

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON THURSDAY 22 MARCH 2012 FROM 7.00 PM TO 7.50 PM**

Present:-

Wokingham Borough Member:- *Chris Bowring*

Independent Members:- *David Comben (Chairman), Anita H Grosz (Vice Chairman), Eric Davies, John Giles and Geoff Wilde*

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

Also present:-

Kevin Jacob, Principal Democratic Services Officer

Susanne Nelson-Wehrmeyer, Director of Legal and Electoral Services

PART I

12. MINUTES

The Minutes of the meeting of the Committee held on 13 September 2011 were confirmed as a correct record and signed by the Chairman subject to addition of Ray Duncan to the list of apologies.

13. APOLOGIES

Apologies for absence were submitted from John Heggadon, Pauline Helliar-Symons and Sue Smith.

14. DECLARATIONS OF INTEREST

There were no declarations of interest.

15. PUBLIC QUESTION TIME

There were no public questions.

16. MEMBER QUESTION TIME

There were no Member questions.

17. PARISH/TOWN COUNCIL QUESTION TIME

There were no Parish/Town Councillor questions.

18. THE LOCALISM ACT 2011 – THE AMENDED STANDARDS REGIME

The Committee considered a report on Agenda pages 4 to 14, which set out a summary of the significant forthcoming changes to the previous Code of Conduct regime for Councillors arising out of the Localism Act 2011 and proposed the creation of a informal working group to assist in the development of a revised local Code of Conduct and supporting arrangements.

Kevin Jacob, Principal Democratic Services Officer in presenting the report summarised the key elements of the the Localism Act affecting Standards as:

- The creation of a statutory duty on local authorities to promote and maintain high standards of conduct for elected and co-opted members;

- The repeal of the requirement under Section 55 of the Local Government Act 2000 which required the establishment of local Standards Committees and the role of Standards Committee independent members;
- The continuation of the Borough Council's responsibility for dealing with complaints relating to Parish/Town Councils;
- The repeal of a centrally prescribed national Model Code of Conduct and the requirement that Members sign an undertaken to adhere to that Code, but a requirement that local authorities adopt a locally adopted Code of Conduct consistent with seven principles of public life as set out in Section 27 of the Localism Act;
- A requirement that local authorities put in place measures for complaints against Members to be made and considered, but repealing the Standards Board and nationally prescribed regulations;
- Repeal of requirements regarding the registration and declaration of personal and prejudicial interests and the creation of new requirements to register and declare pecuniary interests, with failure to declare a pecuniary interest potentially constituting a criminal offence;
- The creation of the new role of Independent Person who must be consulted by Councils before a finding as to whether a Member has failed to comply with a Code of Conduct and who may be consulted at any other stage;

Kevin Jacob explained that in order to prepare for the changes, it was proposed to establish an informal working group comprised of Members of the Committee and that a Member of the Executive should also be invited to become involved. This would need to meet fairly frequently given that it was expected that the new arrangements under the Localism Act would need to be in place for 1 July 2012. The Committee was updated that although it had originally been intended to complete the drafting of a new Code in time for the Annual Council meeting in May, this was not now considered to be realistic. It was expected that an extra-ordinary Council meeting would be necessary in June in order to agree the new arrangements.

Susanne Nelson-Wehrmeyer commented on ongoing joint discussions between Monitoring Officer colleagues in Berkshire around the introduction of the new ethical regime and the possibilities for joint working on issues such as the recruitment of Independent Persons and the need to have broadly similar Code of Conduct across local authorities in Berkshire.

In response to a question, Kevin Jacob commented that the proposals before the Committee were at a tentative stage and did not yet have the formal support of the two political groups at Wokingham Borough Council. It had been felt important to seek an initial view from the Committee with regard to the direction it felt it should be pursued in drafting the new arrangements and it was hoped that the elected Members on the Committee would feedback to their respective political groups and seek comments which could in turn be taken into consideration as part of the drafting process.

The Chairman commented that from the paper, a central issue was whether the Committee felt that an amended Standards Committee should continue and if so whether parish and independent members should remain as co-opted members of the Committee, bearing in mind that it did not appear that they would be able to have full voting Members. His view was that he felt that they should be in order to demonstrate that any decisions would be fully transparent and independent.

Roy Mantel commented that he strongly felt that parish/town councils would be very unhappy to have decisions made by the Borough Council in respect of their Members without some form input into that process. He acknowledged that the establishment of a joint Standards Committee between the Council and the 17 parishes in the Borough was not the preferred option of Wokingham Borough Council Officers on the grounds of practicality, but commented that he felt the establishment of such a Committee could be achieved in the time available and that this was preferable to the alternative of parish/town members sitting as co-opted non-voting members. Other members felt however, that it was important to get a new system established by 1 July and that it might be possible to move to a Joint Committee model in the longer term.

Eric Davies and Geoff Wilde expressed concern over the loss of statutory status for independent standards committee members and that without the ability to vote, the position would be powerless. Susanne Nelson-Wehrmeyer responded that whilst it was accepted that in the future independent members of a Standards Committee would not have voting powers, it was still felt that they would be able to bring an outside, member of the public perspective to the Committee which as was the case presently, would be extremely valued. The continued presence of independent members on the committee would demonstrate a level of transparency and independence.

As a result of the discussion regarding the establishment of the informal working group, Kevin Jacob suggested that rather than seek to create a working group with a fixed membership as set out in the report, it would be better to create an open arrangement whereby members of the Committee could contribute by attending meeting of the working group if they were able to, but could also contribute on drafts by email. This was supported. It was noted that prior to submission to Council, the final versions of the draft Code and supporting documents would be brought back to the Committee for formal consideration.

RESOLVED:

- 1) That in principle the establishment of amended Standards Committee comprising Wokingham Borough Council members and co-opted non-voting parish representatives and independent member be supported;
- 2) That an informal private working group be established from the whole membership of the Committee to be consulted on and consider the detail of a new Wokingham Borough Council Code of Conduct for Members;
- 3) That a member of the Wokingham Borough Council Executive be invited to join the working group;
- 4) That the draft Code of Conduct and supporting arrangements be formally considered by the Committee prior to their submission to the Council for adoption.

These are the Minutes of a meeting of the Standards Committee

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