

TITLE	Review of the Wokingham Borough Council Standards Committee, Adopted Code of Code and Arrangements for the Consideration of Complaints
FOR CONSIDERATION BY	Standards Committee on 4 December 2012
WARD	None Specific
STRATEGIC DIRECTOR	Susanne Nelson-Wehrmeyer, Director of Legal and Electoral Services

OUTCOME / BENEFITS TO THE COMMUNITY

A proportionate and robust Members Code of Conduct and supporting arrangements.

RECOMMENDATION

- 1) That the Standards Committee review the Code of Conduct and supporting arrangements adopted by the Council on 19 July 2012;
- 2) That any suggested amendments be recommended to the Constitution Review Working Group for onward submission to Council.

SUMMARY OF REPORT

In adopting a Code of Conduct and supporting arrangements on 19 July 2012, the Council agreed that the Code and arrangements should be reviewed within six months.

Background

1) On the 19 July 2012 the Council established a revised Standards Committee, adopted a revised Members Code of Conduct and agreed supporting arrangements for the *consideration of Member Code of Conduct complaints* subject to review by the Standards Committee within six months of coming into operation.

2) In accordance with this decision the Code and Arrangements is to be reviewed by the Standards Committee.

Analysis of Issues

3) The Localism Act 2011 required the Council to adopt a Members Code of Conduct and agree arrangements for the consideration of complaints that a Member may have broken that code. The Council also had a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members.

4) Whilst the Code of conduct must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership, the Council has considerable discretion as to the content of its code.

5) The Code of Conduct adopted by the Council by the Council on 19 July 2012 was an updated version of the previous model Code of Conduct, but the arrangements for the consideration of complaints were considerably amended from the previous version.

6) The Standards Committee is asked to review its terms of reference, the adopted Code of Conduct and arrangements for the consideration of complaints. In light of the experience of administering the revised arrangements since July, a number of relatively minor amendments are suggested, subject to any additional changes the Committee may wish to make in reviewing the present arrangements.

7) The adopted Code and arrangements is attached as Appendix A, with the suggested changes identified in red via track changes. In summary, these are:

- Removal of the provision to appoint three non voting 'independent' Members to the Standards Committee;
- Clarification of the wording concerning the appointment of non-voting town and parish Members to the Standards Committee;
- Amendment of the time period for the Monitoring Officer to inform a complainant of their decision of whether to progress a Code of Conduct complaint following its receipt to normally within 14 working days;
- Changes to the procedure relating to the notification of a Member that a complaint has been made against them so that they are informed following the receipt of the complaint;
- Clarification of the arrangement in respect of the notification of parish and town clerks if a Code of Code complaint relates to a town or parish Member.
- Other consequential amendments relating to the proposed removal of the non-voting independent members from the composition of the Committee.

8) On 5 November 2012, the Monitoring Officer wrote to all Members of Wokingham

Borough Council and the clerks to town and parish councils within the Borough seeking comments on the Code of Conduct and arrangement adopted on 19 July 2012. Comments received will be reported to the meeting.

9) Councillor Cowan has requested that as part of its review the Standards Committee consider the template Code of Conduct developed by the National Association of Local Councils, (NALC) and this Code as adopted by Arborfield and Newland Parish Council is attached as Appendix B.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0	Yes	none
Next Financial Year (Year 2)	0	Yes	none
Following Financial Year (Year 3)	0	Yes	none

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

None

Reasons for considering the report in Part 2

None

List of Background Papers

Localism Act 2011

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Date Monday, 26 November 2012	Version No. 1.0

CHAPTER 9.1 - THE STANDARDS COMMITTEE

9.1.1 Composition and Membership

At the Annual Council meeting the Council will establish a Standards Committee which will be composed of:-

- a) six elected Members of Wokingham Borough Council. The composition of which will be subject to the rules of Political Balance and only one of those elected can be a Member of the Executive. The Leader of the Council is not entitled to be a Member of the Standards Committee. One of these Members will be elected as Chairman at Annual Council.

- b) three co-opted non voting Parish or Town members. Of the total of three Members, no more than two should be a member of a parish council or a Town Council. The process for appointing town and parish council representatives shall be overseen by the Monitoring Officer and the Independent Person and any recommended appointment agreed by the Council.

