



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **STANDARDS COMMITTEE** will be held at the Civic Offices, Shute End, Wokingham on **WEDNESDAY 6 JULY 2016 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Andy Couldrick'.

Andy Couldrick
Chief Executive
Published on 28 June 2016

This meeting may be filmed for inclusion on the Council's website.

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Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

MEMBERSHIP OF THE STANDARDS COMMITTEE

Councillors

Ken Miall (Chairman)

Pauline Helliard-Symons
(Vice-Chairman)

Chris Bowring

UllaKarin Clark

Beth Rowland

Paul Swaddle

Parish/Town Council Representatives

Sally Gurney

Roger Loader

Roy Mantel

ITEM NO.	WARD	SUBJECT	PAGE NO.
1.		APOLOGIES To receive any apologies for absence.	
2.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 16 March 2016.	5 - 8
3.		DECLARATIONS OF INTEREST To receive any declarations of interest.	
4.		PUBLIC QUESTION TIME To answer any public questions. A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of this Committee. Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
5.		MEMBER QUESTION TIME To answer any Member questions.	

- 6. PARISH / TOWN COUNCIL QUESTION TIME**
- To answer any questions from Parish / Town Councillors.
- 7. None Specific UPDATE ON COMPLAINTS AND FEEDBACK 9 - 12**
- To consider the latest update on complaints.
- 8. None Specific VOTING RIGHTS FOR TOWN AND PARISH COUNCIL REPRESENTATIVES ON THE STANDARDS COMMITTEE 13 - 14**
- To consider a report on voting rights for Town and Parish Council representatives on the Standards Committee.

Any other items which the Chairman decides are urgent.

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

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**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON 16 MARCH 2016 FROM 7.00 PM TO 8.10 PM**

Committee Members Present

Councillors: Rob Stanton (Chairman), Pauline Helliard-Symons (Vice-Chairman), Chris Bowring, Ken Miall, Malcolm Richards and Beth Rowland

Co-opted Members

Councillors: Roger Loader and Roy Mantel

Officers Present

Neil Carr, Principal Democratic Services Officer
Andrew Moulton, Head of Governance and Improvement Services
Mary Severin, Borough Solicitor and Deputy Monitoring Officer

18. APOLOGIES

There were no apologies for absence.

19. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 19 January 2016 were confirmed as a correct record and signed by the Chairman, subject to the addition of apologies for absence from Councillor Beth Rowland.

20. DECLARATION OF INTEREST

There were no declarations of interest.

21. PUBLIC QUESTION TIME

There were no public questions.

22. MEMBER QUESTION TIME

There were no Member questions.

23. PARISH / TOWN COUNCIL QUESTION TIME

There were no Parish/Town Council questions.

24. UPDATE ON COMPLAINTS AND FEEDBACK

The Committee considered a report, set out at Agenda pages 7 to 9, which provided feedback on the operation of the Member complaints process since the previous meeting. The report stated that, since the previous meeting of the Committee in January 2016, three new complaints had been received. Details of the complaints were set out in the Appendix to the report.

Andrew Moulton, Head of Governance and Improvement Services and Monitoring Officer, provided an update to the Committee on the investigation of each complaint. A meeting had been held recently between the Chairman, the Monitoring Officer and an Independent Person to consider two of the complaints. In relation to one of the complaints it was concluded that there had been a breach of the relevant Codes of Conduct. In accordance with Para 9.1.14.2 of the Constitution the matter was being resolved informally by the Monitoring Officer with the use of appropriate sanctions.

In relation to the second complaint it was decided that there was no breach of the Code of Conduct and, as a result, no further action would be taken. The third complaint was still under investigation.

RESOLVED That:

- 1) the update report on complaints be noted;
- 2) the Borough Solicitor discuss any potential training issues arising out of recent complaints with the relevant Town Clerk;
- 3) the Committee considers any broader training issues at the next meeting on 6 July 2016.

25. TOWN AND PARISH REPRESENTATION ON THE STANDARDS COMMITTEE

The Committee considered a report, set out at Agenda pages 11 to 12, which clarified and updated the requirements for representation by Parish and Town Councillors on the Standards Committee.

