appropriate delegated authority or under a specific delegation from Council or Committee
- (4) Every contract for the supply of supplies, works or services which exceeds £500,000 in value shall be in writing and shall be sealed with the common seal of the Council, or provided the Head of Legal & Democratic Services is satisfied that the Council's interests are properly protected, signed on behalf of the Council by an officer authorised to use the Council's Common Seal. Master copies of contracts that exceed £100,000 must be held within Legal Services
- (5) Any contract under £100,000 may be signed by the Corporate Director or the relevant Assistant Director.
- (6) No Councillor of the Council, or officer of the Council who is not authorised to do so, shall enter, orally or in writing, into any contract on behalf of the Council.
- (7) A Letter of Intent for works contracts may not be issued without the prior written approval of the Monitoring Officer or his nominee and after consultation with the Director of Finance or his nominee.
- (8) In situations of extreme urgency, an oral instruction may be given to a Supplier to provide supplies, works or services provided that written confirmation of the instructions shall be sent to the Supplier within seven working days and copied to the Assistant Director for Procurement and Contracts.

## **20. Retention of Tenders and Quotations**

- (1) All tenders and quotations (accepted and unaccepted) not forming part of a contract signed or sealed in accordance with Contracts Procedure Rule 21 shall be retained by the Assistant Director placing the Order



for a period of 12 months after the relevant contract commencement date.

- (2) All tenders and quotations that are part of a contract signed or sealed in accordance with Contracts Procedure Rule 20 shall be retained by the Assistant Director placing the Order for a period of 6 years after all of the following have happened or been considered.
  - (a) All payments under the Contract have been made.
  - (b) The Assistant Director is satisfied that all of the requirements under the terms of the Contract have been successfully carried out whether by the Council or the Contractor and that no claims are likely to arise by or against the Council.
  - (c) They are not likely to be required for inspection as part of the Annual Audit by the Council's external auditors.
- (3) Where the copies retained are electronic versions of these tenders and quotations stored within the Council's E-Tendering and Contract Management System, there is no requirement to retain additional paper copies.

## **21. Public liability insurance and professional indemnity insurance**

- (1) The Project Officer must consider the Council's need for appropriate indemnities backed by insurance. In the case of a contract for works or services, the contract must require the contractor to carry public liability insurance to a minimum of £5,000,000, unless otherwise agreed by the Director of Finance.
- (2) In the case of a contract for professional services, the contract must require the contractor to carry professional indemnity insurance to a minimum of £5,000,000, unless otherwise agreed by the Director of Finance.

## **22. Assignment of Contracts**

Assignment of contracts is not to be permitted except with the prior consent of the Director of Finance, and then only where the Director of Finance is satisfied that an effective vetting procedure of assignees or subcontractors has been implemented.

## **23. Performance**

### **Liquidated Damages**

- (1) Every contract for the execution of works which exceeds £100,000 in value or amount shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed, unless otherwise agreed by the Director of Finance.

- (2) The Project Officer must consider whether the other contracts should provide for the contractor to pay liquidated damages on failure to complete the contract by the specified completion date. Where considered appropriate by the AD of Legal and Democratic Services, the contract must require the contractor to pay damages for any breach of the terms of the contract. Advice on liquidated damages should be taken from Legal Services at an early stage in the procurement project.

### **Performance Bonds**

- (1) In every contract for the execution of works for over £250,000 in value or amount, the contractor is, required (unless otherwise agreed by the Director of Finance) to give security for the due performance of the contract by a bond of an approved assurance or guarantee company, or bank, or in such other manner as may be approved by the Director of Finance in an amount equal to 10% of the total sum of the tender for the contract.
- (2) Alternatively, the contractor will provide a security at least equal to the amount of the required bond until such time as a contract shall have been completed or a certificate of practical completion of the works has been issued. In the event of the contractor starting the work before the completion of the contract and the bond, or making the deposit referred to above, then payments in respect of any work done up to the amount of the bond required shall be withheld by the employer in addition to the normal retention monies until such time as the contract and a bond shall have been completed, or a deposit made, or a certificate of practical completion of the works has been issued.

### **24. Corruption, Bankruptcy & Cancellation**

- (1) Every contract must state that the Council may cancel the contract and recover any resulting losses if the contractor, his employees or anyone acting on his behalf, with or without his knowledge, does anything improper to influence the Council or commits an offence under Bribery Act 2010.
- (2) Every contract must state that if the Contractor enters into liquidation or administration, the Council is entitled to cancel the contract and recover any resulting losses.

### **25. Consultants**

- (1) Any consultant employed by the Council to let or manage contracts must comply with these Standing Orders. The contract with any consultant must provide that all records maintained by the consultant in relation to a contract must be made available to the Council on request and handed over to the Council on completion of the procurement.

- (2) Any consultant appointed to seek tenders on behalf of the Council as all or part of their duties shall comply with these Contracts Procedure Rules.
- (3) A consultant shall not act as the Project Officer for a high value procurement.
- (4) Any consultant employed to seek tenders on the Council's behalf must have appropriate indemnities included in their contract.

## **26. Corporate Contracts**

- (1) Corporate contracts are established where appropriate to provide benefits of bulk buying, improved service and reduced administration costs. Where use of a corporate contract has been mandated by the Corporate Management Team (CMT) or one of the Directorate Management Teams (DMT), they must be used, regardless of the value of the individual purchases.
- (2) Corporate contracts must be procured by means of an appropriate procedure in accordance with these Contract Procedure Rules.
- (3) The scope of any mandated contract must be clearly defined and any off-contract expenditure within that scope must be authorised by the relevant contract manager or Director.

## **MANAGING THE CONTRACT**

### **27. Contract Management**

- (1) Unless prior written approval is given by the Director of Finance to the Project Officer and recorded on the contract file, all contracts in excess of £5,000 should nominate a Contract Manager (and include provision for those details to be updated). Where reasonably practicable, the Contract Manager should be part of the procurement project team, and a member of Reading Borough Council staff. The Project Officer must notify the name of the Contract Manager to the contractor prior to letting of the contract.
- (2) The role of the Contract Manager will be to manage the contract throughout its duration as set out in the Council's Contract Management Guide.

### **28. Variations or Extension**

- (1) Any contract may be varied or extended where permitted by the Regulations. Variations should either be in accordance with the existing contract's terms or within permitted variation limits as stated by the Regulations. Extensions should only be where the existing

contract's terms allow for such an extension. Any such variation or extension shall be authorised in line with Contracts Procedure Rules 18 and 20.

- (2) The Project Officer shall always be satisfied that the variation or extension will achieve Best Value for money and is reasonable in all the relevant circumstances. The Project Officer shall complete a Contract Management Plan before the contract is formally signed with the contractor.

## **29. Registration of Contracts**

- (1) Procurement will keep a register of all contracts of £5,000 and over, placed by the Council. The register must state the name of the contractor, the name of the Council's Contract Manager, the work to be done or goods to be supplied, the duration and value of the contract. Any Project Officer letting a contract must ensure details are supplied to the Director of Finance for entry in the register.

## **30. Termination of Contract**

Early termination of any contract by agreement or in accordance with the termination provisions set out in the contract is subject to the following authorisation:

- Contracts classed as Key Decisions - by Committee, Council, or officer in accordance with the Key Decision rules
- Contracts with a value of up to £500,000 - by the responsible Assistant Director.

## **31. Exemptions or Waivers of Contract Procedure Rules**

- (1) A waiver to Contract Procedure Rules is a permission to let a contract without complying with one or more of the Contract Procedure Rules. A waiver to Contract Procedure Rules may be granted subject to conditions. Authority to award a contract will be required in accordance with CPR 17 (Tender Acceptance) in addition to the exception to Contract Procedure Rules.
- (2) Only the Assistant Director of Procurement and Contracts, or their authorised deputy is able to grant a waiver to these Contract Procedure Rules. Applications for waivers must follow the process set out by Procurement, be made in writing and signed by the relevant Executive Director or Assistant Director and must include the exception that is requested and the justification for the exception.
- (3) Waivers to Contract Procedure Rules will never be given retrospectively and waivers for extensions are unlikely to be granted if there is less than six months left on the contract and so must be submitted well in advance of the decision needing to be made.

Similarly, an application for a waiver to Contract Procedure Rules, to allow a contract to be let without genuine competition will not be granted without a cogent reason. A lack of time caused by inadequate forward planning is not a cogent reason and will not permit an exception to Contract Procedure Rules.

- (4) If an application to let a contract without genuine competition is requested, the Head or Service or Director responsible for the contract must demonstrate that the price obtained is not in excess of the market price and that the contract represents best value for money.
- (5) Procurement will keep a register of all waivers to Contract Procedure Rules, which shall be available by appointment for inspection by members of the Council and the public.
- (6) A waiver to Contract Procedure Rules is not required in the following circumstances:
  - (a) Placing an order under an existing corporate contract or Framework Agreement;
  - (b) As part of a partnering contract that contemplates a series of contracts with a single supplier, provided the entire series has been duly authorised as appropriate for its value;
  - (c) Legislation requires the Council to let a contract differently from these Contract Procedure Rules;

## **Glossary**

### **“Best Value for Money”**

The optimum combination of whole life costs and benefits to meet the customer’s requirement. Such term equates to the procurement requirement “most economically advantageous offer.”