Comment [KJ1]: On reflection we do not think it would be appropriate to have non Cllr Members on the Committee having sought advice from colleagues.

Deleted: ¶
b) . three co-opted non voting independent members who are not Councillors or Officers of the Council (the independent members). The process for appointing independent members shall be overseen by the Monitoring Officer and the Independent Person and any recommended appointments agreed by Council. ¶

Deleted: c

Deleted: Two of which must be from a parish council wholly or mainly in the Council's area and one should be a member of either, Earley, Wokingham or Woodley Town Councils.

9.1.2 Role of the Independent Person(s)

The Independent Person(s) is entitled to attend any meeting of the Standards Committee but cannot vote on any item.

9.1.3 Parish/Town Council Members

A Parish/Town Council Member should be present when matters relating to parish councils or their members are being considered.

9.1.4 Role and Function

The Standards Committee will have the following roles and functions:

- a) promoting and maintaining high standards of conduct by Councillors, co-opted members, including church and parent governor representatives;
- b) assisting the Councillors, co-opted members, including church and parent governor representatives, to observe the Members' Code of Conduct;
- c) advising the Council on the adoption or revision of its Members' Code of Conduct;
- d) monitoring the operation of the Members' Code of Conduct, the Officers' Code of Conduct and the Council's Whistleblowing policy and any other appropriate codes of conduct and procedures;
- e) advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- f) the exercise of (a) to (e) above in relation to the parish/town councils wholly or mainly in its area and the members of those parish/town councils;
- g) the presentation of an annual report by the Chairman of the Standards Committee to Council.

9.1.5 Ordinary Meetings of the Standards Committee

The Standards Committee shall meet four times per year on dates to be agreed by the Council. Additional meetings may be arranged by the Chairman in consultation with the Monitoring Officer.

9.1.6 Public and Member Questions

Public and Member questions may be asked at ordinary Standards Committee meetings in accordance with the procedures set out in Chapter 4.2.

9.1.7 Parish / Town Council Questions

Parish/Town Councillors may ask questions at ordinary Standards Committee meetings in accordance with the procedures set out in Chapter 4.2.

9.1.8 Quorum

The quorum of a meeting of the Standards Committee shall be three Borough Members.

9.1.9 Procedure at Ordinary Meetings

Ordinary meetings of the Standards Committee shall be conducted in accordance with the Council Rules of Procedure set out in Chapter 4.2.

9.1.10 Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

9.1.11 Duration of Meeting

As set out in Chapter 4.2 unless the majority of members of the Committee present vote for the meeting to continue, any meeting of the Standards Committee that has not concluded by 10.30pm will adjourn immediately. If, once a motion to continue has been proposed and seconded, the majority of members of the Committee present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

9.1.12 Process for Dealing with Misconduct Complaints

9.1.12.1

The Localism Act 2011 requires the Council to adopt arrangements for dealing with complaints of breaches of the Code of Conduct by either Borough Council Members, Town/Parish Council Members or co-opted members of any of these bodies and such complaints can only be dealt with in accordance with such arrangements.

9.1.12.2

The following is the process that will be followed for dealing with complaints of misconduct and the actions which may be taken against a Member who is found to have failed to comply with the relevant Code of Conduct.

9.1.13 Receipt of Complaint

On receipt of a complaint the Monitoring Officer shall, subject to consultation with the Independent Person and the Chair of the Standards Committee, have delegated authority to decide whether the complaint:

- a) can be resolved informally i.e. by mediation with the two parties before making a decision on whether the complaint merits formal investigation;
- b) requires investigation;
- c) should be referred to the Standards Committee;
- d) no further action should be taken.

9.1.13.1

The Monitoring Officer will inform the complainant, normally within 14 working days of receipt of a complaint, of how the complaint will be dealt with and the reason for that decision.

Comment [KJ2]: It is appropriate to clarify normally with 14 working days in order to allow for more opportunity to consider the complaint and allow for consultation with the Chairman of the Standards Committee and Independent Person.