The report stated that the Constitutional arrangements for the Committee included three co-opted, non-voting, Parish and Town Council representatives. Of the three, at least one should be a Member of a Town Council and at least one should be a Member of a Parish Council. The role of the three Parish/Town Council Members was to be present when matters relating to Parish or Town Councils were considered. At present there was a vacancy for a Town Council representative.

The report stated that the Leader of the Borough Council had requested that the Committee consider whether it was appropriate for a Parish/Town Council representative to also be a Member of Wokingham Borough Council. It was felt that there could be a perceived conflict of interest and confusion amongst residents if a "dual-hatted" Member was appointed to the role. Consequently, the report recommended that the Constitution be amended to clarify the position.

Members also considered the potential scenario where two Town or Parish representatives on the Committee were Members of the same Town or Parish Council. It was felt that such a scenario would not produce the necessary range of views needed to support the work of the Committee. It was moved by Councillor Pauline-Helliard Symons and seconded by Councillor Ken Miall that the proposed Constitutional change be amended by adding the words: "*Furthermore, no Town or Parish Council will have more than one co-opted representative on the Committee*". On being put to the vote, the amendment was carried.

The Committee also considered the issue of voting rights for the three co-opted Town/Parish representatives. It was felt that this matter should be the subject of a written report to the next meeting.

RESOLVED That:

- 1) the Constitution Review Working Group be requested to recommend to Council that Rule 9.1.1b of the Constitution be amended as follows:

- “b) three co-opted non-voting Parish Members. Of the three Members, at least one Member should be a member of a Parish Council and at least one should be a member of a Town Council. *Town/Parish Councillors who are also Members of Wokingham Borough Council will not be eligible to be considered for these co-opted roles. Furthermore, no Town or Parish Council will have more than one co-opted representative on the Committee.* The process for appointing Town and Parish Council representatives shall be overseen by the Monitoring Officer and the Independent Person and any recommended appointment agreed by the Council.”
- 2) the Committee considers a report on voting rights for co-opted Town/Parish Council representatives at the next meeting on 6 July 2016.

26. STANDARDS COMMITTEE ANNUAL REPORT 2015/16

The Committee considered its Annual Report for the 2015/16 Municipal Year. The Annual Report gave details of the Committee’s role, composition and levels of activity for the year. It noted that there had been a reduction in complaints activity compared to the previous year.

The report also gave details of the range of issues considered by the Committee during the year. These included revisions to the Code of Conduct and Member/Officer Protocol, updates on the complaints process and guidance on bullying, blogging and the use of social media. The Committee had also sponsored training and support, for example in relation to the declaration of interests.

In relation to the forthcoming year the Committee would continue to seek improvements to the Code of Conduct and supporting procedures to ensure continuous improvement in line with best practice. In so doing it would deliver further training and support to underpin high standards of ethical behaviour by elected Members and Officers across the Borough.

RESOLVED: That the Standards Committee Annual Report for 2015/16 be approved for submission to the Council meeting on 24 March 2016.

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Agenda Item 7.

TITLE	Update on Complaints and Feedback
FOR CONSIDERATION BY	Standards Committee on 6 July 2016
WARD	None Specific
DIRECTOR	Andrew Moulton, Head of Governance and Improvement Services

OUTCOME/BENEFIT TO THE COMMUNITY

To inform and feedback results of the Member Complaints process.

RECOMMENDATION

To note the report.

SUMMARY OF REPORT

Since the last meeting of the Committee on 16 March there have been four new complaints received. Details are provided at Appendix A.

All other cases previously reported have been concluded.

A verbal update will be given at the meeting on any specific patterns/trends or other matters that the Committee may need to consider. Also the Committee is asked to consider any broader training issues that arise from these and previous complaints.

Background

Under Section 9.1.13.5 of the Council's constitution, the Monitoring Officer provides a report to the Standards Committee, on a quarterly basis, which contains the following: the number and nature of complaints received; progress on any investigations and associated costs; and identify areas where training or other action might avoid further complaints. However the name(s) of the Member(s) will not be disclosed.