### **“Committee”**

The Committee with delegated responsibility for the function or service covered by the contract, or the Policy Committee on behalf of the responsible Committee.

### **“Contract Management Plan”**

A document agreed with the supplier for the proper management of the contract to ensure the benefits anticipated by the contract are realised for the Council.

### **“Contracts Register”**

The register held and maintained by the Council containing details of contracts entered into by the Council with a value of £5,000 or more;

### **“DPS”**

Dynamic Purchasing System.

**“Framework Agreement”**

An agreement, which allows the Council to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non-binding offer with no obligations on the Council to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed;

**“Procurement Plan”**

The planning document that is completed before a high value procurement is started that documents the business case, option appraisal, risk assessment, TUPE, Social Value and Equalities considerations that are relevant to the procurement.

**“Project Officer”**

A person appointed in accordance with Contracts Procedure Rule 5 with responsibility for co-ordinating procurement procedure for a particular contract and completing the Procurement Plan;

**“Regulations”**

The relevant Contract Regulations and the Local Government Transparency Code 2014 and any amendment to replacement of or re-enactment thereof.

**“Supplier”**

Any person or body of persons providing, or seeking to provide, supplies, services or works to the Council.

Table 1 - Summary of CPR

Contract Value	Advertising required?	Specification	Method	Tender Acceptance	Contract required	Who signs contract?
<p><b>Low value</b></p> <p>Up to £10,000</p>	<p>None required</p> <p>Consider use of e-portal)</p> <p><b>CPR2(1(d) and 10</b></p>	<p>Communicated to bidder and confirmed in writing.</p>	<p>No competitive quotations required, but a written quotation should be sought</p> <p><b>CPR2(1(d) and 10</b></p>	<p>Cost Centre Manager</p>	<p>No. Keep invoices and quotes on file.</p>	<p>Cost Centre Manager</p>
<p><b>Intermediate</b></p> <p>Over £10,000 to £99,999</p>	<p>None required, or select from an Approved List, DPS or Framework Agreement</p> <p>Consider e-portal</p> <p><b>CPR 11;</b></p>	<p>Communicated to bidder and confirmed in writing</p>	<p>Three competitive quotes or tenders</p> <p><b>CPR 11(1)</b></p>	<p>Cost Centre Manager (to £50k) or Assistant Director (over £50k).</p> <p><b>CPR 17(4)</b></p>	<p>Yes.</p> <p><b>CPR 19(1 &amp; 2)</b></p>	<p>Cost Centre Manager (to £50k) or Assistant Director (over £50k).</p> <p><b>CPR 19(6)</b></p>
<p><b>High Value</b></p> <p>Tenders</p>	<p>Advert in e-portal Contracts Finder, or select from an Approved list, DPS or</p>	<p>Detailed in Invitation to Tender</p>	<p>Tenders sought through Open/ Light Touch Regime process</p>	<p>For contracts less than £500k per annum revenue or £2.5m capital (except rolling contracts (see key decision definition):</p> <ul style="list-style-type: none"> <li>• a formal decision of</li> </ul>	<p>Yes - agreed by Legal and under seal</p> <p><b>CPR19(2)</b></p>	<p>AD Legal and Democratic Services or their nominee</p> <p><b>CPR 19(2)</b></p>

Table 1 - Summary of CPR

Over £100k to Public Contract Regs threshold	Framework Agreement CPR 12			an Executive Director or AD (CPR17(2))		
PCR Tenders  Over PCR threshold £213k PCR <sup>1</sup>	e-portal and Contracts Finder  Select from an Approved List or DPS  CPR 12;	Detailed in ITT	Three tenders as appropriate	For contracts less than £500k per annum revenue etc. (see above): • a formal decision of a Director or AD; (CPR17(2):  For contracts over £500k per annum See Key Decision criteria - a formal decision of Council or committee  CPR 17(1)	Yes - agreed by Legal and under seal  CPR 19(c)	AD Legal and Democratic Services or their nominee  CPR19(4)

Notes:

<sup>1</sup> Publish contract award notice on the Find a Tender portal



# Officer Employment Procedure Rules

Adopted by Council, 22 May 2019

The Officer Employment Procedure Rules incorporate prescribed Standing Orders relating to staff as required by the Local Authorities (Standing Orders) Regulations 1993, as amended by the Local Authorities (Standing Orders) (England) Regulations 2001; the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014; and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. Part IV of Schedule 1 to the 2014 Regulations sets out provisions that must be incorporated into the Standing Orders of an authority operating a committee system. They have been incorporated into the Rules below, in plainer English, and are shown *in italics*:

## 1. Recruitment and Appointment

### (a) Declarations

The Council requires any candidate for appointment as an officer to state on the application form whether they are a partner, spouse or relative of an existing Councillor or officer of the Council.

### (b) Seeking Support for Appointment.

The Council advises all applicants for appointment as an officer that canvassing support from any Councillor or employee of the authority, or giving false information, or omitting to give information, will render the person liable for dismissal if appointed.

No Councillor may seek support for any person for any appointment with the Council.

## 2. Appointment, Dismissal and Disciplinary Action

2.1 The appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council shall be carried out by the Chief Executive as the Head of the Council's Paid Service or by an officer nominated by him/her. A record of officers nominated by the Chief Executive shall be maintained by the Human Resources and Organisational Development.

2.2 Paragraph 2.1 shall not apply to the appointment or dismissal of, or disciplinary action against, an officer holding a post described in Sections 2 and 9 of the Local Government & Housing Act 1989. This includes the following:-

- (a) the Head of the Authority's Paid Service (Chief Executive)
- (b) the Executive Director of Adult Care and Health Services, Director of Children's Services and the Director of Economic Growth and Neighbourhood Services
- (c) the Executive Director of Resources (Chief Finance Officer)
- (d) the Monitoring Officer (Assistant Director of Legal & Democratic Services)
- (e) persons who, as respects all or most of their duties, report directly to or are directly accountable to the Head of the Council's Paid Service
- (f) persons who, as respects all or most of their duties, report directly to or are accountable to any of the posts listed above (other than staff whose duties are of a clerical or support nature)
- (g) persons who, as respects all or most of their duties report directly or are directly accountable to the Council or a Committee or Sub-Committee of the Council
- (h) assistants for political groups.

2.3 Any appointment or dismissal of an officer designated as the Head of the Council's Paid Service, shall be approved by the full Council before any offer of appointment or notice of dismissal is given to the person concerned.

2.4 Any dismissal of an officer designated as the Chief Finance Officer or Monitoring Officer, shall be approved by the full Council before any notice of dismissal is given to the person concerned.

2.5 Where the Council appoints a Committee or a Sub-Committee to carry out the function of appointing or dismissing any officer to or from the positions referred to in paragraph 2.2 above, the Committee or Sub-Committee shall include at least one Lead Councillor.

### **3. Appointment of Chief Officers - Process**

3.1 Where the Council wishes to appoint a Chief Officer as defined by statute, and wishes to seek applicants from outside existing officers of the Council, the following procedure will apply:

- (a) the appointment will be co-ordinated and made by the Personnel Committee, or by any other Committee or Sub-Committee authorised by full Council or the Personnel Committee to make the appointment;
- (b) the post will be advertised publicly, to bring it to the attention of people who are qualified to apply for it;
- (c) a job description and person specification will be produced, and sent to all applicants for the job, specifying:
  - (i) the duties of the post
  - (ii) the qualifications and qualities being sought by the Council
- (d) the Personnel Committee will either:
  - (a) interview all qualified applicants for the post, or
  - (b) select a short-list of qualified applicants in accordance with the Council's recruitment and selection policy and procedures.
- (e) If no suitably qualified person applies for the post, any re-advertisement will comply with paragraph (3) above.

3.2 The Personnel Committee has delegated powers to appoint Executive Directors, the Monitoring Officer, the Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989.

### **4. Disciplinary Proceedings against the Head of Paid Service, Monitoring Officer and Chief Finance Officer**

4.1 No disciplinary action as defined by Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 may be taken against the Head of the Authority's Paid Service, the Monitoring Officer or the Chief Finance Officer in cases of alleged misconduct, unless the procedure set out in Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, as reflected in the model disciplinary procedure rules incorporated into the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework and Conditions of Service Handbook (updated 13 October 2016) as may be updated from time to time has been complied with.

4.2 Such disciplinary action means any action occasioned by alleged misconduct which, if proved, would be recorded under normal Council procedures on the officer's personal file, and includes any proposal for dismissal for reasons other than redundancy, permanent ill-health or infirmity of mind or body. It does not include failure to renew a fixed-term contract of employment unless the authority has undertaken to review such a contract.

4.3 The relevant officer may be suspended whilst the investigation is taking place, and if so, the suspension will be on full pay and will last for no longer than two months.

4.4 The Council establishes an Investigating and Disciplinary Committee (IDC) to deal with disciplinary matters relating to the 'relevant officers' and an Appeals Committee to deal with disciplinary matters short of dismissal relating to the 'relevant officers'.