9.1.13.2

Following receipt of a complaint the Monitoring Officer will inform the relevant Member that a complaint has been received about them and the nature of that complaint. The name of the complainant will be disclosed to the Member who is the subject of the complaint unless the complaint was made anonymously to the Monitoring Officer or the complainant has requested anonymity. A request for anonymity will only be agreed by the Monitoring Officer if they are satisfied that to do so is overwhelmingly in the public interest and after the view of the Independent Person and the Chair of the Standards Committee have been obtained.

Comment [KJ3]: It is considered appropriate and fair that a Member should be informed as soon as a complaint is received against them.

Deleted: Once a decision has been made on how the complaint will be dealt with the

Once a decision has been taken by the Monitoring Officer in consultation with the Independent Person and Chairman of the Standards Committee on what action to take regarding the complaint, the subject Member and the complainant will be informed of the outcome as soon as possible by the Monitoring Officer in writing.

9.1.13.3 Anonymous Complaints

Anonymous complaints will not usually be considered. However it is recognised that in some exceptional circumstances some individuals may feel unable to reveal their identity. In these situations individuals can report their concerns regarding a Member anonymously, but should be aware that these concerns will carry less weight. Also the disclosure may not be sufficiently detailed to provide a successful investigation.

The Monitoring Officer is authorised, subject to consultation with the Independent Person and the Chair of the Standards Committee, to take any of the actions set out in Rule 9.1.13 in respect of an anonymous complaint.

9.1.13.4 Town/Parish Complaints

If the complaint relates to a Town/Parish Member the Monitoring Officer will also inform the relevant Town/Parish Council clerk of the complaint and seek the views of the Town/Parish Council clerk before deciding whether the complaint merits formal investigation. The Clerk will also be informed of the Monitoring Officer's decision.

9.1.13.5 Report to the Standards Committee

The Monitoring Officer will provide a report to the Standards Committee, on a quarterly basis, which would contain the following: the number and nature of complaints received; progress on any investigations and associated costs; and identify areas where training or other action might avoid further complaints. However the name(s) of the Member(s) will not be disclosed.

9.1.14 No Breach of Code - Finding on Investigation

Where a formal investigation finds no evidence of failure to comply with the Code of Conduct the Monitoring Officer shall have delegated authority to decide not to take any further action. The Monitoring Officer can, following consultation with the Independent Person and the Chair of the Standards Committee, decide to refer the matter to the Standards Committee if he/she feels that it is appropriate.

Once the no breach of Code finding has been reached the Monitoring Officer will advise the complainant, the Member under investigation and the Town/Parish if applicable that he/she is satisfied that no further action is required and will provide a copy of the Investigating Officer's final report.

Copies of all investigation reports will be provided to the Independent Person and the Chair of the Standards Committee and a summary of each such investigation will be provided to the Standards Committee for information.

9.1.15 Breach of Code - Finding on Investigation

Where a formal investigation finds evidence of failure to comply with the Code of Conduct the Monitoring Officer, in consultation with the Independent Person and the Chair of the Standards Committee, can:

- a) decide to seek a local resolution to the complaint eg the relevant Member acknowledging their conduct was unacceptable and offering an apology and/or other remedial action e.g. submitting to training and or mediation. This course of action will only be followed if the complainant is satisfied with the outcome. The Monitoring Officer will provide a summary report on the outcome of the investigation and the resolution to the Standards Committee for information. However no names will be disclosed:
- b) refer the Investigating Officer's report to a Hearings Panel, constituted from members of the Standards Committee, which will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, what action, if any, is to be taken in respect of the Member. The procedure that will be followed by the Hearings Panel is set out below.

9.1.16 Procedure for Local Hearings

9.1.16.1 Appointment, Composition and Terms of Reference of the Hearings Panel

The Monitoring Officer is required to establish and/or convene the Hearings Panel from the membership of the Standards Committee as necessary. The Hearings Panel will therefore not have a fixed membership.

The Hearings Panel shall comprise three or five voting members of the Standards Committee. If the complaint relates to a Town or Parish Member then a co-opted Town or Parish Council member of the Standards Committee will also be part of the Hearings Panel. The Independent Person will be able to attend any Hearings Panel and give advice to it.

Comment [KJ4]: Deleted as Independents no longer on the Committee

Deleted: In addition an Independent co-opted member of the Standards Committee will be in attendance

Deleted: .

