

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON 24 MARCH 2023 FROM 6.30 PM TO 7.20 PM**

Committee Members Present

Councillors: Morag Malvern (Chair), Imogen Shepherd-DuBey (Vice-Chair), Sam Akhtar, Graham Howe, John Kaiser and Adrian Mather

Parish/Town Council Representatives:- Roy Mantel (Co-Optee Twyford Parish Council) and Sheena Matthews (Co-Optee Earley Town Council)

Officers Present

Neil Carr, Democratic and Electoral Services Specialist
Andrew Moulton, Monitoring Officer
Neil Allen, Head of Legal Services

27. APOLOGIES

Apologies for absence were submitted from Sally Gurney and Chris Johnson.

28. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 23 January 2023 were confirmed as a correct record and signed by the Chair.

29. DECLARATION OF INTEREST

There were no declarations of interest submitted.

30. PUBLIC QUESTION TIME

There were no public questions.

31. MEMBER QUESTION TIME

There were no Member questions.

32. PARISH / TOWN COUNCIL QUESTION TIME

There were no questions received.

33. MEMBER TRAINING SESSION

Andrew Moulton, Assistant Director Governance took the Committee through the Member Code of Conduct Complaints procedures.

During the discussion of this item the following points were made:

- Legally the Council was required to make arrangements to deal with allegations, with the Borough Council dealing with both Borough and Parish cases.
- The process for dealing with misconduct complaints was set out in section 9.1.11 of the Council's Constitution.
- Complaints could come in through various routes, including directly via email and the Council's website. Following the receipt of a code of conduct complaint the Monitoring Officer would write to the complainant within 3 working days acknowledging receipt and also providing a copy of the complaints' procedure.
- If the complaint related to a Town or Parish Councillor, the relevant clerk was informed that a complaint had been received. It was noted that if the Councillor was

both a Borough and Town or Parish Councillor, the Monitoring Officer had to establish what capacity they were acting at the time of the complaint.

- The Subject Member was informed of the complaint as soon as possible and given 15 working days to provide initial comments. If none were received the Monitoring Officer proceeded with the assessment on the basis of the original complaint.
- If the complaint related to a Town or Parish Councillor, the Monitoring Officer would seek a response from the Clerk. This would purely relate to the clarification of factual matters.
- The purpose of the initial assessment by the Monitoring Officer in consultation with the Independent Person, was to determine whether the complaint should be accepted for further consideration or rejected. Andrew Moulton outlined the criteria that would be applied to determine this, including sufficiency of information and seriousness of complaint.
- The Committee noted the initial assessment process. The decision of the Monitoring Officer would normally be taken within 20 working days of the complaint being received.
- Anonymous complaints were not normally considered; however, they could be considered in exceptional circumstances.
- The process of the findings of the investigation were set out in 9.1.13 of the Constitution.
- Imogen Shepherd Dubey questioned why the Town and Parish councillor representative on a Hearing Panel convened to review a complaint regarding a Town and Parish Councillor, did not have voting rights. Andrew Moulton commented that it was within the legislation. Roy Mantel added that there were more Town and Parish Councillors than Borough Councillors, who were subject to the Code of Conduct.
- Sam Akhtar asked how quickly Councillors were informed if there was a complaint against them and was informed that it was often within a day of the receipt of the complaint. He went on to ask if Councillors were fully informed if they an anonymous complaint was received against them. Andrew Moulton indicated that they would be told of the nature of the complaint against them.
- In response to a question from Sheena Matthews regarding how Independent Persons were appointed, Andrew Moulton stated that they were appointed by Full Council. The Council currently had three Independent Persons. When one of these retired the role would be advertised and an application process followed.
- Graham Howe asked for examples of when the anonymity of the complainant would be retained. Andrew Moulton commented that anonymous complaints were very rare. A theoretical example would be should the complainant fear potential reprisals from the councillor in question.
- It was clarified that Officers could make complaints against Councillors and the formal complaints process could be used. However, the Member/Officer Protocol also referred to the use of line management and seeking a more informal resolution outside of the formal process.
- Roy Mantel commented that the term 'take no further action' was insufficiently clear. He proposed that 'take no further action (there was no breach of the Code of Conduct)' be used. Andrew Moulton suggested 'take no further action (there was no evidence of a breach of the Code of Conduct)'.
• Roy Mantel commented that if councillors were subject to a complaint and had been found not to be in breach of the Code of Conduct, they could reveal that they had been complained about, but no evidence of a breach had been found, if they wished.

- Roy Mantel questioned whether those councillors who were not found to be in breach of the Code of Conduct were able to see the letter to the complainant which explained that no breach had been established.
- Graham Howe questioned whether any action could be taken against the complainant if the complaint was found to be vexatious. Andrew Moulton responded that it potentially could, depending on who the complainant was e.g., another councillor or an officer.

RESOLVED: That the Members training session be noted.

34. UPDATE ON COMPLAINTS

The Committee received an update on complaints.

During the discussion of this item the following points were made:

- Since January two new complaints had been received, one Parish and one Borough. Both were at the formal investigation stage, and it was anticipated that they would be dealt with by the Investigator in approximately a month's time.
- WBC 6 had been to investigation and was at the next decision making process.
- Further information was provided around the historical Woodley complaints.
- Neil Allen highlighted capacity issues in his area and indicated that complaints would be prioritised going forwards.
- With regards to WBC 6 Sheena Matthews asked whether the upcoming elections would have an impact, i.e., if the person being complained about was or was not re-elected. The Committee was informed that the Subject Member was not up for election.

RESOLVED: That the update on complaints be noted.

35. STANDARDS COMMITTEE ANNUAL REPORT 2022/23

The Committee considered the Standards Committee Annual Report 2022-23.

The report outlined the work of the Committee during 2022-23.

RESOLVED: That the Standards Committee Annual Report 2022-23 be recommended to Council for approval.

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