

**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 Helliar-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 Members 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 whom the complaints 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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|                             |  |
|-----------------------------|--|
| <b>TITLE</b>                | <b>Member Development and Training Programme<br/>2010/11</b>           |
| <b>FOR CONSIDERATION BY</b> | Standards Committee on 13 September 2011                               |
| <b>WARD</b>                 | None Specific  |
| <b>STRATEGIC DIRECTOR</b>   | Muir Laurie, Director of Business Assurance and<br>Democratic Services |

**OUTCOME**

To demonstrate the provision of training and development opportunities for Borough Councillors.

**RECOMMENDATION:** That the Standards Committee

- 1) notes the progress of the Member Development and Training Programme;
- 2) notes training offered to Borough Members during 2010/2011.

**SUMMARY OF REPORT**

To provide a summary of training offered to Borough Councillors during the last municipal year and the take up of that training.

## Background

During 2010/2011 Democratic Services continued to put Member training and development on a more formal footing by establishing a member training budget and taking a proactive stance in publicising and coordinating all training and briefing events provided both 'in house' and at external venues. In addition individual Member training records were maintained.

All new Members elected in May 2010 received specific induction training within two weeks of them being elected, to introduce them to their role as Councillors; the Code of Conduct; Governance, Overview and Scrutiny, and to give them a brief overview of services offered by the Council. Further detailed sessions on the main services were provided later to which all Members were invited. Most sessions and briefings were open to all 54 Members.

Training and briefing events that have taken place during 2010/11 were:

| <b><i>Training sessions/workshops</i></b>   | <b><i>invited</i></b>      | <b><i>attended</i></b> |
|---|----------------------------|------------------------|
| Welcome and Introduction session for new Councillors – Role of Councillor               | 6 new<br>all to<br>welcome | 6<br>8                 |
| New Councillors' Induction - Code of Conduct; Governance, Scrutiny, Planning, Licensing | all                        | 7                      |
| Partnership Working and the Role of the Elected Member                                  | all                        | 15                     |
| Place & Neighbourhoods Service  | all                        | 9                      |
| Licensing & Appeals Committee   | 14                         | 10                     |
| Children's Services and Child Protection  | all                        | 22                     |
| Committee Roles and Responsibilities  | all                        | 33                     |
| Finance and Budgets   | all                        | 10                     |
| Risk Management for Executive Members   | 10                         | 8                      |
| Risk Management for Scrutiny Members  | 31                         | 10                     |
| Corporate Parenting Board responsibilities  | 14                         | 10                     |
| Media Awareness – joint session with Bracknell Forest Borough Council                   | all invited<br>15 places   | 8                      |
| Scrutiny – Questioning Skills   | 31                         | 13                     |
| Media Skills workshop - intensive one day course  | 6 places                   | 6                      |
| Communication, Freedom of Information and Data Protection                               | all                        | 8                      |
| Community Empowerment   | all                        | 5                      |
|   |                            |                        |

| <b><i>Briefings on Specific Issues</i></b>                                 | <b><i>invited</i></b> | <b><i>attended</i></b> |
|--|-----------------------|------------------------|
| Strategic Development Locations/ Supplementary Planning Documents          | all                   | 33                     |
| Transformation ICT   | all                   | 25                     |
| Local Transport Plan Proposed Revisions - two alternative sessions offered | all                   | 27                     |
| Managing the Delivery of the Development Plan                              | 12                    | 7                      |
| Local Transport Plan Final Scheme  | all                   | 8                      |
| Wind Turbines  | all                   | 15                     |
| School Admissions Process  | All                   | 9                      |

The new Member of the Planning Committee received specialist one to one training before the first meeting. Some Members were trained in hearing School Transport appeals. Twelve individual Members attended external one day sessions/conferences, which covered topics such as:

- Local Authority Housing Finance
- Chairing Scrutiny Committees
- Elder Abuse Awareness
- Reforming the Planning System
- Future of Corporate Parenting
- Current Issues on Planning
- Implications of the new Government
- Effective Audit Committees
- Commissioning Support - Children's Services
- Spending Review - Unlocking Savings
- Planning and Localism

Dates for training sessions in every month, except August and April, are included in the timetable of meetings set for the municipal year. When proposing additional sessions, it is difficult to identify dates and times when Members are available because of their other commitments in Parish and Town Councils and other organisations.