The purpose of the Hearings Panel is to review, upon the request of the Monitoring Officer and the Chair of the Standards Committee, a complaint that has been received which alleges that either a Member of the Authority/Member of a Town or Parish Council within the Wokingham Borough Council area has failed to comply with the relevant authority's Code of Conduct. The Hearings Panel will usually hear a complaint within two months of the date that the Monitoring Officer received the final investigation report.

9.1.17 Pre-Hearing Process

Prior to the hearing being held the Monitoring Officer will write asking the Member who is the subject of the complaint to give his/her response to the Investigating Officer's report in order to identify any areas of contention that may need consideration or further investigation and thereby, if possible, allow them to be resolved before the hearing itself.

The pre-hearing process should identify:

- a) areas where the subject of the complaint disagrees with any of the findings of fact in the investigation report;
- b) whether those disagreements are likely to be relevant to any matter the hearing needs to decide; and
- c) whether evidence about those disagreements will need to be heard during the hearing.

9.1.18 Date of the Hearing

The date of the hearing will be arranged by the Monitoring Officer in consultation with the members of the Hearings Panel and the subject of the complaint.

Once the date for the Hearings Panel has been arranged the subject of the complaint will be notified and asked if they:

- a) wish to attend the hearing and can do so on the date notified;
- b) wish to be represented at the hearing by a solicitor, barrister or any other person;
- c) wish to provide written evidence to the hearing;
- d) wish to call relevant witnesses to give evidence at the hearing. The Chairman of the Hearings Panel will have the final decision on how many witnesses may reasonably be needed.

9.1.19 The Hearing

The Hearings Panel will receive a report from the Monitoring Officer which will include a copy of the Investigating Officer's final report.

9.1.19.1

The Hearings Panel will be held in private and this will be confirmed at the hearing.

9.1.19.2

The procedure for the Hearings Panel will be as follows:

- a) Confirm the names and status of those attending. If the subject of the complaint is not present at the start of the hearing, and they had indicated their intention to attend, the Chairman shall ask the Monitoring Officer whether the Member has provided any reasons why they would not be present. From the response the Hearings Panel will decide whether to make a determination in the absence of the Member or adjourn the hearing to another date.
- b) The Investigating Officer, or in his/her absence the Monitoring Officer or their representative, shall present the Investigating Officer's report having particular regard to any points of difference identified by the subject of the complaint and why they have concluded, on the basis of their findings of fact, that the Member had failed to comply with the Code of Conduct. The Investigating Officer may call witnesses as necessary in order to substantiate his/her findings.
- c) The subject of the complaint will then be given the opportunity to ask the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen during the witness statements.
- d) Members of the Hearings Panel and the Monitoring Officer will then have the opportunity of asking the Investigating Officer, or any of the witnesses, questions relating to the report or matters that have arisen during the witness statements.
- e) The subject of the complaint will then be invited to respond to the Investigating Officer's report and provide evidence, either by calling witnesses or by making representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.
- f) The Investigating Officer will then be given the opportunity to ask the subject of the complaint, and any witnesses, questions relating to the representations made to the Hearings Panel.
- g) Members of the Hearings Panel and the Monitoring Officer will then have the opportunity to ask the subject of the complaint, and any witnesses, questions relating to the representations made to the Hearings Panel.
- h) The Chairman of the Hearings Panel will check with the other members of the Panel whether they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter. If it is decided that additional evidence is required before a determination can be made then the hearing will be adjourned and the Investigating Officer be asked to either seek and provide such additional evidence and/or undertake further investigation on any point specified by the Hearings Panel.

- i) If the Hearings Panel are satisfied that they have sufficient evidence to come to a considered conclusion on the matter they will then retire to another room to consider in private whether the Member did fail to comply with the Code of Conduct as set out in the Investigating Officer's report. The Clerk to the Hearings Panel will join the Hearings Panel during its deliberations. The Hearings Panel may at any time return to the main hearing room in order to seek additional evidence from any of the parties or to seek legal advice from the Monitoring Officer, or their representative. If the Hearings Panel requires any further information it may adjourn the hearing and instruct the Investigating Officer or request the subject of the complaint to produce such further evidence within a specified amount of days.
- j) Once the Hearings Panel has reached a conclusion on the matter it will return to the main hearing room and the Chairman will state the Panel's principal findings of fact and their determination as to whether the subject of the complaint has failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

9.1.20 Finding of the Hearings Panel

9.1.20.1 Finding of Non Failure to follow the Code of Conduct

If the Hearings Panel determine that the subject of the complaint has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report then the complaint will be dismissed.

