

To: Tina Barnes (Chair)  
Councillors Edwards, Gittings, Keane,  
Lovelock, McEwan, R Singh and Terry

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30 September 2022

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### NOTICE OF MEETING - STANDARDS COMMITTEE 10 OCTOBER 2022

A meeting of the Standards Committee will be held on Monday, 10 October 2022 at 6.00 pm in the Committee Room 1, Civic Offices, Reading, RG1 2LU. The Agenda for the meeting is set out below.

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To provide the Committee with information relating to the number, type of complaints and their disposal in the financial years 2020/21 and 2021/22.		
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A report asking the Committee to consider a proposed Member Code of Conduct for recommendation to Council for Adoption.		



## STANDARDS COMMITTEE MINUTES - 10 MARCH 2020

**Present:** Mrs T Barnes (Chair);  
Councillors Ayub, Edwards (Vice-Chair), Lovelock and R Singh

**Apologies:** Councillors Gittings and Khan & Mr D Comben (Independent Person)

### 1. MINUTES

The Minutes of the meeting held on 27 June 2019 were confirmed as a correct record.

### 2. INVESTIGATION OF COMPLAINTS 2019/20

The Monitoring Officer submitted a report outlining the number, type and disposal of complaints made by members of the public against councillors in the financial year 2019/20.

The report also outlined the Council's response to one complaint, which took 14 months to resolve, and the issues raised by this complaint.

Annex A to the report contained a list of 10 complaints that had been made by members of the public to the Monitoring Officer between 1 April 2019 and 31 March 2020. The complaints contained a mixture of Code of Conduct related items and other issues that had been raised when members of the public were not happy with a councillor's performance.

Of the 10 complaints set out in Annex A:

- 1 complaint had been resolved at the filter stage
- 3 complaints had been judged not to engage the Code of Conduct and were rejected at the initial filter stage
- 1 complaint was referred to the Group disciplinary process and resolved
- 1 complaint (Mr Collie's complaint) was referred for investigation
- 3 complaints were initially suggested to the Monitoring Officer, but the complainant did not proceed to make a complaint or respond to correspondence
- 1 complaint was made about a councillor who was not acting in the capacity of a councillor

The report advised that the cases that had been reported did not highlight any systematic issues of concern for the Council.

The Committee was asked to consider whether the Council's current procedure for dealing with complaints allowed members of the public to understand the process for making a complaint for its investigation and determination. The present arrangements were set out in Article 9 of its Constitution and were included in the report at Annex B.

The report stated that the Committee for Standards In Public Life (CPSL), in its January 2019 report into Local Government Ethical Standards, made 15 best practice recommendations for local authorities (see also Minute 3 below). The recommendations, together with commentary on each of them, were set out in the report.

The Committee considered that it was important that complaints should be dealt with promptly, with strict timescales incorporated into the Council's complaints process. It recognised that ordinarily, a complaint was likely to be made by a person who had been

## STANDARDS COMMITTEE MINUTES - 10 MARCH 2020

directly affected by the alleged behaviour of a councillor. However, there might be circumstances where a complaint had been made by a third party. The Council's current arrangements were silent on this point and the Monitoring Officer recommended including some information about handling this situation in the revised arrangements.

**Resolved -**

- (1) That the complaints received in the financial year 2019/2020 be noted;**
- (2) That the Monitoring Officer's observations in the complaint made by Mr Collie against Councillor Page be noted;**
- (3) That appropriate timescales be included in the Council's arrangements for dealing with complaints against councillors so as to ensure the expeditious disposal of the matter;**
- (4) That the Monitoring Officer produce a revised set of arrangements for dealing with complaints and that these be presented to a future meeting of the Committee.**

### **3. CODE OF CONDUCT**

The Monitoring Officer submitted a report outlining the new recommended model Councillor Code of Conduct (the Model Code) that had been published by the Local Government Association (LGA) on 23 December 2020. The LGA had developed the Model Code in association with key partners and after extensive consultation with local authorities. The Model Code, which was attached at Annex A, provided a template for Councils to adopt in whole and/or with local amendments, should they wish to. It set out the standards of councillor conduct and guidance on the reasons for these obligations and how they should be followed. The report advised that discussions with Monitoring Officers from neighbouring authorities had indicated a collective leaning towards adoption of the Model Code, albeit with some variations.

A copy of the Council's current Code of Conduct (dated 23 October 2012) was attached at Annex B.