Although there is still opportunity to build upon attendance levels further the signs are encouraging as shown in the attendance figures for attendance between April 2010 and the end of March 2011 as set out below:

- 93% (89% in 2009/10) of Councillors have attended one or more development opportunities. This figure includes all training, briefing sessions, and any training they may have undertaken as part of a Committee or on their own (e.g. external training courses they've been sent on). All training sessions have been open to Members of both parties;
- 87% (72% in 2009/10) of Councillors have attended two or more development opportunities including as above internal, external, briefings, single party etc;
- 80% have attended three or more, and
- 66% have attended five or more

Attendance at the 16 sessions open to all Members has varied from 33 to 5, with an average of 15.

A web based learning programme – 'Modern Councillor' - was offered, but there was very little interest from Members and the subscription for access to this will not be renewed for 2011/12.

### **Analysis of Issues**

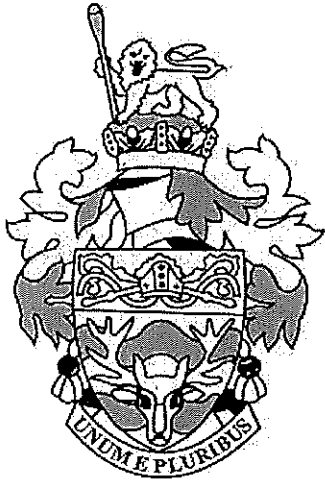
Providing elected Members with the appropriate skills to undertake their role is an important element in managing risk by seeking to prevent unethical behaviour and reputational damage to the authority.

|   |
|---|
| <b>Reasons for considering the report in Part 2</b> |
| None  |

|  |
|--|
| <b>List of Background Papers</b>               |
| Spreadsheets of Members attendance at training |

|                                   |   |
|-----------------------------------|---|
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| <b>Date</b> 26 August 2011        | <b>Version No.</b> 1.00                                   |





# **WOKINGHAM BOROUGH COUNCIL**

## **Standards Committee Annual Report**

**2010/2011**

**DRAFT**

## **1.0 Introduction by the Chairman of the Committee – David Comben**

The committee was set up in March 2002 and has since that time submitted reports and minutes to Council. This, however, is its third annual report and it is my pleasure to introduce it.

The focus of standards committees is to seek to promote high standards of ethical governance and decision making, but some misunderstanding persists around the role. We are not another form of local government ombudsman as the Committee does not have any role to play in the Council's decision making process. Nor is the Committee out to interfere with the way local members represent their residents or engage in negative criticism. We are however, concerned with ethical governance arrangements within the Council and the conduct of individual members of the Borough and parish councils towards the public, one another and council officers.

Throughout its existence, the Committee has always been impressed by the dedication and commitment shown by both Borough and parish members in seeking to best represent the interests of their constituents. It is not at all an easy thing to do and the Committee recognises this and regards its primary purpose as to support members in exercising their role within the Code of Conduct framework. There have been and will be occasions where individuals feel that elected members have not met with their ethical expectations, and in those circumstances the Committee is obliged to act in accordance with process in order to demonstrate the robustness and independence of the ethical framework. These occasions are though proportionately very few.

During the year there were only 3 complaints made against the 54 Borough and 224 Town and Parish members. None of these resulted in any formal action against the elected member.

The Localism Bill currently going through Parliament changes, as currently drafted, the ethical standards regime for local authorities. There will be no statutory requirement to have a Code of Conduct or a Standards Committee. The committee welcomes the proposal to clarify 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.

Whatever decisions are made in relation to the regime in the Borough, Towns and Parishes the need for high ethical standards does not diminish. The Standards Committee will make every effort to support members during the challenges the authorities face.

## **2.0 What does the Standards Committee Do?**

The broad role of the Standards Committee is to promote, monitor and enforce probity and ethical standards within the Borough Council and parish councils within the Wokingham Borough.

Since May 2008, the Committee has been responsible for the initial receipt and assessment of complaints against local members as well as hearings. This system has now had time to bed down and is operating effectively and independently.

The Terms of Reference of the Committee as set out within Chapter 9 of the Constitution are set out below:

#### 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 and church and parent governor representatives;
- b) assisting the Councillors, co-opted members and 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) granting 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;
- g) the receipt and assessment of complaints made against Members, the review of local assessment decisions and undertaking of hearings following investigations in accordance with the relevant statutory Regulations;
- h) the exercise of (a) to (g) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- i) the presentation of an annual report by the Chairman of the Standards Committee to Council.

### **3.0 Who sits on the Standards Committee?**

The Committee is made up of three Borough Councillors, three parish Councillors and five independent (non-elected) members. As required by Regulations, the Chairman of the Committee is an independent member.

