

**MINUTES OF A MEETING OF THE  
STANDARDS COMMITTEE  
HELD ON TUESDAY 22 OCTOBER 2013 FROM 7.00 PM TO 8.05 PM**

*Present:-*

**Wokingham Borough Members:-** *Rob Stanton (Chairman), Pauline Helliar-Symons (Vice Chairman), Chris Bowring, Malcolm Richards and Beth Rowland*

*Also present:-*

*Kevin Jacob, Principal Democratic Services Officer*

*Susanne Nelson-Wehrmeyer, Monitoring Officer and Director of Legal and Electoral Services*

*Mary Severin, Deputy Monitoring Officer and Corporate Counsel.*

## **PART I**

### **9. MINUTES**

The Minutes of the meeting of the Committee held on 12 June 2013 were confirmed as a correct record and signed by the Chairman.

### **10. APOLOGIES**

Apologies for absence were submitted from Ray Duncan, (Parish/Town Council representative), Roy Mantel, (Parish Town Council representative) and Ken Miall.

### **11. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **12. PUBLIC QUESTION TIME**

There were no public questions.

### **13. MEMBER QUESTION TIME**

There were no Member questions.

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

There were no Parish/Town Councillor questions.

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

The Committee considered a report on Agenda pages 3 to 5 which set out details of complaints received since the last meeting and feedback from Wokingham Town Council in respect of its observations on the complaints and hearing process following the holding of a Local Hearing in respect of one of its Councillors.

Susanne Nelson-Wehrmeyer commented that 1 complaint had been received since the last meeting. Following consultation with the Chairman and an Independent Person in accordance with the agreed procedure, she had decided that no further action was to be taken regarding the complaint as it did not relate to an issue that could be considered under the Code of Conduct.

She commented that as a consequence of the experience of having undertaken a Local Hearing and feedback provided by Wokingham Town Council a number of amendments to the process for hearings were proposed as set out in the next Agenda item.

Members then considered the feedback in respect of the investigation and hearings process provided by Wokingham Town Council and the responses to the feedback provided by the Officers.

The Chairman referred to the single hearing that had taken place and commented that from his experience as the chairman of the hearing it had on balance gone very well. However, he agreed that the process for the hearing had been overly long and therefore he supported the proposals to simplify the process.

In response to a question Susanne Nelson-Wehrmeyer explained that a notice setting out the decision of a Hearings Panel would only be made public in the event that the Hearings Panel determined that a councillor had failed to adhere to the Code of Conduct. Nothing would be published if the hearing determined that the Member had complied with the Code of Conduct. Some concerns were expressed about publication being overly severe and damaging to the reputation of the Member, but it was felt by Officers and the majority of members of the Committee that publication would only happen at the end of a robust process whereby a breach of the agreed Code of Conduct would have been found to have occurred and that in these circumstances it was very important from a transparency and accountability perspective of local politicians that the decision should be publicly available.

It was also clarified that the Independent Person's role within the process was to provide an 'outside' and fresh independent perspective by virtue of the fact that they were not employed by the Council and were not Councillors either.

It was noted that one of the feedback responses given regarding the hearing related to the layout of the room. There was a range of views expressed about this. Pauline Helliars-Symons commented that in her view it was intimidating enough for any Councillor to have to face a hearing and that they would therefore feel very vulnerable. It was unfortunate therefore if the feedback from the hearing was that the layout had been confrontational. Those members of the Committee that had formed part of the Panel in respect of the complaint in question commented that they did not agree with the conclusion. It was difficult to find the appropriate balance between a level of informality that would lead to the seriousness and independence of the proceedings being questioned and a disproportionate level of formality in a non-courtroom setting. It was felt that a hearing of this kind had to be a necessarily formal process.

Kevin Jacob commented that the approach used to the layout of the hearing was consistent with that used in other tribunal/hearings such as school admission appeals, taxi licence appeals and so on which were also 'quasi-judicial' processes.

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

## **16. AMENDMENTS TO THE COUNCILLOR COMPLAINTS HANDLING AND HEARINGS PROCESS**

The Committee considered a report set out on Agenda pages 6 to 16 regarding proposed changes to Council's adopted process for handling complaints against councillors and the process to be followed in the event that a local hearing would be necessary.

Kevin Jacob introduced the report to the Committee and explained that the proposed amendments had been formulated in light of continued experience in operating what was a still a relatively new system, including the feedback provided by Wokingham Town Council.

He summarised the main aspects of the proposed changes as:

- the removal of the requirement under 9.3.15 (a) of the process that a complainant agree to a decision of the Monitoring Officer to seek a local resolution of a complaint and ;
- the rationalisation of the local hearing process to remove procedural steps that were now considered to be unnecessary and overly bureaucratic in light of the national legislative changes to the councillor code of conduct regime and to improve the efficiency of the process.

With regard to the process for the notification of Members that a complaint had been received against them set out in paragraph 9.1.13.2, Pauline Helliar-Symons commented that it was her view that Members should not be informed that a complaint had been made against them until after it had been initially considered by the Monitoring Officer as the fact that a complaint had been received was in itself very distressing. Officers commented that this had been the process under the previous national model and feedback from Members had very firmly been that the majority of Members would prefer to know about a complaint at the earliest opportunity.

Pauline Helliar-Symons also questioned whether when Councillors were informed that a complaint had been received against them they were given an initial opportunity to respond to the allegations. Susanne Nelson-Wehrmeyer commented that this was the case. After discussion it was felt that it would be helpful if this was made more explicit within the wording of paragraph 9.1.13.2 and it was agreed that the following words should be added after the first sentence, *'The relevant Member's initial comments in response to the complaint will be sought by the Monitoring Officer'*.

It was also felt that paragraph 9.1.20.3 which set out details of the publication of the decision should be strengthened to say *'Within three working days, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel'*.

Kevin Jacob commented that in drafting the revised process he had taken the approach followed in admission appeals, taxi licence appeals and other tribunals of a similar nature which were felt to be proportionate to the circumstances of considering a complaint against a councillor.

Aside from the further amendments above, the proposals as set out in the report were supported by the Committee.

Malcolm Richards questioned whether a record of complaints was kept so that it was possible to determine if repeated complaints were being made by the same person about the same subject. Susanne Nelson-Wehrmeyer commented that details of complaints were kept for an appropriate period of time.

**RESOLVED:**

- 1) That subject to inclusion of the further amendments below, the proposed changes to the process for considering Councillor Complaints and Hearing Process as set out in Appendix 1 of the report be recommended to the Constitution Review Working Group and Council for adoption;
- 2) That paragraph 9.1.13.2 be amended to include after the first sentence, *'The relevant Member's initial comments in response to the complaint will be sought by the Monitoring Officer'*;

- 3) That the first sentence of paragraph 9.1.20.3 be amended to read '*Within three working days*, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel.'

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

*If you need help in understanding this document or if you would like a copy of it in large print please contact one of our Team Support Officers.*