The Monitoring Officer highlighted several issues for the Committee's consideration as to whether local variations to the Model Code were appropriate. These were:

- Use of social media
- Gift and hospitality threshold
- Dealing with disrespect
- Exempt information

In respect of the gift and hospitality threshold, the report explained that the monetary threshold of £50.00 in the Model Code was more than the £25.00 threshold in the Council's current Code of Conduct. The LGA had reported that over seven in ten respondents (72%) supported £25.00 as the threshold for registering gifts and hospitality. The Committee considered that £25.00 was the appropriate figure, noting that any gifts received were estimated as being well within this value.

In respect of exempt information, the report explained that the operation of the clauses set out in paragraphs 4.1(a) to 4.1 iv(3) of the Model Code was quite complicated, involving a number of matters which a councillor was required to take into account when dealing with exempt and confidential information. The report recommended adopting a more straightforward obligation on councillors, namely to seek advice from the Monitoring

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Officer before releasing any paper which was marked, or could reasonably be assumed to be, confidential or exempt. The Committee agreed with this proposed modification.

The Monitoring Officer agreed to produce a revised version of the Model Code, incorporating these two amendments and any other revisions, to a future meeting of the Committee before being recommended to Council for adoption.

### **Resolved -**

- (1) That the Monitoring Officer produce a revised version of the Model Code, to be submitted to this Committee prior to it being recommended to the Council for adoption;**
- (2) That a training programme for the new adopted Model Code be developed and presented by the Monitoring Officer after the next Council elections for the benefit of all new and existing councillors.**

(The meeting commenced at 4.30pm and closed at 5.20pm).

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## READING BOROUGH COUNCIL

### REPORT BY MONITORING OFFICER

<b>TO:</b>	Standards Committee		
<b>DATE:</b>	10 October 2022		
<b>TITLE:</b>	INVESTIGATION OF COMPLAINTS 2021/22		
<b>LEAD COUNCILLOR:</b>	Cllr Liz Terry	<b>PORTFOLIO:</b>	Corporate Services and Resources
<b>SERVICE:</b>	Legal and Democratic	<b>WARDS:</b>	ALL
<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 Each year the Standards Committee receives a report on activity in the previous year. This allows members of the Committee to scrutinise the workings of the complaints system.
- 1.2 The last report to Standards Committee in March 2021 reviewed the complaints during the period April 2019 to March 2020 as there was a year missing due to the pandemic. This report brings the statistics up to date for the two years 2020/21 and 2021/22.
- 1.3 The current arrangements for dealing with complaints are also assessed in accordance with the recommendations of the Committee for Standards in Public Life.
- 1.4 Members will note that there is a separate paper at tonight's Committee seeking to implement some further changes to improve complaints handling and transparency of the overall system.

#### 2. RECOMMENDED ACTION

Standards Committee is asked:

- 2.1 To note the Complaints received in years 2020/2021 and 2021/22
- 2.2 To consider any further work which may be necessary to promote high standards of conduct in public life in the Council

#### 3. POLICY CONTEXT

- 3.1 The Localism Act requires all councils to have a local Member Code of Conduct. It also requires councils to put in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made. Currently the Council's arrangements are set out in Article 9 of the Constitution (which describes the remit of the Standards Committee). These arrangements have been in place since May 2013. A paper is presented this evening to your Committee which outlines further changes to these arrangements.

