



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **STANDARDS COMMITTEE** will be held at the Civic Offices, Shute End, Wokingham RG40 1BN on **TUESDAY 10 JANUARY 2017 AT 7.00 PM**

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

Andy Couldrick
Chief Executive
Published on 21 December 2016

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

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WOKINGHAM BOROUGH COUNCIL

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 Helliar-Symons (Vice-Chairman)	Chris Bowring
UllaKarin Clark	Beth Rowland	Paul Swaddle

Parish/Town Council Representatives

Sally Gurney	Roger Loader	Roy Mantel
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ITEM NO.	WARD	SUBJECT	PAGE NO.
10.		APOLOGIES To receive any apologies for absence	
11.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 6 July 2016.	5 - 8
12.		DECLARATION OF INTEREST To receive any declarations of interest	
13.		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	
14.		MEMBER QUESTION TIME To answer any Member questions	
15.		PARISH / TOWN COUNCIL QUESTION TIME To answer any questions from Parish / Town Councillors	
16.	None Specific	UPDATE ON COMPLAINTS AND FEEDBACK	9 - 14
17.	None Specific	CODE OF CONDUCT - PROPOSED AMENDMENT	15 - 18

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Civic Offices, Shute End, Wokingham, RG40 1BN

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON 6 JULY 2016 FROM 7.00 PM TO 7.12 PM**

Committee Members Present

Councillors: Ken Miall (Chairman), UllaKarin Clark, Beth Rowland and Paul Swaddle

Other Councillors Present

Councillors: Roy Mantel

Officers Present

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

1. APOLOGIES

Apologies for absence were submitted from Sally Gurney, Pauline Helliard-Symons and Roger Loader.

2. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 16 March 2016 were confirmed as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. PUBLIC QUESTION TIME

There were no public questions.

5. MEMBER QUESTION TIME

There were no Member questions.

6. PARISH / TOWN COUNCIL QUESTION TIME

There were no Parish/Town Council questions.

7. UPDATE ON COMPLAINTS AND FEEDBACK

The Committee considered a report, set out at Agenda pages 9 to 12, which provided feedback on the operation of the Member complaints process since the previous meeting.

The report stated that, since the previous meeting in March 2016, four 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 the four complaints. In relation to one of the complaints, it was concluded that there was no breach of the Code of Conduct and, as a result, no further action would be taken. The other three complaints were still under investigation.

RESOLVED That:

- 1) the update report on complaints be noted;
- 2) the Committee considers any broader training issues at the next meeting on 18 October 2016.

8. VOTING RIGHTS FOR TOWN AND PARISH COUNCIL REPRESENTATIVES ON THE STANDARDS COMMITTEE

The Committee considered a report, set out at Agenda pages 13 to 14, on the issue of voting rights for Town and Parish Council representatives on the Standards Committee. This followed a request from the Committee at its meeting on 16 March 2016.

The report stated that Standards Committees were no longer mandatory, having been abolished by the Localism Act 2011. As a result the Borough Council's Standards Committee was treated as a Committee appointed under Section 102 of the Local Government Act 1972.

The report explained that Section 13 of the Local Government and Housing Act 1989 stated that a member of a local authority Committee appointed under Section 102 of the 1972 Act who was not a member of that authority would, for all purposes, be treated as a non-voting member. Consequently, Town and Parish representatives on the Standards Committee were unable to vote.

The Committee noted the legal position and highlighted the positive contribution made to its work by the Town and Parish representatives. The contribution from Town and Parish representatives helped to inform the Committee's work in maintaining high standards for all elected Members across the Borough.

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

9. APPOINTMENT OF SUBSTITUTES

The Committee considered a request from the Constitution Review Working Group that it consider the need for substitutes for Borough Council Members on the Committee. Members considered the request and concluded that the current arrangements were satisfactory.

RESOLVED That the Constitution Review Working Group be notified that the Standards Committee does not support the appointment of substitutes.

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Agenda Item 16.

TITLE	Update on Complaints and Feedback
FOR CONSIDERATION BY	Standards Committee on 10 January 2017
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 6 July 2016 there have been two 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;
- identification of areas where training or other action might avoid further complaints.

However, the name(s) of the Member(s) involved will not be disclosed.

Since the last meeting of the Committee, on 6 July 2016, there have been 2 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.

List of Background Papers
None.

Contact Andrew Moulton	Service Governance & Improvement Services
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Date 16 December 2016	Version No. 1

Appendix A - Code of Conduct Complaints – Outcome of Complaints

Complaints Previously Reported

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 which concluded there was no breach of the Code of Conduct..	No breach	28/7/16
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 which concluded there was no breach of the Code of Conduct.	No breach	28/7/16
29/5/16	WBC	This complaint related to the alleged behavior of a Member with regard to their email correspondence. Following consultation with the Chairman of the Standards Committee it was decided to take no further action.	No breach	12/7/16

New Complaints since 6 July 2016

Date Received	Council	Summary of Complaint	Conclusion	Date Concluded
13/10/16	WBC	The complaint relates to the conduct of two members with regard to an alleged breach of confidentiality. An investigation has been conducted and a Hearing Panel is being convened later in January 2017.	Ongoing	N/A
25/11/16	WBC	The complaint relates to the alleged conduct of a Member. An investigation has been commissioned.	Ongoing	N/A

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TITLE	Code of Conduct – Proposed Amendment
FOR CONSIDERATION BY	Standards Committee on 10 January 2017
WARD	None Specific
DIRECTOR	Andrew Moulton, Head of Governance and Improvement Services

OUTCOME/BENEFIT TO THE COMMUNITY

A fully transparent process of disclosure and publication where, following investigation, a Member has been found to be in breach of the Member Code of Conduct.

RECOMMENDATION

The Standards Committee is asked to:

1. review the Code of Conduct;
2. recommend to the Constitution Review Working Group that they consider amending the Code of Conduct as set out in the report.

SUMMARY OF REPORT

One of the roles of the Standards Committee is to advise the Council on the adoption or revision of its Members' Code of Conduct.

A request has been received for the Committee to consider an amendment to section 9.1.14.2 (Breach of Code of Conduct) so that if a Member is found to be in breach of the Code of Conduct the name of the Member concerned should be published.

Currently, where a Member is determined to be in breach of the Code of Conduct, but the breach is resolved using an "informal" route, the Subject Member's name is not disclosed. This contrasts with a Subject Member found to be in breach following a Hearing Panel, where the decision notice is available for public inspection and published on the Borough Council's website.

In addition, if the complaint is directed at a Borough Councillor, the decision will be reported to the next convenient meeting of the Borough Council. If the complaint is directed at a Town/Parish Councillor, the relevant Council will be requested to report the decision to its next Council Meeting.

Background

Section 9.1.14.2 of the Council's Constitution covers the options available to the Monitoring Officer when an investigation finds that a Member is in breach of the Code of Conduct. There are two options available:

1. To seek to resolve the matter informally; or
2. To refer the investigating officer's report to a Standards Committee Hearing Panel.

If the informal route is taken, there is no provision for the Member's breach to be published, whereas if a Hearings Panel leads to the same conclusion, that information is published. The Committee is asked to consider whether this might be considered anomalous and requires amendment.

It is therefore proposed to change the Constitution as follows:

to add the following words to paragraph 9.1.13.4:

"Where option b) is followed, a record of the outcome will be prepared by the Monitoring Officer and published and reported in accordance with the provisions in 9.1.16.3 for publication and reporting of a formal decision notice".

The Committee's views are sought on this proposed amendment.

List of Background Papers	
None.	
Contact Andrew Moulton	Service Governance & Improvement Services
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