- 4.5 Dismissal of the Head of the Authority's Paid Service, the Monitoring Officer or the Chief Finance Officer may only be exercised by the full Council.
- 4.6 Where the IDC has recommended dismissal of a 'relevant officer', the Council must invite any Independent Person appointed under the provisions of the Localism Act 2011 section 28(7) who has been appointed by the Council (or, where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the Council considers appropriate), to be considered for appointment to an Independent Panel with a view to appointing at least two such persons to the Panel.
- 4.7 The Council must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph (ii) in accordance with the following priority order:-
- (a) An Independent Person who has been appointed by the Council and who is a local government elector within the authority's area;
  - (b) Any other Independent Person who has been appointed by the Council; and;
  - (c) An Independent Person who has been appointed by another council or councils.
- 4.8 The Council is not required to appoint more than two relevant Independent Persons but may do so.
- 4.9 The Council must appoint any Panel at least 20 working days before the meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer.
- 4.10 Before the taking of a vote at the meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer the authority must take into account in particular:
- (a) Any advice, views or recommendations of the Panel
  - (b) The conclusions of any investigation into the proposed dismissal; and
  - (c) Any representations from the relevant officer.
- 4.11 The Personnel Committee has delegated powers to dismiss Executive Directors (provided they are not a statutory officer as described in 4.1 above) and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989.

## **5. Appeal**

- 5.1 Nothing in this Standing Order shall prevent a Member from serving as a member of any Committee or Sub-Committee established by the Council to consider an appeal by:
- (i) a person against any decision relating to the appointment of that person as a member of staff of the authority, or
  - (ii) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

## **Part 5 - Member Code of Conduct**

See Agenda item 8 - Code of Conduct - Appendix 2

# Officers' Code of Conduct

*EMPLOYEES' CODE OF CONDUCT*

**APPROVED BY PERSONNEL AND EQUAL OPPORTUNITIES COMMITTEE - MARCH 1999**

## CONTENTS

This document has two sections:

- SECTION 1:**            The purpose, scope and principles of the code
- This sets out the reasons for the code, describes who is covered by it and the principles contained in it
- SECTION 2:**        This sets out the areas of conduct that must be observed:
- |   |         |
|---|---------|
| Procedure for the declaration of interests              | Para 1  |
| Equality issues   | Para 2  |
| Political neutrality                                    | Para 3  |
| Disclosure and use of information                       | Para 4  |
| Hospitality and Gifts                                   | Para 5  |
| Corruption  | Para 6  |
| Using the services of people who deal with the Council  | Para 7  |
| Employment outside the Council                          | Para 8  |
| Personal Interests / Belonging to outside organisations | Para 9  |
| Working and personal relationships                      | Para 10 |
| Breach of the code                                      | Para 11 |
- APPENDIX 1:**        Supplementary Codes:

## **SECTION 1: PURPOSE, SCOPE AND PRINCIPLES**

### **PURPOSE**

- To meet requirements specified by the National Conditions of Service for all employee groups
- To help employees maintain fully acceptable standards of conduct by specifying and explaining the standards the Council has set, therefore protecting them from misunderstanding or criticism.
- To ensure that the Council maintains a deserved reputation for the high standards of its activities and the integrity of its employees at all levels.

### **SCOPE**

#### **Employees covered by the code:**

This code of conduct applies to all those working for Reading Borough Council, including those on permanent, temporary or part-time contracts, job sharers, and employees on non-standard terms of employment. Relevant parts of the code should be included in the specifications for consultants and contractors, and drawn to the attention of voluntary workers on Council projects.

Some employees may already have specific requirements relating to conduct included in their contracts or standard conditions of employment. Individual contract conditions will override those provisions of this code, where individual contracts are more specific due to the nature of the work.

References to “the Council” throughout this document mean Reading Borough Council.

### **PRINCIPLES**

The following important principles are encompassed within this code:

- (a) this code has been agreed between the Council and the recognised trades unions
- (b) local government employees are expected to maintain conduct of the highest possible standard, so that public confidence in them is maintained
- (c) that employees should not exploit their work or position with the Council for private or personal benefit
- (d) that in cases where doubt exists as to whether the code applies, the test to apply is whether the activity or relationship might, if known publicly, give rise to a suspicion that Council property or information was being misused, or that improper influence was being exerted;
- (e) the code is not intended to restrict employees’ personal freedoms
- (f) The code is supplemented within services/directorates by provisions specific to those functions and by information about how and to whom declarations of interest should be made.

The various sections detailed in section 2 of this document set out how the general principles are applied to different aspects of conduct, although the code cannot describe every possible circumstance that may occur.

Employees and managers need to exercise good sense and judgement in deciding whether specific situations fall within the code or not. For employees, a key guideline is:

**WHEN IN DOUBT AS TO WHETHER THE CODE APPLIES - ASK YOUR MANAGER**

## SECTION 2: CODE OF CONDUCT FOR EMPLOYEES

### 1. Procedure for the declaration of interests

- 1.1. A number of the provisions in the code require employees to make declarations of interests. When declarations are necessary, employees should ensure that their managers are informed of this interest. A copy of the declaration should be held on the employee's personal file and registered in a log maintained by the service/directorate.
- 1.2. The precise details, including how to obtain a declaration form and to whom the declaration must be made, are set out in the supplementary information to the code issued by each directorate. Each directorate is responsible for ensuring that a method of recording this information is available.

### 2. Equality issues

- 2.1. All employees have a responsibility to act in accordance with the Council's equal opportunities policies and codes of practice. Service decisions and activities must not favour one person or section of the community above others on any grounds which would be in contravention of equal opportunity principles.

### 3. Political Neutrality

- 3.1. Employees serve the Council as a whole. It follows that they must serve all Councillors equally, irrespective of their political group or affiliation and must ensure that the individual rights of all Councillors are respected.
- 3.2. Employees may also be required to advise political groups. If your job involves you in giving such advice, you must do so in ways which do not compromise your political neutrality.
- 3.3. As an employee, you must not allow your own personal or political opinions to interfere with your work or influence the advice you give to Councillors, the public or other staff.
- 3.4. If your post is designated a "politically restricted post" under the provisions of the Local Government & Housing Act 1989, certain additional rules will apply to you and you should have been informed about these rules at the time of your appointment.
- 3.5. If your post becomes politically restricted during the course of your employment, then you will be notified.
- 3.6. Posts affected by these rules (politically restricted posts) fall into the following categories: -
  - a) Certain specified posts, such as the Head of the Paid Service, the Monitoring Officer and all Chief Officers and their Deputies
  - b) All posts which reach or exceed a prescribed level of salary or earnings (which is currently (1.4.99) £27,999 per annum)
  - c) Posts that, by the nature of the work involved, are deemed to be "sensitive." For example,
    - (i) posts where the employee regularly advises members, committees or sub-committees or any joint committee on which the authority are represented, and
    - (ii) posts where the employee regularly speaks on behalf of the authority to journalists and broadcasters.
- 3.7. Exemptions to this Act (i.e. not politically restricted) are:
  - i. Posts reporting directly to the Head of Paid Service where the duties of the postholder are solely secretarial or clerical.

ii. Head Teachers, Principals of schools or colleges, or other educational establishments maintained/assisted by the local LEA. Further, any person holding the post of Teacher or Lecturer in any such school etc. will not be politically restricted.

3.8. If you are unsure as to whether your post falls within the politically restricted categories, or whether your post is exempt from the political restrictions, you should speak to your manager or the Assistant Director of Legal & Democratic Services.

#### 4. **Disclosure and Use of Information**

4.1. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. Employees must be aware of which information the law and/or the Council requires to be open in this way. Managers should identify this information to employees at induction, also as and when any additional information is relevant.

4.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it onto others who might use it in such a way. Furthermore, subject to what is said above, information received by you in the course of your work should not be disclosed without the express approval of your manager.

##### **Restrictive covenants**

4.3 Certain employees may be subject to “restrictive covenants” which are intended to protect the Council’s confidential information (especially commercially sensitive information) by restraining employees from disclosing or using such information during and after leaving employment. A restrictive covenant would be written into the terms of the individual employee’s contract of employment.

4.4 You must not destroy, alter or falsify any document or record, whether for personal gain or to cover up, mislead or deceive other people.

#### 5. **Hospitality and Gifts**

5.1. As the Council deals with more and more private organisations and partnerships, the chance of an employee being provided with hospitality or offered some form of gift increases.

5.2. Either of these situations can place staff in awkward or embarrassing situations and, ultimately, can lead to accusations of corruption. It is therefore important that you follow these guidelines, particularly those concerning the approval of managers and the keeping of records.

5.3. It is also important to remember that these guidelines should be followed whether the gift or hospitality is offered to you or to your partner or a member of your family. It is easy for people to conclude that you were or might have been influenced by it.

5.4. If you are offered a gift or hospitality, you should bring this to the attention of your manager. Some offers of gifts and hospitality may be acceptable (see 5.6 and 5.8 below). In any event, you must ensure that the offer and acceptance of any gift or hospitality is recorded in a register which will be maintained by each section/directorate. The information to record should include the name of the gift, the type of hospitality offered and the person or organisation it was received from.

5.5. In certain circumstances receiving hospitality or gifts may well be acceptable. Often, however, it is difficult to decide but the following examples are generally acceptable provided you record the details in the register maintained by your directorate.

##### 5.6. **Hospitality**

i. Invitations to attend functions where you represent the Council, either because of your position or where you have been asked to attend as a delegate or representative.



- ii. Hospitality offered by other public sector organisations or recognised civic or government bodies that have links with the Council
- iii. A working lunch or other meal which allows the work or discussion to continue during the course of the day
- iv. Hospitality to mark the completion of a transaction or piece of work provided it has been successfully concluded and the nature of the hospitality is reasonable
- v. In certain circumstances it may be appropriate to accept hospitality where the Council is a regular client of an organisation or firm and the hospitality is being offered to a number of clients in the ordinary course of the business. It is particularly important that such offers are discussed with your manager and recorded.