#### **4 COMPLAINTS IN THE FINANCIAL YEAR 2020/2021 and 2021/22**

- 4.1 Reports to the Standards Committee are usually made annually to update the Committee on the number of complaints made and other issues. This did not happen in 2020. When the Coronavirus Pandemic required the Council to change its decision making process in spring 2020, the Standards Committee was one of those committees which was temporarily stood down whilst Policy Committee assumed the majority of Council functions under the Constitution's emergency provisions. The last report was made in March 2021 which dealt with complaints in the year 2019/20.
- 4.2 Annex A to this report contains a list of six complaints that were made to the Monitoring Officer in financial year 2020/21.
- 4.3 Annex B to this report contains a list of seven complaints that were made to the Monitoring Officer in financial year 2021/22.
- 4.4 The lists are anonymised. There is a public interest in the operation of a complaints procedure, that not every matter should be made public. Hence, details of councillors and members of the public are redacted in this summary. This encourages resolution of matters at the earliest stage possible, in the quickest timescale and with the least formality. This practice is consistent with Standards Committee proceedings elsewhere. If a serious matter is brought before the Committee, the Committee item would usually proceed as a Part 2 matter until the Committee had weighed up the public interest in publicity and taken into account whether the subject councillor was proven to have breached the Code or not.
- 4.5 If a members is found to have breached the Code then this report will identify that councillor so that there is transparency in the public interest.
- 4.6 Members will note that of the six complaints in Annex A:
- 4 complaints were judged not to engage the Code of Conduct and were rejected at the initial filter stage
  - 1 complaint was already resolved by the councillor and there was no further action
  - 1 complaint was referred to the Group disciplinary process and a breach of the Code was found and training identified
- 4.7 Members will note that of the seven complaints in Annex B:
- 1 complaint was resolved at the filter stage (and advice was given to the councillor)
  - 4 complaints were judged not to engage the Code of Conduct and were rejected at the initial filter stage
  - 1 complaint was referred to the Group disciplinary process but was unresolved before the councillor stood down
  - 1 complaint was found to be trivial and was dismissed with no further action
- 4.8 It is suggested by the Monitoring Officer that there are no trends or conclusions which can be drawn from this data. The cases which are reported do not highlight any systemic issues of concern for the Council. This is a low level of complaint activity and demonstrates that councillors generally have good relations with the community. The Committee will no doubt wish to consider this for itself.
- 4.9 Members will note that data is now included in the Annex about the timeliness of responses to acknowledge and answer complaints.

## 5 COMMITTEE ON STANDARDS IN PUBLIC LIFE

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

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

*The new model Code from the LGA (on the agenda this evening) also includes these provisions. Members are being asked if they wish to adopt that new model.*

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

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

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

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

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

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

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

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

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

*These arrangements are currently in Article 9 of the Constitution. New arrangements are on the agenda tonight for members to consider.*

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

*Reading currently has one independent person. In the event of the need to obtain a second independent person, the Council would seek a suitable person from a neighbouring authority. The Berkshire Monitoring Officers have indicated a willingness to recruit a shared panel for all the Berkshire unitary authorities.*

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

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

5.9 Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the

allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

*Where the Monitoring Officer and Independent Person concur with any finding in an investigation report that there has been a serious breach of the local Member Code of Conduct, which requires the application of a sanction the Monitoring Officer may decide at this stage to put the findings directly to the local Standards Committee for their consideration. This will normally include a public report and subsequently the Minutes of the meeting, setting out the information recommended above.*

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

*The Council's current complaint procedure is accessible on the Council's website. The new proposed arrangements will also be on the website.*

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

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

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

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

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

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

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

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

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

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

## **6. OPTIONS**

6.1 The Committee is asked:

- (a) To note the Complaints received in financial years 2020/2021 and 2021/2022
- (b) To consider any further actions which are appropriate to improve standards in public life within the Council

## **7. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

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

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

## **8. COMMUNITY ENGAGEMENT AND INFORMATION**

8.1 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".

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

## **9. EQUALITY IMPACT ASSESSMENT**

9.1 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.

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

**10 LEGAL IMPLICATIONS**

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

**11. FINANCIAL IMPLICATIONS**

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

**12. BACKGROUND PAPERS**

12.1 There are none

## Councillor Complaints received between 1 April 2020 - 31 March 2021

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

No	Date	Complainant	Cllr	Acknowledged	W/Days	Complaint	Outcome	Stage	Date	W/Days
1	27-Aug-20	Reading Golf Club	Cllr A	15-Sep-20	14	Concern over financial interests	No breach of the Code identified	0	15-Sep-20	14
2	14-Oct-20	Ms A	Cllr B	16-Oct-20	3	Complaint about contact	Cllr had dealt with issue. NFA	0	16-Oct-20	3
2	14-Oct-20	Ms A	Cllr C	16-Oct-20	3	Complaint about contact	Cllr had dealt with issue. NFA	0	16-Oct-20	3
3	25-Jan-21	Mrs B	Cllr D	25-Jan-21	1	Contact with complainant's mother in nursing care	No breach of the Code identified	0	15-Feb-21	16
3	25-Jan-21	Mrs B	Cllr C	25-Jan-21	1	Contact with complainant's mother in nursing care	No breach of the Code identified	0	15-Feb-21	16
4	08-Mar-21	Mr C	Cllr D	15-Mar-21	6	Comments made at Planning Committee	No breach of the Code identified	0	30-Apr-21	40
4	08-Mar-21	Mr C	Cllr E	15-Mar-21	6	Comments made at Planning Committee	No breach of the Code identified	0	30-Apr-21	40
4	08-Mar-21	Mr C	Cllr F	15-Mar-21	6	Comments made at Planning Committee	No breach of the Code identified	0	30-Apr-21	40