Since the last meeting of the Committee on 16 March 2016, there have been four new Code of Conduct complaints received.

Under the Council's adopted policy for the consideration of Code of Conduct Complaints, the Monitoring has delegated authority to decide whether the complaint:

- a) can be resolved informally i.e. by mediation with the two parties before making a decision on whether the complaint merits formal investigation;
- b) requires investigation;
- c) should be referred to the Standards Committee;
- d) no further action should be taken.

Reasons for considering the report in Part 2

If the Committee decides to discuss the specifics of individual cases it may be necessary to consider excluding the public if that would involve the disclosure of exempt information.
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List of Background Papers

None.

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Date 28 June 2016	Version No. 2

Appendix A - Code of Conduct Complaints – Outcome of Complaints

Date Received	Council	Summary of Complaint	Conclusion	Date Concluded
19/5/16	WBC	The complaint relates to a letter distributed to residents prior to the recent local elections and a private email relating to the Council budget. Following the Monitoring Officer's consultation meeting on 9 June with the Chairman and Independent Person it was decided to commission an independent investigation.	Ongoing	N/A
20/5/16	WBC	This complaint relates to the conduct of a Member in a meeting. Following the Monitoring Officer's consultation meeting on 9 June with the Chairman and Independent Person it was concluded that there was no breach of the Code of Conduct.	Concluded – no breach	9/6/16
22/5/16	WBC	This complaint relates to the conduct of a Member. Following the Monitoring Officer's consultation meeting on 9 June with the Chairman and Independent Person it was decided to commission an independent investigation.	Ongoing	N/A
29/5/16	WBC	This complaint related to the alleged behavior of a Member with regard to their email correspondence.	Ongoing	N/A

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Agenda Item 8.

ITEM NO:

TITLE	Voting Rights for Town and Parish Council Representatives on the Standards Committee
FOR CONSIDERATION BY	Standards Committee on 6 July 2016
WARD	None Specific
DIRECTOR	Andrew Moulton, Head of Governance and Improvement Services

OUTCOME/BENEFIT TO THE COMMUNITY

The Committee promotes and supports good governance for the Borough, Town and Parish Councils. Its work underpins high standards of ethical behaviour by elected Members and Officers across the Borough.

RECOMMENDATION

That, in light of the legal advice in the report, Town and Parish Council representatives on the Committee continue in a non-voting capacity.

SUMMARY OF REPORT

At its meeting on 16 March 2016 the Committee considered a report on Town and Parish Representation on the Standards Committee. During the discussion the question of voting rights for Town and Parish Representatives was raised. The Committee requested a written report on voting rights for its next meeting.

The report outlines the legal and Constitutional background to the issue of voting rights for Town and Parish representatives on the Standards Committee.

Background

1. As Members may know, Standards Committees are now no longer mandatory, having been abolished with the previous Standards for England regime by the Localism Act 2011. Wokingham Borough Council's Standards Committee is therefore to be treated as an ordinary Committee, appointed under s102 of the Local Government Act 1972.
2. S13 of the Local Government and Housing Act 1989 says a member of a local authority Committee appointed under s102 who is not a member of that local authority shall 'for all purposes' be treated as a non-voting member of that Committee. This means, therefore, that co-opted Members from Parish and Town Councils on the Standards Committee are unable to have voting rights. (There is an exception for co-opted members on Overview and Scrutiny Committees).
3. This Council is responsible for dealing with Code of Conduct complaints against Parish and Town Councils (s28(6) Localism Act 2011). The role for co-opted Parish and Town Council Members was intended to monitor the work of the Standards Committee, particularly in relation to complaints against Town and Parish Members and in the promotion and maintenance of high standards in relation to Parish and Town Councils. (see para. 9.1.4 of the Constitution, Role and Function for the Standards Committee). In addition, the current arrangements provide for Town and Parish Members to bring a breadth of experience, knowledge and challenge, which helps inform the Committee's work in maintaining high standards for all Members across the Borough.

Reasons for considering the report in Part 2
None

List of Background Papers
None.

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Date 28 June 2016	Version No. 1