5.7. Offers of hotel accommodation, the use of a company flat or villa or other form of holiday, free use of other forms of leisure, sports or entertainment facilities or equipment or other facilities should **always** be politely declined, unless this is of low value and is covered within paragraph 5.6 (i) to (v).

## 5.8. Gifts

If you are offered a gift you should consider whether it is one of “low” value. This is a question of common sense and the sensible thing to do is to bring the gift to the attention of your manager who should then take a view as to whether the gift may be acceptable or should be declined.

The following are examples of gifts that may generally be acceptable: -

- i. Small gifts of little value that have been sent or given as an advertisement for a particular firm, for example, appropriate calendars, diaries or other items for use in the office generally
- ii. Small gifts of low value such as a bottle of wine or a box of chocolates that have been given at the end of work on a specific project. However, such gifts should be made generally available to those who have worked on the project
- iii. Small gifts of low value such as a pen or a coffee mug that have been given at the end of a courtesy visit, for example, to or from a factory or agency
- iv. Christmas boxes - in a number of jobs, for example, refuse collection, it has been traditional for members of the public to give the team concerned gifts with varying financial values. As this is a normal and well-established practice, acceptance of the Christmas gift, on behalf of the team concerned, is acceptable, provided:
  - ◆ The gift is not solicited or requested either directly or indirectly
  - ◆ There is no suggestion that decisions concerning the service, or the quality of the service provided will change in any way
  - ◆ Any gift that is of such a value that it falls outside a normal range is notified to your manager.

## 6. Corruption

- 6.1 It is important for employees to understand that there is legislation<sup>o</sup> which prohibits Council employees accepting gifts by way of “inducement or reward” (i.e. as a temptation or payment for doing or not doing something in the course of their job). Specifically:
- i. It is an offence for an employee corruptly to accept any gift or consideration (i.e. payment, advantage or something else of value to the employee) as an inducement or reward for:-
    - doing, or refraining from doing, anything in their official capacity or
    - showing favour or disfavour to any person in their official capacity.
  - ii. Any money, gift or consideration received by a Council employee, from a person or organisation holding or seeking to obtain a contract, will be deemed by the Courts to have been received corruptly unless the employee proves to the contrary.

6.2 If an employee knows that a contract in which they have a financial interest is being considered by the local authority, then they must give notice of their interest to the Council, by informing their line manager. They should not accept “any fee or reward” whatsoever other than proper remuneration (pay) for their job.

(○ The Prevention of Corruption Acts 1906 and 1916)

(○ The Local Government Act 1972)

## **7 . Using the services of people who deal with the Council**

7.1 Concern may arise when Council employees obtain goods and services for their personal use from companies who have dealings with the Council, particularly where these employees are involved in awarding Council contracts to those same or similar companies.

7.2 As a Council employee, you are not prohibited from personally obtaining goods and services from such companies. However, when approaching companies that deal with the Council for goods or services, it is important to make sure that you are not being offered preferential rates in an attempt to get the Council to use that company. Make sure as far as possible that the price you are quoted is a competitive one.

7.3 If you are authorised to award or recommend the award of contracts to an individual or an organisation, you should try to avoid using that individual or organisation for the purchase of goods or services for yourself, unless it can be demonstrated that there was little or no alternative. This should be declared to your manager if this happens.

7.4 You must never use your position with the Council to obtain a discount, preferential terms or other inducements for your personal benefit or the benefit of any other individual. This, of course, does not affect the purchase of goods or services at discount rates negotiated through a scheme endorsed by the Council or a Trades Union.

## **8. Employment outside the Council**

8.1. Council employees may take on or consider taking on paid or unpaid work for individuals or organisations in addition to their work with the Council. This can be a matter of concern to the Council if such additional work may have an adverse effect on employees' work for the Council, or may conflict with the interests of the Council.

8.2. You should bring any outside work to the attention of your manager to check that it is acceptable for you to do it. In particular, you must ensure that you comply with the following conditions:

i) You must not undertake private work or business (including private work for your line manager) during your Council working hours, either on Council premises or using Council equipment such as the word processor, other software, photocopier or facsimile equipment, telephones or internet etc. Council equipment similarly must not be used for personal or inappropriate purposes (e.g. personal and external e-mails; accessing inappropriate internet sites etc.).

ii) You must not take on extra work that will adversely affect the way in which you perform your duties for the Council. New working time regulations mean that individuals can generally only work a maximum average of 48 hours per week. This should be considered when thinking of taking on additional employment, either for the Council or another employer. Obviously, extra work should not interfere with any contractual overtime requirements.

(○ The Working Time Regulations (1998), which implement the health and safety measures contained within the European Working Time and Young Workers Directives.)

iii) Particular care must be taken when you are considering private work, for a person or organisation, which may involve dealing with Reading Borough Council in an official

capacity, e.g. seeking approval or permission or involving similar official Council functions (examples being Building Control Regulations approval; Planning Permission; Childminder Registration etc.). Concern may arise that you may use your position in the Council to influence the official process. If your Council job is connected with issuing such approvals or permission, you must not take on the extra work. This does not prevent you from making applications on your own behalf but the fact that you are a Council employee should be made very clear.

- iv) To ensure that there are no misunderstandings you should take care when undertaking unpaid or voluntary private work that involves similar official contact with the Council (e.g. work for relatives that needs planning permission). You should speak to your manager to make sure that it is all right for you to take on this work.
- v) You must not undertake private work for any person or company if you allocate business to them during the course of your duties with the Council, or if you are in a position to award contracts or commission work, or influence the awarding of contracts or commissioning of work, in an area in which the person or company has an interest or is seeking to obtain work with the Council.
- vi) If you are invited to speak at a conference, in your position as an officer of the Council, your fees for this should be paid to the Council.

8.3. There may be situations where it may be appropriate to carry out some form of **unpaid** “outside work”, academic research or other task in the workplace. Generally this would only be appropriate out of work time (e.g. during lunch breaks or outside normal work hours); and in no way for personal gain.

## **9. Personal Interests /Belonging to Outside Organisations**

- 9.1. It is accepted that, as private citizens, Council employees will have a range of outside interests and will support or belong to different groups or organisations, whether this is paid or on a voluntary basis. You should declare to your manager your involvement or interest (financial and non-financial interests) **if and when** your outside activities or the activities of the group you belong to could conflict with the Council's interests or Council policy, or with your duties and responsibilities as an employee.
- 9.2. You should declare to the Council's Monitoring Officer (Assistant Director of Legal & Democratic Services) membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct (e.g. Freemasons). The Monitoring Officer will keep a confidential record of such declarations.

## **10. Working and Personal Relationships**

- 10.1. Personal relationships may develop with colleagues, Councillors, contractors, customers and clients. You should not allow a personal relationship to place you in a position where you are unable to carry out the duties of your employment in a proper and impartial manner. Certain Directorates have particular rules regarding personal relationships, and you should ensure that you abide by these (e.g. Education, Social Services & Housing).
- 10.2. Elected Councillors are subject to their own local code of conduct which addresses relationships between Councillors and employees. ○

(○ The Local Government and Housing Act 1989 has given statutory status to the National Code of Local Government Conduct (for the guidance of Councillors of local authorities)).

## **11. Breach of the code**

- 11.1. If you have any concerns about the application of any part of this code to your own circumstances you should discuss it, as soon as possible, with your manager. Remember, failure to comply could lead to criticism of the Council or yourself and possibly disciplinary action. In such cases, the Council's Disciplinary Procedure would apply.

## EMPLOYEES CODE OF CONDUCT

This Code is agreed between the Council and the recognised trades unions.

Signed:

Joyce Markham

Chief Executive

Anne Burton

Head of Personnel

Angela Williams

Staff Side

Stan Cooke

Joint Stewards Committee

Rob Ketley

Education & Community Unions Panel

## **APPENDIX 1: SUPPLEMENTARY CODES**

There are many different functions and working relationships among Reading Borough Council's various services and a single code cannot cover all these variations. High standards of employee conduct are a matter of corporate importance and shortcomings in one service would affect the public reputation of the Council as a whole. It is important, therefore, to secure consistency of standards across the Council while allowing for variation in how these standards are maintained, depending on the differing characteristics of the various services.

To ensure the balance between corporate consistency and local variations, the code of conduct should be applied across all services, but each service should add any supplementary provisions which may be needed to address its particular working circumstances. This should include more specific reporting procedures than those set out in the corporate code.

In establishing supplementary codes and rules of conduct, Directorates should follow proper process by consulting on the proposed codes and rules through the Directorate Joint Forum, and ensuring that implementation is supported through induction, training and briefing all relevant staff and managers.

Individual services and professions may additionally have their own codes of conduct and/or ethics.