The decision notice stating the Hearings Panel's findings, in relation to a non failure to follow the Code of Conduct, will be provided to the subject of the complaint, the Investigating Officer, the Monitoring Officer, the Independent Person but will not be published on the Council's website or otherwise disclosed.

9.1.20.2 Finding of Failure to follow the Code of Conduct

If the Hearings Panel determine that the subject of the complaint has failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report then the following process will be followed:

- a) The Chairman shall ask the Investigating Officer and/or Monitoring Officer what action they believe should be taken against the Member who has failed to follow the Code of Conduct.
- b) The Member will then have the opportunity to respond to the Investigating Officer and/or Monitoring Officers' comments and make any other representations to the Hearings Panel.
- c) The members of the Hearings Panel will then have the opportunity to ask questions of the Investigating Officer, Monitoring Officer or Member in order to enable them to make an informed decision.
- d) The Chairman of the Hearings Panel will check with the other members of the Panel whether they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.

- e) If the Hearings Panel are satisfied that they have sufficient evidence to come to a considered conclusion on the matter they will then retire to another room to consider *in private what action, if any, should be taken against the Member*. The Clerk to the Hearings Panel will join the Hearings Panel during its deliberations.
- f) The Hearings Panel can decide to take any of the following action against a Member who has failed to follow the Code of Conduct:
 - i) Report its findings to Council (or the relevant Town/Parish Council) for information;
 - ii) Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - iii) Recommend to the Leader of Council that the Member be removed from the Executive, or removed from particular portfolio responsibilities;
 - iv) Instruct the Monitoring Officer to (or recommend that the relevant Town/Parish Council) arrange training for the Member;
 - v) Remove (or recommend to the relevant Town/Parish Council that the Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Town/Parish Council);
 - vi) Withdraw (or recommend to the relevant Town/Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or e-mail and internet access;
 - vii) Exclude (or recommend that the relevant Town/Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee or Sub-Committee meetings; or
 - viii) Report its findings to the Crown Prosecution Service in respect of a Member that has been found to have committed an offence under Rule 9.2.13.
- g) Once the Hearings Panel has made a decision on what action is to be taken against the Member it will return to the main hearing room. The Chairman will state the Panel's decision on what action, if any, will be taken against the Member, the principal reasons for the decision and, if applicable, when the action shall take effect.
- h) As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel. A copy of the decision notice will be sent to the complainant, the Member (and, if applicable, the relevant Town/Parish Council) and the Independent Person. The decision notice will be available for public inspection, published on the Council's website and the decision will be reported to the next convenient meeting of the Council

CHAPTER 9.2 - CODE OF CONDUCT FOR COUNCILLORS

9.2.1 Preamble

This Code was prepared and adopted by Wokingham Borough Council in accordance with Sections 27 to 37 of the Localism Act 2011.

9.2.1.1

Every Councillor, as well as any co-opted member, must act in accordance with this Code and supporting protocols when acting in an official capacity. Any person may then make a written complaint to the Council's Monitoring Officer that a Member has acted in breach of the Authority's code.

Comment [KJ5]: It is considered appropriate to make an reference to the supporting protocols i.e. The Member Officer Protocol

9.2.1.2

This Code was adopted by the Council on 19 July 2012 under Section 27 of the Localism Act 2011 and defines the standards of conduct which will be required of all Members of the Authority in the carrying out of their duties, and in their relationships with the Authority, the public and the Authority's employees.

9.2.1.3

The Code represents the standard against which the public, their fellow Councillors, Officers and the Authority's Standards Committee will judge their conduct. The Local Government Ombudsmen may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the Authority in these *circumstances*.

9.2.1.4

References to 'you' or 'your' within this document should be interpreted as applying to Members or co-opted Members of the Authority.