No	Date	Complainant	Cllr	Acknowledged	W/Days	Complaint	Outcome	Stage	Date	W/Days
5	10-Mar-21	Mr D	Cllr G	10-Mar-21	1	Inappropriate use of Council resources	Cllr not using council resources. NFA.	0	22-Apr-21	32
6	10-Mar-21	Mr and Mrs E	Cllr D	15-Mar-21	4	Comments made at Planning Committee	No breach of the Code identified	0	30-Apr-21	38
6	10-Mar-21	Mr and Mrs E	Cllr E	15-Mar-21	4	Comments made at Planning Committee	No breach of the Code identified	0	30-Apr-21	38
6	10-Mar-21	Mr and Mrs E	Cllr Rynn	15-Mar-21	4	Comments made at Planning Committee	Disrespect found. Apology given. Training identified.	1	29-Jun-21	80

## Councillor Complaints received between 1 April 2021 - 31 March 2022

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

No	Date	Complainant	Cllr	Acknowledged	W/Days	Complaint	Outcome	Stage	Date	W/Days
1	12-Apr-21	Mr A	Cllr A	22-Apr-21	9	Not flying Union Jack at Council Offices.	No breach of the Code identified	0	22-Apr-21	9
2	14-Apr-21	Cllr B	Cllr C	14-Apr-21	1	Inappropriate use of Council resources	Advice given to Cllr C	0	14-Jul-21	66
3	14-Apr-21	Mr D	Cllr D	14-Apr-21	1	Being blocked on Twitter	No breach of the Code identified	0	26-Apr-21	9
3	14-Apr-21	Mr D	Cllr B	14-Apr-21	1	Being blocked on Twitter	No breach of the Code identified	0	26-Apr-21	9
3	14-Apr-21	Mr D	Cllr E	14-Apr-21	1	Being blocked on Twitter	No breach of the Code identified	0	26-Apr-21	9
3	14-Apr-21	Mr D	Cllr F	14-Apr-21	1	Being blocked on Twitter	No breach of the Code identified	0	26-Apr-21	9
3	14-Apr-21	Mr D	Cllr G	14-Apr-21	1	Being blocked on Twitter	No breach of the Code identified	0	26-Apr-21	9
4	30-Sep-21	Mr E	Cllr A	30-Sep-21	1	Use of language in Policy Committee	Complaint is trivial. NFA.	0	16-Nov-21	34

No	Date	Complainant	Cllr	Acknowledged	W/Days	Complaint	Outcome	Stage	Date	W/Days
5	14-Dec-21	Mr F	Cllr H	15-Dec-21	2	Failure to respond to correspondence	Referred to Stage 1	1	30-Mar-22	77
6	21-Feb-22	Ms G	Cllr I	21-Feb-22	1	Trying to get the complainant dismissed from her job.	No discernible breach of the Code.	0	16-Jun-22	84
7	03-Mar-22	Various	Cllr J	03-Mar-22	1	Comments made at PAC	No discernible breach of the Code.	0	29-Apr-22	42
7	03-Mar-22	Various	Cllr K	03-Mar-22	1	Comments made at PAC	No discernible breach of the Code.	0	29-Apr-22	42

**READING BOROUGH COUNCIL**  
**REPORT BY MONITORING OFFICER**

<b>TO:</b>	Standards Committee		
<b>DATE:</b>	10 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 2020 (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 for recommendation to Council.
- 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.

## 2. RECOMMENDED ACTION

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

## 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 last meeting 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 to be recommended to Council for adoption.
- 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 and to recommend to Council in the first instance. 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 recommended to Council for approval.
- 4.2 There are 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 2020 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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## Article 9 – The Standards Committee

**Commented [GM1]:** This will be moved to Part 3 of the Constitution -

### 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~~

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

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

9.1.42 ~~The Standards Committee may establish sub-committees and determine procedures for the operation of these sub-committees, under the same provisions.~~

#### 9.2 Composition

##### (a) Political Balance

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

##### (b) Membership

9.2.2 The Standards Committee will be composed of:

- ~~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 ~~a~~ members of the Standards Committee ~~nor named substitutes (as they have a role in Stage 1 investigations)~~

##### ~~(c) Independent Member(s)~~

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

**Commented [GM2]:** It's not necessary to identify the mechanics of how these things are allowed to happen

##### (d) Chairing the Committee

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

**Commented [GM3]:** This is the current practice. I would also say it is best practice. Councillors may also wish to consider having an independent vice chair.