# Protocol on Member/Officer Relations

(ratified by Council on 11 June 2014)

## COUNCILLOR/OFFICER PROTOCOL

### 1. INTRODUCTION

- 1.1 This document provides a guide to both Councillors and Officers on the matters listed below, to facilitate the smooth management of the Council in a way that will enable Councillors and Officers to carry out their roles with certainty and confidence in the provision of excellent services to the public:
  - Roles of Councillors and officers
  - Councillors' access to information, to Council documents, and meetings
  - Agenda preparation
  - Scrutiny
  - Corporate values
- 1.2 The protocol seeks to reinforce principles which are highlighted in the statutory General Principles governing the conduct of Councillors, the Council's Code of Conduct for Members, the Planning Code of Conduct, the Officers' Code of Conduct and the Council's Values statement. These documents aim to maintain and embrace the high standards of local government and ensure the integrity of Councillors and employees at all levels.
- 1.3 It also incorporates guidance from the Information Commissioner in relation to correspondence relating to constituents and the disclosure of personal information to and by Councillors.
- 1.4 If Councillors or officers are in any doubt as to the application or interpretation of the guidance, the matter should be raised in the first instance with the Director or Assistant Director of the relevant Directorate; and if the matter remains unresolved, with the Monitoring Officer or Head of Paid Service (Chief Executive).
- 1.5 The protocol also applies to non-Councillor members of the Council's Standards Committee, the Adult Social Care, Children's Services & Education Committee, and the Health & Wellbeing Board, and any other co-opted member.

### 2. ROLE OF COUNCILLORS AND OFFICERS

- 2.1 Both Councillors and officers are servants of the public and they are indispensable to one another. The roles of Councillors are set out in Article 2 of the Council's constitution; they are principally those of determining the strategy and policies of the Council and of acting as representatives of the communities from which they are elected. Officers are responsible to the Council and their functions concentrate on management, advising Councillors in their formulation of strategy and policies and the implementation of the strategy and policies. The roles of the Council's statutory officers are set out in Article 12 of the constitution.
- 2.2 The Council has adopted a set of values that define the organisation's culture and set the framework for a way of working. These are to:
  - Be open and honest with our dealings with colleagues and the public;
  - Learn from what we do, encouraging innovation and creativity;
  - Work together to achieve best results;
  - Value and respect the diversity within our workforce, services and community;
  - Take responsibility for what we do and how we do it;
  - Set high standards and support people in meeting them.
- 2.3 The Values confer a commitment on both Councillors and officers on how to work together and deliver services to the community. The Protocol and Values should complement each other in order

to achieve this. Councillors and officers should always bear in mind the Values in their dealings with each other and the public.

- 2.4 Any complaints about Member/Officer relationships should in the first instance be referred to the relevant Director or the Council's Head of the Paid Service, who will decide how the complaint should be dealt with having regard to any relevant Council procedures.

### **3. COUNCILLORS' ACCESS TO INFORMATION, TO COUNCIL DOCUMENTS AND MEETINGS**

#### **Documents and Information**

- 3.1 Information and access to it is now the subject of a variety of legislation including the Local Government Acts 1972 and 2000 and Regulations made in accordance with those Acts, and the Data Protection Act 1998 and Freedom of Information Act 2000. The 1998 and 2000 Acts apply significant controls on the way in which information relating to living individuals is both handled and disclosed.
- 3.2 Councillors have a statutory right to see any document containing material relating to any business to be considered at Council or Committee meetings except where those documents contain certain types of confidential or "exempt" information as defined in the access to information legislation or the Freedom of Information Act 2000. In addition, Councillors are entitled to any information that they require to enable them to do their job as a Councillor (the "need to know" principle) although it is necessary to be careful not to breach the data protection legislation.
- 3.3 Unless the "need to know" principle is satisfied, Councillors may not request information which is confidential or exempt under the provision of the Access to Information, Data Protection or Freedom of Information legislation. The Council's data protection registration covers the sharing of information between officers and Councillors, for the conduct of the Council's business. Under the registration, Councillors may have access to, and process, information, including personal information, in the same way as officers, subject to the Council determining what the information is used for.

#### **Correspondence**

- 3.4 Correspondence on Council business between Councillors and officers is not private and takes place under the Council's data protection registration. The issue of confidentiality only arises in three specified circumstances:
- 1) where the correspondence is on a subject matter where the information is confidential or exempt under the provisions of the Access to Information, Data Protection or Freedom of Information legislation: this would normally include ward-based correspondence about individuals or clients (see paras. 3.7-3.9 below)
  - 2) where the correspondence is covered by a data sharing protocol which places restrictions on its circulation
  - 3) where the correspondence takes the form of a request for a confidential briefing under para. 3.21 below.
- 3.5 In general terms, correspondence with the Council should be through the Councillor Services team, who will record and monitor it. This includes complaints, general enquiries, and requests for information.

#### **Personal Information**

- 3.6 Councillors do not have a general right of access to information about individuals or clients, or the services they receive from the Council, unless they can clearly establish a "need to know" with regard to that particular information or the individual in question. The Data Protection Act 1998 specifically prevents information about living individuals being disclosed to anybody unless the subjects have been told that the information will be used for that purpose or they have consented to the disclosure.

- 3.7 Councillors who are asked by a ward resident to represent them on a particular matter have a right to expect reasonable access to information in order to represent that resident effectively. With regard to personal information this will normally be limited to information about that individual and may not extend to information about other associated individuals, for example other members of the family or household, or neighbours.
- 3.8 The more general principles concerning when officers may share personal information with Councillors, and the use that Councillors can make of that information, are set out in paras. 3.15-3.16 below.

#### **Attendance at Meetings**

- 3.9 Standing Order 32 (see Part 4 of the Constitution) sets out the rights of Councillors who are not members of a Committee to attend meetings and to speak, at the invitation of the Chair, including items on the confidential part of an Agenda.

#### **Briefings, Reports etc**

- 3.10 The authority operates a committee system, rather than an executive form of governance, where decisions are made by Committees on which all political groups on the Council are represented in proportion to the Groups' political strength on the Council. However the authority has continued to recognise the controlling political Group on the Council as the Administration and the Leader of that Group is appointed by Council to be its Leader. The Council also appoints Lead Councillors with responsibility for a service portfolio.
- 3.11 The Lead Councillor Members are appointed to the Policy Committee and have a specific role to play in managing their portfolio of responsibilities, and a greater degree of accountability for those responsibilities. Lead Councillors must therefore, be consulted, individually or collectively, by officers on matters within their portfolio in advance of reports or advice being published or given by officers. Lead Councillor briefings should be held regularly to ensure ongoing communication between officers and their Lead Councillor(s). A similar process to coordinate agendas will apply to the Chairs and Vice-Chairs of the Council's Committees. Lead Councillors will also be invited to any agenda coordination meetings covering their portfolio area.
- 3.12 All Councillors will have an important role to play in the provision of services and functions by the Council and need to have access to information and advice to a degree which will enable them to participate fully as councillors and to take decisions as members of Committees of the Council.
- 3.13 As a result, all individual councillors are entitled to information or briefings from relevant officers to enable them to fulfil their roles and obligations to their constituents on the understanding that information/advice will not be given on matters which have not yet come forward as proposals or are not in the public domain other than through the Council's formal procedures such as questions to Council or Committee or through an overview or scrutiny process undertaken by a Committee. However, Councillors should not ask officers for their personal opinion on the matter in question, and in responding to requests from Councillors for information or briefings, officers should give their professional advice and not their personal opinion.
- 3.14 Lead Councillors or Committee Chairs are entitled to receive all non-personal information necessary for them to carry out their official duties. Officers should seek to ensure that their Lead Councillor or Committee Chair are fully briefed on all matters for which they are responsible, and are not put in a position of being less informed on a matter concerning a service for which they are responsible than a fellow Councillor or member of the public. Therefore as general rule, officers will copy responses in writing to requests from Councillors for information or briefings to the responsible Lead Councillor / Chair, and where Councillors request oral briefings the officer will normally give the same information to the Lead Councillor / Chair, subject to the information:
- a) being necessary for the Lead Councillor or Chair to conduct their official duties
  - b) not being provided through a confidential briefing (see para 3.20 below)
- 3.15 Where the information is personal to a constituent or other third party, officers will normally only share this with a Councillor in the following circumstances:



- a) to the Lead Councillor or Chair
  - where the information is covered by any local information sharing protocol, and its disclosure to the Lead Councillor or Chair is consistent with that protocol;
  - in other cases, where the disclosure of the personal details is necessary to help the constituent, and to enable the Lead Councillor or Chair to carry out their official duties.

In these cases, the officer must specify to the Lead Councillor or Chair the purpose for which the personal information is being provided (eg for the conduct of their official duties), and the Lead Councillor or Chair must use the personal information solely for this purpose.

- b) to the ward Councillor
  - where the disclosure is to help a constituent and to address his/her concerns
  - where the councillor represents the ward in which the individual lives, and
  - where the councillor makes it clear that he/she is representing the individual in any request for their personal information;
  - where the information is necessary to respond to the individual's enquiry or complaint
  - where the disclosure is consistent with any information sharing protocol

3.16 Any Councillor, including Lead Councillors or Chairs, who receive personal information on a constituent or other third party from another Councillor or an officer under the Council's DPA registration must take care:

- a) To use that information solely for the purpose for which it has been provided;
- b) Only to disclose the personal information to another ward councillor in the following circumstances:
  - To address the constituent's concerns
  - Where the issue raises a matter which concerns other councillors in the same ward
  - Where the constituent has been told that this is going to happen, and why it is necessary (and has not objected to the disclosure)
- c) Not to disclose that information outside the Council without the third party's consent; and should be aware that to do so could put the authority in breach of the Data Protection Act, and the Councillor in breach of the Member Code of Conduct. Personal information provided under the Council's DPA registration must not be used for party political purposes.
- d) To comply with the Council's ICT security policy statement when using, storing or processing the personal information away from the Council's premises.