9.2.1.5

References to 'co-opted members' should be interpreted as applying to a person who is not a member of the Council but who is either a member of any committee, sub-committee, panel etc, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council.

9.2.2 Introduction and Interpretation

9.2.2.1

This Code applies to you as a Member of an authority when acting in that capacity.

9.2.2.2

You should read this Code together with the Member/Officer Protocol and other sections of the Council's Constitution relating to ethical and financial probity.

9.2.2.3

It is your responsibility to comply with the provisions of this Code.

9.2.2.4

In this Code – “meeting” means any meeting of:

- a) the Authority;
- b) the Executive of the Authority;
- c) any of the Authority’s or its Executive committees, sub-committees, joint-committees, joint sub-committees, or area committees;

9.2.2.5

“Member” includes a co-opted Member and an appointed Member.

9.2.3 Scope

9.2.3.1

Subject to Rules 9.2.3.2 to 9.2.3.3 you must comply with this Code whenever you:

- a) conduct the business of your Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
- b) act, claim to act or give the impression you are acting as a representative of your Authority, and references to your official capacity are construed accordingly.

9.2.3.2

Subject to 9.2.3.3, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

9.2.3.3

Where you act as a representative of your Authority:

- a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
- b) on any other body, you must, when acting for that other body, comply with this Authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

9.2.4 Guiding Principles

In undertaking your duties, you should be mindful and act in accordance with the following overarching guiding principles of good governance:

9.2.4.1 Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends;

9.2.4.2 Integrity

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

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

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

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

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

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

9.2.5 General Obligations

9.2.5.1

You must treat others with respect.

9.2.5.2

You must not—

- a) do anything which may cause your authority to breach any of the equality enactments (as defined in the Equality Act 2010);
- b) bully any person;
- c) intimidate or attempt to intimidate any person who is or is likely to be:
 - i) a complainant,
 - ii) a witness, or
 - iii) *involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct; or*
- d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Authority.

9.2.5.3

You must not:

- a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- i) you have the consent of a person authorised to give it;
- ii) you are required by law to do so;
- iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- iv) the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Authority; or
- b) prevent another person from gaining access to information to which that person is entitled by law.

9.2.5.4

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

9.2.5.5

You:

- a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- b) must, when using or authorising the use by others of the resources of your Authority—
 - i) act in accordance with your Authority's reasonable requirements;
 - ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

9.2.5.6

When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- a) your Authority's Chief Finance Officer; or
- b) your Authority's Monitoring Officer, where that Officer is acting pursuant to his or her statutory duties.

9.2.6 Notification of Interests (Disclosable Pecuniary Interests and Interests and other Personal Interests)

9.2.6.1

In accordance with the Localism Act 2011 (sections 29-34) and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 subject to Rule 9.2.8 below, you must, within 28 days of:

- a) this Code being adopted by or applied to your Authority; or
- b) you becoming a Member or co-opted Member (where that is later),

provide written notification to the Monitoring Officer of any Disclosable Pecuniary Interests (where they fall within the categories set out in Rule 9.2.9) or any Personal Interests (where they fall within the categories set out in Rule 9.2.14).

9.2.6.2

Subject to Rule 9.2.8, you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or other Personal Interests or change to any Disclosable Pecuniary Interest or other Personal Interests registered 9.2.14, register details of that new Personal Interest or change by providing written notification to the Monitoring Officer.

9.2.7 Register of Interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and under the Localism Act must be published on the Council's website.

9.2.8 Sensitive Information

9.2.8.1

Where you consider that disclosure of the details of an interest (either a Disclosable Pecuniary Interest or any other interest which the Member is required to disclose), at a meeting or on the Register of Members' interests, is likely to lead to you, or a person connected with you, being subject to violence or intimidation, you may request that the Monitoring Officer agree that such interest is a sensitive interest.

9.2.8.2

If the Monitoring Officer agrees that the interest is a sensitive interest the Member must disclose that the interest exists at the relevant meeting but is not required to provide the exact details of the sensitive interest during the meeting. The Monitoring Officer shall also exclude the details of the sensitive interest from the published version of the Register of Members' interest.

9.2.8.3

You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under Rule 9.2.8.1 is no longer sensitive information, notify the Monitoring Officer asking that the information be included on the register of Members' interests.

