

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON TUESDAY 14 OCTOBER 2014 FROM 7.00 PM TO 8.05 PM**

Present:-

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

Parish/Town Council representative:- *Roy Mantel*

Also present:-

Kevin Jacob, Principal Democratic Services Officer

Andrew Moulton, Monitoring Officer and Head of Governance and Improvement Services

Mary Severin, Deputy Monitoring Officer and Borough Solicitor

PART I

9. MINUTES

The Minutes of the meeting of the Committee held on 1 July 2014 were confirmed as a correct record and signed by the Chairman.

10. APOLOGIES

Apologies for absence were submitted from Chris Bowring, Ray Duncan, (Parish Representative) and Roger Loader, (Parish Representative).

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 TO THE MEMBER OFFICER PROTOCOL

The Committee considered a revised Member Officer Protocol as set out on Agenda pages 4 to 30.

In presenting the report, Andrew Moulton commented that Member/Officer Protocol formed part of the Council's ethical governance arrangements as set out within the Council's Constitution. The purpose of the protocol was to act as a guide to Members and Officers in their relations with one another in such a way as to aim to ensure the smooth running of the authority. As such it was a supporting document to both the Councillor and Officer Codes of Conduct.

The present version of the protocol had been agreed by the Council in 2007 and as such a review of the protocol to take account of the changes to the ethical standards regime for Councillors arising from the Localism Act was necessary.

The Committee was informed that the approach in revising the document had been to shorten it where possible and to focus on a more values and behaviour based mode rather than to attempt to provide a prescriptive answer to every situation that might arise. Experience had shown that a disadvantage of a prescriptive approach attempting to cover all eventualities was that it tended to make a document longer and harder for Councillors to identify the pertinent points.

Officers had undertaken research into the various styles of Member/Officer Protocol in existence and attempted to apply best practice.

As well as any comments of the draft document, the Committee was asked to suggest proactive ways in which the Protocol and ethical governance information as a whole might be better brought to the attention of all Councillors and made real.

Members of the Committee strongly supported the alternative principles based approach which was felt to be much easier for Councillors to understand, but cover all the important area where guidance was required. The Chairman challenged the Committee to act as advocates in favour of the revised protocol within their respective political groups and Councillors indicated they were happy to do so.

A discussion took place regarding local custom and practice in terms of Officers copying in Administration Councillors when they replied to email correspondence sent from opposition group Councillors. It was noted that Paragraph 1, Appendix 3 of the proposed Protocol set out how correspondence between an individual Councillor and an Officer should be dealt with and that unless the author expressly stated it, correspondence should not be copied to another Councillor and where it was copied this need to be made explicit rather than the use of 'blind copies'. Councillor Beth Rowland expressed concern that although she accepted that exactly the same provision was within the existing Member/Officer Protocol, the level of awareness of Officers was low and it not always being followed.

Other Councillors commented they felt it was mainly an issue of education and raising awareness of the provisions of the paragraph which was felt to be sufficiently clear. Andrew Moulton offered to consider how this might be achieved.

It was felt that the political groups should be added to the groups to be consulted on the revised protocol.

RESOLVED:

- 1) That the Committee endorse the revised Member/Officer Protocol set out in Appendix A for onward submission for consultation with Corporate Leadership Team, political Groups and the Constitution Review Working Group prior to formal submission to Council for final approval;
- 2) That the Head of Governance and Improvement Services be authorised, if necessary, to make minor amendments to the Protocol in consultation with the Chairman of the Standards Committee prior to Council approval.

16. UPDATE ON COMPLAINTS AND FEEDBACK

The Committee considered a report on Agenda pages 31 to 33 which set out a summary of the Code of Conduct complaints received and actions taken between 1 July and 14 October 2014.

Andrew Moulton, Monitoring Officer and Head of Governance and Improvement Services commented that a total of 15 complaints had been received in this period, although it was important to note that nine of the complaints related to one particular issue. He updated the Committee that since the publication of the Agenda, a complaints consultation meeting had taken place between the Chairman of the Committee, John Bingham, (one of the Council's appointed Independent Persons) and himself. At this meeting a further ten complaints had been considered and that consequently the information set out on Agenda page 32 was updated to show that:

- No further action had been taken on 12 complaints;
- One complaint had been referred for an investigation which was ongoing;
- Two complaints could not be considered further as the Councillor to which they related had been disqualified from Office;

The Committee was informed that analysis of the complaints received showed that the majority of them related to the disclosure of interests at meetings as well as the importance of Councillors listing interests within their Register of Interests and keeping the register up to date. He commented that he felt that further councillor training on the issue was required on what Councillors need to do in declaring interests and around Disclosable Pecuniary Interests and other types of interests that might be considered to be prejudicial. He accepted that there were improvements in Councillor understanding to be made.

He referred to work undertaken following the meeting in July to develop a Members Interest Quiz for Councillors which would set out a series of different scenarios around the declaration of interests. A draft of this document was circulated. Members of the Committee thought the quiz was informative and helpful and could also be of use to Town/Parish clerks.

The Committee was also informed that he was also looking to redraft the Councillor Code of Conduct itself to see if it could be made more precise, easier to understand and navigate applying a similar approach to that used in redrafting the Member/Officer Protocol.

The Chairman commented that, in his experience of being consulted on the complaints that had been received, the majority of them did relate to complaints around alleged failure to declare interests at meetings or on a Councillor's Register of Interests. He felt that further training was required as the rules were complex and there was a fair amount of lack of understanding amongst Councillors.

It was confirmed to the Committee that basic checks were applied by the Monitoring Officer or Deputy Monitoring Officer, but that it was the responsibility of the individual Councillor to ensure the information they supplied was correct and up to date.

In discussion, it was suggested that the most effective way to ensure maximum attendance on Code of Conduct training would be hold it prior to a full Council meeting and Andrew Moulton commented that the scheduling of this could be looked into.

It was felt that should Wokingham Borough Council decide to amend the Council Code of Conduct this should be communicated to the clerks of Town and Parish Council so that those Councils could decide whether or not to amend their own Councillor Code of Conduct given that the majority of them used the Borough's Code of Conduct. Clerks also needed to be supported.

RESOLVED:

- 1) That the report be noted;
- 2) That the Monitoring Officer be asked to arrange Councillor training on the declaration and registration of interests.

These are the Minutes of a meeting of the Standards Committee

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