3.17 Where a Councillor has made a written request for information or briefing to an officer, and has copied that request to other persons, generally the officer will respond in writing to all persons so named. However, where an officer considers that in his/her professional judgment it is inappropriate to provide the information or briefing to any of the other persons, or alternatively that the information or briefing should be provided to other persons not named in the original request, s/he will explain this in the written response to the Councillor.

3.18 Subject to para. 3.17 above, and to any standing instructions given by ward Councillors to the contrary, an officer responding to a Councillor on ward business will not, as a matter of course, copy the response to other ward Councillors. All standing instructions from ward Councillors in individual wards which vary this arrangement should be reviewed each year after the local election.

However, officers will notify all ward Councillors of physical works to be undertaken in their ward, once the decision to do the works has been taken.

3.19 Officers should not respond to outstanding enquiries from former Councillors once they have ceased to serve of the Council. Where the enquiry involved correspondence from a constituent, officers will send the response directly to the constituent and explain why they are doing so.

## **Visits to Premises etc**

- 1) A Councillor who is entitled to ask for a briefing under this Protocol may request the briefing in the form of a visit to Council premises outside the Civic Offices, to inspect Council equipment, or to observe the provision of Council Services on site or within the community. In such cases, the Councillor must put the request in writing to the Director or Assistant Director responsible for the service and must specify his/her locus for requesting the briefing, and the purpose of the briefing. The Director or Assistant Director may refuse to arrange the visit or inspection if its purpose is not consistent with this Protocol, or is operationally inconvenient for the service, or may give rise to health and safety considerations, in which case the Director or Assistant Director will explain their reasons in writing to the Councillor.
- 2) Where an Assistant Director arranges a briefing visit or inspection for one or more Councillors, s/he will confirm the arrangements, including date, time and location, with the Councillor(s) beforehand in writing, and will be present, or arrange for a service manager to be present, to meet with the Councillor(s) and to accompany the visit or inspection.
- 3) Councillors may not visit Council premises, inspect Council equipment, or deal directly with Council staff undertaking their duties on site or within the community, outside the provisions of this Protocol.
- 4) In line with para. 3.14 above, the Assistant Director will let the responsible Lead Councillor and Committee Chair know of the request to visit Council premises, inspect Council equipment and/or to observe the provision of Council services on site or within the community, and the arrangements made to meet the request.
- 5) The rules set out in this Protocol relating to briefings and reports will apply to any such visits or inspections. This includes the provisions concerning Councillors not asking officers for their personal opinions on a matter in question; and giving the same information to the Lead Councillor and Committee Chair as was given to a Councillor during a visit or inspection.

## **Confidential Briefings**

- 3.20 A briefing in confidence may only be requested from Directors or Assistant Directors, and will only be given to Councillors who are not Lead Councillors or Committee Chairs in the following circumstances:
- a) Where the advice is requested by the Councillor on a personal matter (eg concerning declarations of interest or where advice is required on the wording of a resolution or the interpretation of law, Standing Orders or a code of conduct);
  - b) Where the advice is requested in confidence by the Leader or Deputy Leader of a political group, or any other nominated officer of the group, for the purposes of that Group.
  - c) Councillors may ask for advice / guidance as to whether their action / proposals are within the law and on questions of probity eg in connection with Council or other resolutions, financial or other types of interest.
- 3.21 A confidential briefing does not have to relate solely to exempt (Part II) business.

## **Briefings for Political Groups**

- 3.22 The existence of political groups within local authorities is now specifically recognised by law. Officers may properly be called upon to give information and advice to party group meetings. It may be appropriate for senior officers to give advice on the formulation of strategy and policy options to all political groups but it would be inappropriate for political groups to expect officers to give advice on or to undertake research to inform the formulation of proposals which are or would be contrary to the approved policies of the Council or its Committees, except in the formulation of alternative budget proposals for presentation to the annual budget meeting.

- 3.23 When officers do provide information and advice to a Lead Councillor, a political group representative or a political group meeting, it is not a substitute for providing all necessary information and advice to the Council or its Committees when the matter is considered.
- 3.24 Officers may not attend Group meetings except by invitation. Groups may ask officers to attend a meeting to provide information and advice in relation to relevant matters of Council business on the agenda for the meeting. Any request for an officer to attend a Group meeting should be directed to the Head of Paid Service or relevant Director and indicate the subject matter upon which information and/or advice is to be sought. If the Head of Paid Service or Director is of the opinion that it would be inappropriate for an officer requested to attend, the reasons for that view should be discussed with the party leader or other relevant group officer immediately.
- 3.25 If officer attendance is appropriate, the Head of Paid Service or the relevant Director shall determine which officers should attend. However, officers should not be present when party business is being discussed and must not be involved in advising on matters of party business.
- 3.26 When attending Group meetings to provide information, the officer must make clear the status of the information being presented (eg whether it is confidential or exempt) and may specify that the information can only be presented to Councillors and not to other people attending the Group; and the Group must adhere to these conditions. The unauthorised disclosure by any Group Councillor of exempt or confidential information given to the Group by an officer could be a breach of the Member Code of Conduct.
- 3.27 Both Councillors and officers should refrain from any conduct which could lead to the political impartiality of officers being called into question. It is a requirement of the Code of Conduct that Members should not do anything which compromises or is likely to compromise the impartiality of staff. Officers may at their discretion decline to disclose exempt information (i.e. information which if contained in a Committee report would lead to it being placed in Part 2 of the Agenda).
- 3.28 Advice / information or reports given by an Officer to a political Group must remain confidential to the Group to whom it is given. (This does not prevent the same advice/information being given to another Group if requested by them).
- 3.29 Councillors and officers shall respect the confidentiality of political Group meetings and meetings with Lead Councillors and the existence and content of any such discussions shall not be relayed directly or indirectly to Councillors of another group without the consent of the Group Chair or Secretary, or Lead Councillor.

#### **Accounts**

- 3.30 Councillors also have all the rights acquired by members of the public to see the authority's accounts and the general right to see all books, deeds etc, which are included in the annual audit. The period of inspection takes place over a three-week period after the publication of the Council's final accounts for the previous financial year, and usually occurs during August.

#### **Working with Councillors on Non-Council Business**

- 1) Councillors need to deal with the Council in various personal capacities: as private citizens; as local residents and receivers of services; as members of local voluntary, community and interest groups; as householders; and also as employees, Directors, owners or shareholders in local businesses or property. Councillors are required to complete and keep updated a public register of their financial interests; and to declare any personal and pecuniary interests which arise when they are taking decisions.
- 2) Councillors who contact the Council in a personal or business capacity must do so within the terms of the local Member Code of Conduct, and any failure to do so may involve a breach of the Code. Councillors are also required to comply with the authority's Planning Code of Conduct, and advice on Licensing applications.
- 4) Councillors, when communicating with the Council on personal business, should:

- Contact the Council from their home or business address or contact
  - Make clear both that they are a Councillor, but that their contact on this occasion is personal (ie not as a Councillor)
  - Not contact the Council using their Council e-mail account, nor through Members' Services
  - Make the contact or request in writing, and make clear that they are acting in a personal capacity
- 5) Officers, when responding to a Councillor on personal business, will:
- Respond in writing to the Councillor in his/her personal capacity, and not address him/her as Councillor
  - Send the communication to the Councillor's home or business address or contact by Royal Mail (not the Council's courier service); and not send responses by e-mail through the Councillor's RBC e-mail account
  - In all cases, treat the Councillor no differently from any other member of the public making a similar request
  - If officers consider that a Councillor is making an inappropriate request, they should notify their Assistant Director and the Monitoring Officer.
- 6) All communications with Councillors on their personal business should be recorded through Front Office. Services should do this directly, and not through Councillor Services, who will only log onto Front Office enquiries by Councillors acting in their capacity as a Councillor.
- 7) Councillors who are communicating on personal business will be treated as members of the public. Councillors cannot demonstrate a "need to know" that goes beyond their public rights under the Freedom of Information Act when they are not acting as a Councillor and are not covered for personal business by the Council's DPA registration.
- 8) Councillors who are submitting development proposals and planning applications in respect of any land or property in which they have a beneficial interest must do so in line with the Planning Code of Conduct, and in particular:
- must make clear that they are a Councillor
  - must not take any part in the decision-making process (this would be a breach of the Member Code of Conduct, through failure to declare a disclosable pecuniary interest)
  - should not seek to influence the case officer's assessment or recommendation on their proposal

The same rules apply in relation to applications made by the Councillors' spouse or partner. In the interests of transparency and openness, the local member code of Conduct extends them to include applications made by other members of a Councillors' family or any other person with whom the Councillor has a close association; in such cases the interest will not be a disclosable pecuniary interest, and the Councillor should declare a personal interest.

