

**MINUTES OF A MEETING OF THE  
STANDARDS COMMITTEE  
HELD ON TUESDAY 1 MARCH 2011 FROM 7.30 PM TO 8.20 PM**

*Present:-*

**Wokingham Borough Members:-** *Pauline Helliar-Symons and Malcolm Storry*

**Independent Members:-** *David Comben (Chairman), Eric Davies, and John Giles.*

**Parish/Town Council representatives:-** *Roy Mantel and Ray Duncan*

*Also present:- Kevin Jacob, Principal Democratic Services Officer  
Colin Lawley, Legal Services Manager and Deputy Monitoring Officer  
Mary Severin, Senior Solicitor*

## **PART I**

*Prior to the commencement of the meeting the Chairman and Members of the Committee paid tribute to Colin Lawley, the Council's Deputy Monitoring Officer and advisor to the Committee on the occasion of the meeting being Colin's last before he left Wokingham Borough Council. The Chairman commented that Colin had provided advice to the Committee since its inception in 2001 and that this had been greatly valued.*

### **22. MINUTES**

The Minutes of the meeting of the Committee held on 14 September 2010 were confirmed as a correct record and signed by the Chairman.

### **23. APOLOGIES**

Apologies for absence were submitted from Chris Bowring, John Heggadon, Anita Grosz and Geoff Wise.

### **24 DECLARATIONS OF INTEREST**

David Comben declared a personal and prejudicial interest in Item 29.00 Update on Complaints and Feedback on the grounds that he had previously had professional contact with the complainant in respect of complaint of CMPL03301. He indicated that he would withdraw from the meeting whilst that matter was discussed.

### **25. PUBLIC QUESTION TIME**

There were no public questions.

### **26. MEMBER QUESTION TIME**

There were no Member questions.

### **27. PARISH/TOWN COUNCIL QUESTION TIME**

There were no Parish/Town Councillor questions.

### **28. CHANGES TO THE STANDARDS REGIME IN ENGLAND**

The Committee considered a report on Agenda pages 4 to 5 and supporting appendices on pages 6 to 17, which set out the Governments proposed changes to the present code of Conduct of Conduct regime as published within the Localism Bill.

Kevin Jacob, Principal Democratic Services and Colin Lawley, Legal Services Manager introduced the key aspects of the proposed changes including:

- the proposed abolition of Standards for England;
- local discretion on whether or not to adopt local voluntary codes of conduct;
- local discretion on whether or not to establish Standards Committees;
- the introduction of potential criminal culpability for failure to declare interests;
- clarification of the law regarding pre-determination to make it easier for Councillors to take a position on a particular issue and then take part in decision making without being regarded as having pre-determined the issue;

The Committee was reminded that the present arrangements in respect of Standards Committees and consideration of complaints against Members would remain in force until early 2012.

The Committee had been asked for its initial views on the changes and how it wished the matter to be taken forward. In discussion, the following matters were raised:

It was questioned whether guidance had been provided by the Government in respect of the future relationship between Wokingham Borough Council and Town and Parish Councils as a result of the Bill's provisions, given that under the present arrangements, complaints against Town and Parish Members had to be administered by the Borough Council.

Colin Lawley clarified that it was not expected that such guidance would be produced which meant it would be matter of local discussion between principal authorities such as Wokingham Borough Council and Towns and Parishes. Under the Bill's provisions, decisions on whether to adopt a local code of conduct and how complaints might be handled would need to be made by each individual council.

Roy Mantel and Ray Duncan commented that the disparity in size and resources between different Parish and Town Councils meant that whilst some might have the capacity to put in place measures to address complaints, others would find it difficult. Smaller parishes would find it difficult to implement measures which would provide the necessary amount of separation and independence for a complaints process, given the nature of the likely close proximity of complainant and the Member they wished to complaint about. Whilst many Town and Parish Members would generally welcome the deletion of what was felt to be a top down and remote system, the 'one step removed' nature of the present arrangements did have some advantages.

Pauline Helliard-Symons commented that it was important for the Committee to consider the Bill's provisions, but that it needed to be recognised that ultimately, the decision on what should replace the Borough Council's present arrangements would be made by the Members of the Borough Council. She suggested that a report should be taken to both political groups of the Borough Council setting out the Bill's provisions and Members' views sought on that basis. This might include some analysis of what Members felt to be the strengths and weaknesses of the present arrangements. The outcome of that process could then be fed back to Standards Committee.

David Comben commented that he felt it was important to have in place an ethical regime which strengthened the reality of elected officials displaying high standards of ethical conduct rather than the perhaps distorted and negative picture portrayed by some aspects

of the media. If this could be achieved then it would assist efforts to increase public participation in local elections and the local political process.

He supported the suggestion of canvassing the two political groups on the Borough Council and other interested parties and bringing a paper back to the next meeting of the Committee which was scheduled for June 2011.

Roy Mantel commented that in his view, the involvement of members of the community who were not councillors as members of the Standards Committee and Chairman had been positive and demonstrated an independence of the process from those who the complaint were about.

Eric Davies commented that he felt there would be differences of opinion regarding the retention of a local Code of Conduct Framework.

A number of Members of the Committee remarked that the Bill was still at the early stages of its passage through Parliament and was therefore still subject to the possibility of amendment and change.

**RESOLVED:** That a further update report be brought back to the June 2011 meeting, to include the views of the respective political groups of Wokingham Borough Council.

## **29. UPDATE ON COMPLAINTS AND FEEDBACK**

The Committee considered a report on Agenda pages 18 to 19 which reported that two Code of Conduct complaints had been considered by the Initial Consideration Sub-Committee since the last report to the Committee in June 2010.

At this point, the Chairman having previously disclosed a prejudicial interest left the room for duration of the discussion in respect of CMPL03301.

As neither the Chairman nor Vice-Chairman was present, Eric Davies was elected Chairman for the consideration of the remainder of the item.

It was noted that the complaints related to Wokingham Borough Council elected Members. Complaint CMPL02654 had been referred for other action by the Council's Monitoring Officer and complaint CMPL03301 other had been referred for investigation.

**RESOLVED:** That the report be noted.

## **30. FUTURE COMMITTEE DATES FOR THE 2011/2012 MUNICIPAL YEAR**

The Committee considered a number of dates set aside for future meetings.

**RESOLVED:** That

- 1) it be noted that the following dates had been set aside for Standard Committee meetings during 2011/2012 municipal year;

Tuesday 21 June 2011

Tuesday 13 September 2011

Tuesday 6 December 2011

Tuesday 13 March 2012

2) it be noted that the following dates had been set aside for meetings of the Initial Consideration Sub-Committee;

16 March 2011

20 April 2011

18 May 2011

15 June 2011

20 July 2011

17 August 2011

21 September 2011

19 October 2011

16 November 2011

21 December 2011

18 January 2012

15 February 2012

21 March 2012

*These are the Minutes of a meeting of the Standards Committee*

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