(e) **Quorum**

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

9.2.65 The quorum of any sub-committee of the Committee shall be ~~three~~ two members.

**Commented [GM4]:** A sub-committee is likely to be three members, therefore the quorum needs to be less in order to allow for emergencies etc

(e) **Voting**

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

~~9.2.8 Any two Members of the Committee present at the meeting where a decision is taken shall be able to require any matter considered by the Committee to be referred for investigation to the Council's Chief Auditor or the Council's External Auditors.~~

**Commented [GM5]:** An unusual provision which I doubt has ever been used. It is difficult to envisage the circumstances where this would be relevant. Not having such a provision does not prevent a recommendation or motion being presented to this effect in any event and being voted on by the majority.

(f) **Calling of Meetings**

9.2.79 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)

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

**9.3 Role and Function**

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

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

- ~~3.~~
4. ~~Selflessness~~
5. ~~Integrity~~
6. ~~Objectivity~~
7. ~~Accountability~~
8. ~~Openness~~
9. ~~Honesty~~
10. ~~Leadership~~

3. To maintain the Arrangements Document, to oversee its effectiveness and direct the Monitoring Officer to publish amendments or revisions

~~3-4.~~ To receive and consider reports from the Monitoring Officer ~~and Independent Person~~ made under ~~Stage 3 of~~ the Council's Member complaints process, concerning allegations made about Members involving a breach of the local Member Code of Conduct, and/or other associated Council protocols, in particular the Planning code of conduct and the Protocol on Member/Officer Relations.

**Commented [GM6]:** It's the Monitoring Officer that brings reports. The Independent Person is consulted at various stage of the process

~~5.~~ To develop the ethical framework of the Council.

~~4-6.~~ To monitor the probity and propriety of all aspects of Council business.

~~5.~~ ~~To scrutinise the conduct of individual Members, political groups and informal groupings, and to issue reprimands to individual Councillors or groups of Councillors in circumstances where breaches of the law, codes of practice or other conduct considered inappropriate have been established.~~

**Commented [GM7]:** Duplicates para 3 above – it's essentially the same process.

~~6-7.~~ To advise the Council on the adoption or amendment of local codes of conduct and associated protocols and to monitor their effectiveness.

**Commented [GM8]:** For instance, breaches of the Planning Code of Conduct.

~~7-8.~~ 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.

~~8-9.~~ 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;

~~9-11.~~ To oversee the training delivered to Councillors, co-opted members and church and parent governor representatives to ensure that they are able to

~~10-12.~~ 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;

~~11-13.~~ 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.

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

## ~~9.4~~ Sanctions

**Commented [GM9]:** From here onwards, these matters are covered by the Arrangements

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

~~9.4.2~~ The lawful sanctions that are available to the local Standards Committee are those that are generally available to a committee set up under the Local Government Act 1972, and they must be exercised by the Committee in a lawful and proportionate manner with due regard to the particular facts and circumstances of the case. They amount to:

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

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

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

#### ~~9.5 Independent Person~~

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

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

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

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

#### ~~9.6 Procedure for Dealing with Complaints~~

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

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

~~9.6.3 The removal of the statutory powers of Standards Committees to invoke sanctions under the Local Government Act 2000 will place greater emphasis on political Group disciplinary processes – and in particular the Group Leader and Whip – to promote and maintain high standards of conduct, and to ensure that Group Members comply with the local Member Code of Conduct and other agreed Council protocols, and to register and declare disclosable pecuniary interests.~~

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

##### ~~Initial Filter~~

~~(1) All complaints about Members not complying with the local Code of Conduct be referred straight away to the Monitoring Officer, who will record them~~

~~(2) The Monitoring Officer be authorised to review the complaint, and take one of the following courses of action:~~

~~a. Reject the complaint on the following specified grounds:~~

- ~~o Anonymous complaints~~

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

~~b. Explore the complaint informally with the complainant and subject Member, to see whether grounds might exist for an informal local settlement~~