#### **4. AGENDA PREPARATION**

##### **Agenda Co-ordination**

- 4.1 The Agenda for Council meetings will be constituted in accordance with the provisions of Standing Order 5 set out in the Council and Committee Procedure Rules in Part 4 of the Constitution.
- 4.2 Agendas for Committee meetings will be compiled in accordance with the provisions of Standing Order 36C of the Council and Committee Procedure Rules. They state that the Assistant Director of Legal and Democratic Services will determine the agenda for Committee meetings, subject to consultation with the Leader, the Chair and the responsible Lead Councillor(s), as well as the Head of Paid Service, Chief Financial Officer, and lead officer(s) for the Committee. The following may request the Clerk to the Committee to include an item on the Agenda for the next meeting of a Committee (subject to the Access to Information Regulations being met):

Leader  
Responsible Lead Councillor;

- 4.3 An Opposition Group Leader or the Mayor may ask the Leader to put an item on the Agenda of a Committee meeting for consideration, and if the Assistant Director of Legal and Democratic Services agrees the item will be considered at the next available meeting, subject to there being no more than two such reports per Committee meeting. The notice of the meeting will give the name of the Councillor who asked for the item to be included.
- 4.4 The Head of Paid Service, Monitoring Officer and/or the Chief Financial Officer may include items for consideration on the Agenda of any Committee meeting and may require that a meeting of the Committee be called in pursuance of the statutory duties.
- 4.5 Under Standing Order 29, any three members of a Committee may call a meeting of that Committee at any time.

### **Reports**

- 4.6 It must be remembered that officers are required to draft reports for Council and Committees which contain proper professional advice, and all relevant information, and no irrelevant information, necessary to allow the meeting to make a reasonable decision, in line with the *Wednesbury* Principles.
- 4.7 All reports should be submitted to the Council or Committees under the name of the Director or Statutory Officer, and Directors and Statutory Officers shall be fully responsible and accountable for the contents of any reports submitted in their names.
- 4.8 All reports submitted to the Council or Committees must also state the name of the responsible Lead Councillor(s), and the officer submitting the report will consult with the Lead Councillor(s) on the recommendations made in the report before submitting the report to the meeting.

### **Consultative and Advisory Bodies**

- 4.9 Councillors and officers will also attend meetings of consultative and advisory bodies which have representatives of partnership bodies, local businesses, voluntary groups and other agencies. At such meetings Councillors and officers may provide appropriate information and advice on Council business but shall not disclose any exempt or confidential material, including personal information except where its disclosure is provided for by an information sharing protocol, in which case this must be explained.

## **5. OVERVIEW AND SCRUTINY**

- 5.1 A Committee may resolve to undertake an overview or scrutiny exercise of any function or service delegated to it, or of a partner organisation providing public services locally in Reading. In addition, under the provisions of Standing Order 25, full Council may request a Committee to undertake a scrutiny review. In such cases, the Overview and Scrutiny Procedure Rules will apply, as set out in Part 4 of the Constitution.
- 5.2 A scrutiny exercise undertaken under the Overview and Scrutiny Procedure Rules may include the scrutiny and review of decisions made or actions taken in accordance with the discharge of any Council functions covered by the Committee. In addition to reviewing documentation, in fulfilling the scrutiny role, a Committee, or a task-and-finish group of Members set up by a Committee to undertake the scrutiny exercise, may require any Lead Councillor and/or senior officer to attend before them to provide evidence in relation to matters within their remit. The Committee or task-and-finish group may request information on any decision or series of decisions, the extent to which the actions taken implement Council policy and their performance.
- 5.3 Lead Councillors and officers are required to attend such scrutiny exercises if requested, unless exceptional circumstances prevent this, in which case arrangements for an alternative date will be made in consultation with the Lead Councillor and Chair of the Panel. They are also required to answer all questions asked of them, unless they would otherwise have grounds for not answering the question if it were put to them in a court of law.

- 5.4 Officers who are not Directors or Assistant Directors and who are requested to attend to give evidence at a scrutiny exercise can, at the officers' request, be accompanied by a senior manager or a Trades Union representative. This request cannot be reasonably denied by the Committee or task-and-finish group.
- 5.4 Councillors and officers may not be accompanied by an external legal representative without the specific approval of the Monitoring Officer.

## **6. CORPORATE VALUES/ NOLAN PRINCIPLES**

- 6.1 Councillors and officers should always bear in mind the corporate values and Nolan Principles in their dealings with each other. Mutual respect between officers and Councillors is essential to good local government. It is important that any dealing between Councillors and officers should observe reasonable standards of courtesy and that neither Councillors or officers should seek to take advantage of their position, intimidate the other party or seek to exert duress.
- 6.2 Close personal familiarity between Councillors and officers can damage their relationship and prove embarrassing to other Councillors and officers. However, it is clearly important that there should be a close professional working relationship between the Lead Councillor and the Director and other senior officers with service responsibilities within the Lead Councillor's portfolio; and also between the Director and senior officers and their Committee Chair(s).

### **Disputes**

- 6.3 Taking into account the corporate values and with Councillors and officers respecting integrity, the majority of disagreements should be resolved quickly and amicably. However, if there is a serious dispute, the matter should be discussed in the first instance between the Councillor and the officer concerned. If such discussions do not produce an acceptable resolution the matter should be referred to relevant senior managers and senior party leaders, ultimately resulting in referral to the Head of Paid Service. In addition, any officer can make a complaint that a Councillor has acted in breach of the Member Code of Conduct to the Monitoring Officer.

Other relevant Codes etc

- 6.4 These include:

- Code of Conduct for Members
- Code of Conduct for Officers
- Planning Code of Conduct for Members
- Working with Reading's MPs - Guidelines
- Publicity in Elections
- Whistleblowing Policy

# Working with Reading's MPs - Guidelines

The Council has always been keen to encourage joint working with the Borough MPs, where this is appropriate. In order to facilitate this, whilst at the same time ensuring the legitimate use of Council officer time and facilities, these guidelines have been developed with the Leader, Deputy Leader and Chief Executive.

## General

1. Council Officers should only do work on behalf of MPs that is related to legitimate Council business, ie it must be a legitimate Council activity.

## Invitations and Publicity

2. The Council must take great care in issuing publicity which includes the Borough's MPs as they are persons identified with a political party and therefore subject to the provisions of Section 2 of the Local Government Act 1986 and Section 27 of the Local Government Act 1988. Times when it will be appropriate to invite MPs to Council events and to include the MPs in Council publicity will include:
  - Civic and other events organised by the Council to which MPs are formally invited, such as Royal visits, ministerial visits, Mayor Making, Remembrance Day events, the Civic Ball and Carol Service, and other Mayoral and partnership events where the MPs are included on the Civic VIP list.
  - Events organised by schools, youth and community centres or other Council services or activities funded by the Council to which they invite the MPs.
  - Events organised by partners and community organisations to which both the Council and MPs are invited.
  - Local campaigns and issues where the Council had formally asked one or both MPs to be involved in lobbying on the Council's behalf: in all such cases, the reason for MP involvement should be clearly established; sometimes it will be specific to an individual constituency.

Formal requests to MPs can take a number of forms, which should be documented:

- Council or Committee motions or resolutions
  - MPs briefings
  - Requests in writing, only from the Chief Executive
- Local campaigns and issues where MPs have approached or put a proposal to the Council, to which Council is responding.
3. MPs may be invited to launches of Council initiatives or functions where they have a clear personal, geographical or interest-based link with the initiative, and it would be normal to invite the MP.

In this respect, and with regard to geographical links:

- Both MPs may be invited to Borough-wide events, irrespective of where they are held.
- The fact that an event is held at the Civic Offices, the Hexagon, the Town Hall, or Rivermead Leisure Centre, or in other Town Centre locations does not, in itself, establish a geographical link to the MP for Reading East.

- Both MPs should be invited to events at South Reading Leisure Centre.
4. Requests from MPs to Council Officers or services to participate in campaigns initiated by an MP should be handled with great care, and must be relevant to Reading. In all cases they should be referred to:
    - The Strategic Communications Manager or Senior Press Officer - in relation to publicity
    - The Chief Executive or relevant Executive Director or Assistant Director - in relation to use of civic facilities
    - The appropriate Lead Councillor or Committee Chair (if unavailable the Leader or Deputy Leader)

The Communications Team will liaise directly with the officer and Lead Councillor, Chair and Monitoring Officer on the request, and the arrangements for the activity.

5. Separate guidance will be offered during election purdah periods, which will supersede this guidance.

### **Correspondence and Briefings**

6. Except where otherwise agreed by the Chief Executive, all correspondence between MPs and the Council will be through the Chief Executive. Exceptions will include constituency casework, where the MPs may correspond directly with the responsible Director or Assistant Director, and electoral issues where the MPs may correspond directly with the Returning Officer.
7. The Chief Executive offers briefing meetings to both MPs (separately and together) on a regular basis. As a general rule, only Directors and/or Assistant Directors will attend briefing meetings.
8. Conversely, either MP can request briefings on specific items at these meetings, in which case the appropriate officer will be approached to arrange for the briefing to be provided to the meeting, either orally or in writing.
9. MPs may also request information or briefings, from Directors, and vice versa. To avoid any conflict with the Freedom of Information Act 2000, MPs may only request information or briefings in confidence in the following circumstances:
  - on a matter where the information itself is confidential or exempt under the provision of the Access to Information, Data Protection or Freedom of Information legislation. This will usually include correspondence between constituents and their MPs which as a general rule will be covered by the Data Protection Act.
  - Where the advice requested is on a matter personal to the MP
10. MPs do not have a right of access to information about individuals or clients, and the Data Protection Act 1998 specifically prevents information about living individuals from being disclosed to anybody unless the subject has been told that the information will be used for that purpose or has consented to the disclosure. MPs who can show written evidence that they have been asked by a constituency resident to represent them on a particular matter have a right to expect reasonable access to information in order to represent that constituent effectively. With regard to personal information, this will normally be limited to information about that individual and may not extend to information about other associated individuals, for example for members of the family, household or neighbours.
11. Requests for information or briefings from the Borough's MPs which do not involve confidential information or personal advice will be handled in line with the long-standing protocol concerning briefings given to Councillors, which is that information given in writing will always be copied to the Lead Councillor and (if relevant) Chair of the appropriate Committee; and where MPs request oral briefings the Chief Executive or Director will inform the Lead Councillor of the content of the briefing.