**The three Borough Councillors during 2010-2011 were:**

Chris Bowring (Conservative Group)  
Pauline Helliar-Symons, (Conservative Group)  
Malcolm Storry, (Liberal Democrat Group) – (Councillor Storry has now stepped down from the Council)

**The three Parish Councillors were:**

Ray Duncan, (Woodley Town Council)  
John Heggadon, (Shinfield Parish Council)  
Roy Mantel, (Twyford Parish Council)

**The five independent (non council) members were:**

David Comben, (Chairman 2010/2011)  
Eric Davies  
John Giles  
Anita Grosz, (Vice-Chairman 2010/2011)  
Geoff Wilde

**4.0 Who supports the Committee?**

The Committee is supported by Susanne Nelson-Wehrmeyer, Monitoring Officer of Wokingham Borough Council and Director of Legal and Electoral Services, Mary Severin, Deputy Monitoring Officer and administrative support is provided by Kevin Jacob, Principal Democratic Services Officer.

**5.0 2010/2011 Review**

**(a) Code of Conduct Training**

Training for new Members was provided as part of the Member induction process, but widespread training was not offered to Borough and Parish Members during 2010/2012.

**(b) Standards for England Assembly October 2010**

Members of the Committee and an Officer were due to attend the scheduled Standards for England Assembly in October 2010. Traditionally attendance by members of the Committee at the Assembly has served as a useful training opportunity. However, in light of the election of the Coalition Government in May 2010 and the introduction of legislation in the Localism Bill to abolish the current Standards for England Regime, the Assembly was subsequently cancelled.

**(c) Monitoring of Non-Code of Conduct Training for Wokingham Borough Council Elected Members**

The Committee has received an overview of training events and briefings offered to Wokingham Borough Council Members, including levels of attendance. The Committee considers the issues of training to be important as Councillors need to have the correct skills and knowledge base in order to be able to make informed decisions on resident's behalf. The indications from 2010/2011 training data presented to the Committee is that attendance at training events during the year increased from the previous year.

**(d) Remained Aware of Standards Committee Best Practice**

In previous years, the Committee has kept up to date with best practice by regularly considering Standards for England Bulletins and Guidance. Following the announcement of its anticipated abolition and subsequent scaling back of its activities, Standards for England has ceased to issue new guidance and Bulletins. However, prior to the abolition of the Code of Conduct Standards for England continues to provide on demand advice.

**6.0 Complaint Statistics – April 2010 to April 2011**

During the period April 2010 to April 2011, three complaints were received regarding Councillors within the Wokingham Borough area as set out in the table below.

| Sector  | Number of Complaints Received | Number of Complaints referred to Monitoring Officer by the Standards Committee for Other Action | Number of complaints where the Standards Committee decided to take no further action | Number of complaints referred by the Standards Committee/ England to the Monitoring Officer/Standards for England for Investigation | Hearings heard following completion of investigations as of August 2011 |
|---------|-------------------------------|---|--|---|---|
| Borough | 3                             | 1   | 1  | 1   | 0   |
| Parish  | 0                             | 0   | 0  | 0   | 0   |

The Committee would stress that the number of complaints received should be seen in the context of there being 54 members of the Borough Council and some 224 members across the 17 parish councils. As such the number of complaints received represents a very low percentage of the number of members.

## 7.0 The Future

The 2010 election and the formation of the Coalition Government has heralded a significantly different future approach to the consideration of Councillor standards of conduct and ethical issues to that of the previous Government.

As part of the Coalition Agreement, the Government announced its intention to abolish the Standards Board regime and has as part of the Localism Bill currently before Parliament introduced legislation to achieve this. In summary these proposals would:

- to abolish Standards for England;
- to remove the First-tier Tribunal's (Local Government Standards in England) jurisdiction over member conduct;
- to remove the national Code of Conduct for Councillors and the requirement to have a standards committee;
- to introduce a duty to ensure that Councillors and co-opted Councillors maintain a high standard of conduct;
- to allow councils to choose whether or not they wish to have a local code or a standards committee;
- to create a criminal offence relating to failure to register or declare interests;
- to make provision for a decision maker not to be regarded as having a closed mind if they have given a previous indication of their view on a matter.

The Committee acknowledges that should the Localism Bill become law Wokingham Borough Council and the town and parish councils in the area will come to their own decisions on whether to introduce a local code of conduct or continue with a Standards Committee. The Committee would however strongly wish to see the continued promotion of high standards of conduct amongst elected members in order that the public can have continued confidence in local democracy.