9.2.9 Disclosable Pecuniary Interest

9.2.9.1

A pecuniary interest is a Disclosable Pecuniary Interest if it is an interest of yours or your partner (which means spouse or civil partner; a person with whom you are living as husband and wife; or a person with whom you are living as if you were civil partners) and you are aware that the other person has the interest.

9.2.9.2

The Disclosable Pecuniary Interests which are specified for the purposes of Section 30(3) of the Localism Act 2011 are as specified below:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—

	<p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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These descriptions on interests are subject to the following definitions;

The Act	means the Localism Act 2011
Body in which the relevant person has a beneficial interest	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
Director	includes a member of the committee of management of an industrial and provident society;
Land	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
M	means a member of a relevant authority;
Member	includes a co-opted member;
Relevant authority	means the authority of which M is a member;
Relevant period	means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
Relevant person	means M or any other person referred to in section 30(3)(b) of the Act;
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.

9.2.10 Effect of Disclosable Pecuniary Interests on Participation at Meetings including Individual Executive Member Decisions

9.2.10.1

If you are a Member or co-opted member of a relevant Authority and you are at a meeting of that Authority, or any committee, sub-committee, joint committee, joint sub-committee, panel or working group of that Authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at that meeting:

- a) you must disclose the interest even if you have registered it at the beginning of the meeting or immediately prior to the item being discussed;
- b) you may not participate in any discussion or any vote taken on the matter and should withdraw from the room or chamber where a meeting considering the business is being held prior to any discussion on the matter taking place;
- c) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days;
- d) you must not seek improperly to influence a decision about that business.

9.2.10.2 Individual Executive Member Decisions

Where an Executive Member is undertaking an Individual Executive Member Decision and becomes aware of a Disclosable Pecuniary Interest in the matter being dealt with or due to be dealt with by him/her, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

9.2.11 Dispensations

9.2.11.1

Under Section 33 of the Localism Act 2011 a Member or co-opted member of the Authority who has a Disclosable Pecuniary Interest may apply for a dispensation to be granted to allow them to participate in any discussion or vote on a particular matter. The application for dispensation must take the form of a written request to the Proper Officer of the Council.

9.2.11.2

The criteria for granting a dispensation are as follows:

- a) that so many Members of the relevant decision making body have Disclosable Pecuniary Interests in a matter that it would "impede" the transaction of the business of that body i.e. the decision making body would not be quorate;
- b) that without the dispensation the representation of different political groups on the body transacting the business would be such as to alter the likely outcome of the vote on that particular matter;
- c) that the Council considers that the dispensation is in the interests of persons living in the Authority's area;
- d) that without a dispensation no member of the Executive would be able to participate in a particular matter;
- e) that the Council considers that it is "otherwise appropriate" to grant a dispensation.

9.2.11.3

In each case when a dispensation is granted it must specify how long the dispensation is for. A dispensation must not exceed a period of four years.

9.2.12 Process for Granting and Recording a Dispensation

The process for granting a dispensation is as follows:

- a) a Member must apply in writing to the Monitoring Officer for a dispensation as soon as possible, setting out why it is required;
- b) the Monitoring Officer will make a decision in accordance with the rules set out in Section 33 of the Localism Act 2011 and will advise the Member accordingly.

9.2.13 Offences

9.2.13.1

Under the Localism Act 2011 it is a criminal offence if a Member or co-opted Member:

- a) fails to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election;
- b) fails to disclose a Disclosable Pecuniary Interest at a meeting of the Authority whether or not it is included on the register;
- c) participates in any discussion or vote on a matter in which they have a Disclosable Pecuniary Interest;
- d) fails to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not included on the register that they have disclosed to a meeting;
- e) as an Executive Member discharges a function acting alone i.e. an Individual Executive Member Decision, and having a Disclosable Pecuniary Interest in such a matter, fails to notify the Monitoring Officer within 28 days of the interest;
- f) knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such an interest to a meeting.

9.2.13.2

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.