## Facilities

12. MPs may not make use of Council officer time or Council facilities in their publicity or constituency work.
13. MPs may book and use rooms in Council buildings for their surgeries without charge.
14. On other occasions, MPs may book rooms in Council buildings, but when they do so they will be charged for this use. This will be the rate for voluntary organisations, where such a rate applies; if not, it will be the normal commercial rate.
15. As above, separate guidance will be issued during election purdah periods which will supersede this guidance.

If you have any queries about these guidelines or whether a piece of work with an MP is appropriate Council business, please contact the Monitoring Officer or Strategic Communications Manager.

# Council Publicity and Elections

## 1. STATUTORY POSITION for COUNCIL PUBLICITY

- 1.1 The Council must comply at all times with both the statutory restrictions on publicity Acts 1986 and 1988, and the national Code of Recommended Practice on Publicity (issued under the 1986 Act)
- 1.2 Under Section 2 of the 1986 Act, and Section 27 of the 1988 Act, a local authority shall not publish any material which, in whole or in part, appears to be designed to affect support for a political party. In determining whether material falls within this prohibition, regard shall be had to the content and style of the material, the time and other circumstances of its publication, and the likely effect on those to whom it is directed. The legislation makes specific reference to:
  - Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of controversy which is identifiable as the view of one political party and not of another
  - Where the material is part of a campaign, the effect which the campaigning appears to be designed to achieve.
- 1.3 The above restrictions apply to all parts of the local authority's operation, and not just to its Communications operation.
- 1.4 The restrictions do not stand alone, and have to be read in conjunction with other legislation which justifies local authority funding or activity as part of the provision of a function or service of the local authority. Under Section 111 of the Local Government Act 1972 a local authority has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. Under Section 2 of the Local Government Act 2000, a local authority has a general power to promote or improve the economic, social or environmental well-being of its area, but in doing so it must have regard to the community strategy for its area.
- 1.5 The above restrictions apply to local authority publicity at all times. However, the Code states that, ***"the period between the notice of an election and the election itself [the purdah period] should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members ... Proactive events arranged in this period should not involve members likely to be standing for election"***.

## 2. COUNCIL PUBLICITY AND ELECTIONS - GENERAL

- 2.1 This Protocol is based on the Code of Recommended Practice on Local Government Publicity, and the Local Government Information Unit (LGIU) guide to the Code, "The Right Side of the Law".
- 2.2 The LGIU policy briefing was issued in March 2003, following the adoption of new executive arrangements from 2001, and the changes made to the Code of Conduct in 2001 to reflect this. The latter tightened the restrictions around elections, and in particular stated that authorities should stop all forms of proactive publicity relating to candidates and other politicians directly involved in elections.
- 2.3 There are three reasons to be cautious about publicity and other media events in the run-up to an election:
  - The statutory restrictions on publicity contained in the Local Government Acts 1986 and 1988, and the national Code of Recommended Practice on Publicity (see above)
  - Councillors must also comply with the Council's Code of Conduct. This says that Members must not use their position as a councillor to confer or secure an advantage for themselves or any other person; and must ensure that the Council's resources are not used for political purposes... . Acting in breach of the Code could result in a complaint to the Standards Board
  - There are strict controls on the amount that a candidate can spend on election campaigns, and all expenses must be declared. Councillors who are candidates should not put themselves in a

position that attracts a claim that they are using Council resources for campaign purposes, in which case they would have to pay and declare the cost of those resources.

- 2.4 The Code of Recommended Practice states, amongst other things, that proactive events organised at election time should not include members standing for election, and that the safest policy between the **notice of the election being published** and polling day is to avoid mention of any Councillor who is seeking election. On press releases, it says that the safest route is not to mention Councillors standing for election; and if it is necessary to have a member comment, also to consider including a quote from an opposition Councillor.
- 2.5 The national Code is a statutory code of recommended practice, and authorities must have regard to its provisions in coming to any decisions about publicity; it applies to publicity issued by local authorities but not normally to other bodies
- 2.6 There is local custom and practice in Reading that Lead Councillors (and before them, Committee Chairs), may speak on and be associated with matters falling within their area of responsibility, so long as the law and the essential principles of the code of practice are not infringed. This is consistent with the principle behind Modernisation which was to sharpen the focus of executive authority.
- 2.7 The LGIU briefing states that there is no need to cease all proactive publicity during election periods, so long as the authority is mindful of the broad restrictions set out in the code

### 3. COUNCIL PUBLICITY AND LOCAL ELECTIONS

- 3.1 During the purdah period before a local election (ie from the date the notice of the election is published), Councillors and Officers should apply the following principles arising from the Code, subject to the merits of each individual case, and to none of the cases involving an event or issue which is politically controversial or clearly associated with a political campaign:
  - 1) Lead Councillors may take part in events organised by the Council which relate directly to their portfolio area, where the event is in respect of a Council initiative that is already in the public arena and which has been approved by the Council or Committee, and where the timing of the event is incidental to the election process.
  - 2) Such events should not include ward Councillors who are standing for re-election, or any other candidates; and the responsibility for ensuring that this does not occur extends beyond Council officers to the individual councillors or candidates themselves.
  - 3) For such events, the Council may issue press releases which refer to the Lead Councillor, but should not refer to or include quotes by ward Councillors or candidates.
  - 4) Lead Councillors may also take part by invitation in events relating to their portfolio area which are arranged by another organisation, and as a result may receive publicity independently of the Council
  - 5) Lead Councillors may comment on situations of emergency or where there is a genuine need for a Member response to an important event outside the authority's control
  - 6) Councillors other than Lead Councillors (and the Mayor) should normally not take part in publicity events or be referred to or quoted in press releases
  - 7) The Code does not prevent individual Councillors who are candidates from responding to media enquiries made directly to them about Council business or issues which affect the Borough or its residents
  - 8) The Code does not prevent Councillors who are candidates from dealing with their everyday ward work, including correspondence from constituents, so long as this is not used as a means of canvassing
  - 9) Ward surgeries held in Council property can continue where they are held as part of a regular and scheduled programme, so long as they are used for normal constituency business and not for election canvassing or campaigning
  - 10) The following may be considered to be acceptable events and activities involving Councillors who are candidates, subject to the event or activity not promoting the election or the Councillor as a candidate, as follows:

- Sending welcome letters to new ward residents - so long as it is the Councillor's regular practice to send them, and they are limited to information about the ward Councillor(s) and how to get in touch, surgeries etc
- Sending letters to large numbers of residents - so long as they are about a continuing problem or other Council matter with which the Councillor had been dealing and are informative about the current situation; care must be taken here to ensure that the letters are not viewed as campaigning
- Public consultation meetings - so long as they are provided as part of the normal business of the Council and are part of an agreed programme of work; care should be taken to ensure that they do not look as though they have been arranged as a potential opportunity for campaigning.

#### **4. COUNCIL PUBLICITY AND THE BOROUGH MPs**

- 4.1 The general position with regard to invitations and publicity outside the election purdah period is set out in the *Guidelines on Working with Reading's MPs*. This also deals with briefings, and facilities.
- 4.2 The position is different with regard to prospective parliamentary candidates (PPCs). They have no role as PCCs in any Council event or publicity.
- 4.3 The position will be complicated if a situation arises where any of the PPCs are serving Councillors on the Borough Council. They will continue to have a reason to be involved in events and publicity where this flows from their roles as a Councillor, and which may include Council and Committee motions which they move or second and which are carried.

#### **5. COUNCIL PUBLICITY AND PARLIAMENTARY ELECTIONS**

- 5.1 This part of the Protocol applies to the purdah period for a parliamentary election, following the dissolution of parliament. From that date, the Borough's MPs cease to be MPs. If they have been re-selected to stand, their status will be as a parliamentary candidate; if they have not been selected to stand, or are retiring, then they will have no formal political status.
- 5.2 In addition, during the purdah period any Councillors who are candidates must be treated as parliamentary candidates and not as Councillors.
- 5.3 The general election is for parliament, and not for the Council, and therefore the focus of attention regarding publicity and PR will be on parliamentary candidates.
- 5.4 The Council must comply with both the statutory restrictions on publicity contained in the Local Government Acts 1986 and 1988, and the national Code of Recommended Practice on Publicity (issued under the 1986 Act)
- 5.5 The Code is written primarily with local elections in mind (hence the reference to Members). However, the same principles will apply with regard to parliamentary candidates, and other politicians who are actively involved in the election.
- 5.6 The Council may continue to issue publicity and promote events relating to its ongoing activities as a local authority, and that part of this protocol will continue to apply, subject to the events or publicity not involving any of the parliamentary candidates (unless all are involved).