~~c. Refer the complaint to the subject Member's Group Leader, for investigation under the Group's disciplinary procedure~~

#### Stage 1

~~(3) All registered political Groups on the Council will adopt or update their own Group disciplinary or complaints procedures which they will use to deal with complaints at the first stage. The Group Leaders must share and agree these with the Head of Paid Service and Monitoring Officer. However, it will be the responsibility of the Group Leader and Whip to ensure that the complaint is investigated properly through the adopted Group procedure.~~

~~(4) The Group Leader will be responsible for ensuring the following actions are taken when the Monitoring Officer refers a complaint under (2)(c) above:~~

~~a. write to the complainant to acknowledge receipt of the complaint, and explain the process and timescale to be followed to consider the complaint;~~

~~b. respond in writing to the complainant at the conclusion of the process, with a copy sent to the Monitoring Officer for the record.~~

~~c. In the response, set out the courses of action open to the complainant if s/he remains dissatisfied with the first stage response.~~

~~(5) Stage 1 of the process will be confidential to the complainant and the Group process, and the Monitoring Officer will not disclose details of any complaint or Group response without the prior approval of the complainant or the Group Leader, other than in the context of his/her annual and anonymised monitoring report to the Standards Committee.~~

#### Stage 2

~~(6) If the complainant is dissatisfied with the response, a second stage might be invoked. This would involve the complaint being investigated through a formal Council process, to be agreed between the Monitoring Officer and the Independent Person.~~

~~(7) The Monitoring Officer will share the complaint with the Independent Person, and seek the Independent Person's views on:~~

~~a. the merits of the complaint~~

~~b. whether it should be subject to a formal Council investigation process~~

~~c. if so, the process and timescale to be followed.~~

~~(8) The Monitoring Officer will respond to the complainant, explaining the process and timescale to be followed, if any; and requesting any further information that s/he considers necessary to assist the process.~~

- ~~(9) Whilst it is important that the Head of Paid Service has overall management of the complaints process, the Monitoring Officer will play the leading role in commissioning the investigatory process. Because of the necessary relationship between the Head of Paid Service and Leading Members of the Authority, it will not always be appropriate, or possible, for the Head of Paid Service personally to carry out investigations. In such circumstances, it might be appropriate for the Monitoring Officer to carry out the investigation personally, or to appoint another senior officer or an external individual to do so. It is important for Members to appreciate that the Head of Paid Service and the Monitoring Officer act as a “check and balance” on each other’s actions in this as in other matters.~~
- ~~(10) At the completion of the investigation, the Monitoring Officer will share the investigation report with the Independent Person and discuss its findings and possible courses of action.~~
- ~~(11) The Monitoring Officer will then write to the complainant to set out the results of the formal investigation and, where appropriate, the views of the Independent Person.~~
- ~~(12) If the Monitoring Officer and Independent Person concur with any finding in an investigation report that there has been a serious breach of the local Member Code of Conduct, which requires the application of a sanction available to the Standards Committee to address, the Monitoring Officer may choose at this stage to put the findings directly to the local Standards Committee for its consideration.~~

#### ~~Stage 3~~

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

#### ~~General~~

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

#### **9.7 Examples of Application of Procedure**

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

~~(1) The Public~~

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

~~(2) Ombudsman~~

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

~~(3) Councillors~~

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

~~(4) Staff~~

- ~~a) Complaints by staff against Councillors usually arise when a member of staff feels that they have been unfairly criticised or are being harassed by an elected Member. Conduct of this nature by another member of staff would lead to a complaint in accordance with either the~~

~~grievance procedure or the harassment procedure. However, those procedures do not make any provision for circumstances where the complaint concerns an elected member.~~

~~b) In such cases, complaints by members of staff about Councillors will normally be referred to the relevant Group Leader in the first instance. If not resolved to the satisfaction of the member of staff concerned, the complaint could then be investigated by the Monitoring Officer or another senior officer nominated by the Head of Paid Service. A course of action or solution would be recommended.~~

~~c) If this did not produce a satisfactory resolution or the complaint persisted, the complaint would be referred to the Standards Committee.~~

May 2013

## 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](#).

Subject	Description
<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 30(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 (28)(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 or has not 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 an Assessment Panel at the same time through a single report and recommendation.
  - 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 Members' Code of Conduct 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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