9.2.14 Other Personal Interests

The Localism Act further provides that Members must notify the Monitoring Officer in writing of the details of other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

You have a personal interest in any business of your Authority where either:

- a) it relates to or is likely to affect:
 - i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Authority;
 - ii) any body:

- exercising functions of a public nature;
 - directed to charitable purposes; or
 - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- b) You must, within 28 days of becoming aware of any new interest or change to any interest registered under Rule 9.2.14 or as a Disclosable Pecuniary Interest notify the Monitoring Officer of the details of that new interest or change.

9.2.14.1 Disclosure of interests

Subject to Rules 9.2.14.2 to 5, where you have a personal interest described in Rule 9.2.14 above or in Rule 9.2.14.2 below in any business of your Authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

9.2.14.2

You have a personal interest in any business of your Authority:

- a) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- b) it relates to or is likely to affect any of the interests you have registered as a Disclosable Pecuniary Interest.

9.2.14.3

In Rule 9.2.14a) a *relevant person* is:

- a) a member of your family or any person with whom you have a close association; or
- b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- d) any body of a type described in Rule 9.2.14a)i) or ii).

9.2.14.4

Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in Rule 9.2.14a)i) or a)ii)(a) you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

9.2.14.5

Where you have a personal interest but, by virtue of Rule 9.2.8, sensitive information relating to it is not registered in your Authority's register of Members' interests, you must indicate to the meeting that you have a personal interest, *but need not disclose the sensitive information to the meeting.*

9.2.14.6

Where you have a personal interest in any business of your Authority and you have made an Individual Executive Member Decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

9.2.15 Effect of Pecuniary Interests on Participation at Meetings including Individual Executive Member Decisions

9.2.15.1

Where you have a personal interest in any business of your Authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

- a) affects your financial position or the financial position of a person or body described in paragraphs 9.2.14 or 9.2.14.2; or
- b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraphs 9.2.14 and 9.2.14.2.

9.2.15.2

Subject to Rules 9.2.15.3 and 9.2.15.4 where you have a pecuniary interest in any business of your Authority:

- a) you must disclose the interest even if you have registered it at the beginning of the meeting or immediately prior to the item being discussed;
- b) you may not participate in any discussion or any vote taken on the matter and should withdraw from the room or chamber where a meeting considering the business is being held prior to any discussion on the matter taking place;
- c) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days;
- d) you must not seek improperly to influence a decision about that business.

9.2.15.3

Where you have a Pecuniary Interest in any business of your Authority, you may attend a meeting (including a meeting of the Overview and Scrutiny Committees of your Authority or of a panel or sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

9.2.15.4

Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a Pecuniary Interest that relates to the functions of your Authority in respect of:

- a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- d) an allowance, payment or indemnity given to Members;
- e) any ceremonial honour given to Members; and
- f) setting council tax or a precept under the Local Government Finance Act 1992.

9.2.15.5 Individual Executive Member Decisions

Where an Executive Member is undertaking an Individual Executive Member Decision and becomes aware of a Pecuniary Interest in the matter being dealt with or due to be dealt with by him/her, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

9.2.15.6 Interests Arising in Relation to Overview and Scrutiny Committees and Panels

In any business before an Overview and Scrutiny Committee of your Authority (or of a Panel or sub-committee of such a committee) where:

- a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

You may only attend a meeting of the Overview and Scrutiny Committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

9.2.16 Gifts and Hospitality

You must disclose and record any gift or hospitality with an estimated value of at least £25 that you have received in your capacity as a Member of the Council, as well as those that were offered and not accepted. Such disclosure should be made in writing or by e-mail to the Monitoring Officer where it will be included in the Register of Gifts and Hospitality.

A copy of the Register will be made available for public inspection and made available on the Council's website.

Wokingham Borough Council's Monitoring Officer is:

Mrs Susanne Nelson-Wehrmeyer
Director of Legal and Electoral Services
Civic Offices
Shute End
Wokingham
Berks RG40 1BN

Wokingham Borough Council's Deputy Monitoring Officer is:

Mrs Mary Severin
Corporate Counsel
Civic Offices
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The Ten General Principles of Public Life

Selflessness	Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
Honesty and integrity	Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.
Objectivity	Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
Accountability	Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
Openness	Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
Personal judgement	Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
Respect for others	Members should promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority's Statutory Officers and its other employees.
Duty to uphold the law	Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
Stewardship	Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.
Leadership	Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.