

**MINUTES OF A MEETING OF THE  
STANDARDS COMMITTEE  
HELD ON 5 JULY 2017 FROM 7.00 PM TO 7.30 PM**

**Committee Members Present**

Councillors: UllaKarin Clark (Chairman), Ken Miall (Vice-Chairman), Chris Bowring and Prue Bray

**Parish/Town Council Representatives:** Sally Gurney (Co-Optee, Wokingham Town Council)

**Other Councillors Present**

Councillor Imogen Shepherd-Dubey

**Officers Present**

Neil Carr, Democratic and Electoral Services Specialist  
Andrew Moulton, Assistant Director, Governance and Monitoring Officer  
Mary Severin, Borough Solicitor and Deputy Monitoring Officer

**1. APOLOGIES**

Apologies for absence were submitted by Pauline Helliard-Symons, Roger Loader, Roy Mantel and Paul Swaddle.

**2. INDEPENDENT PERSONS**

The Chairman introduced Paddy Haycocks and Nick Oxborough who had recently been appointed to the panel of Independent Persons who supported the Monitoring Officer and Members through the complaints process.

**3. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 14 March 2017 were confirmed as a correct record and signed by the Chairman.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**5. PUBLIC QUESTION TIME**

There were no public questions.

**6. MEMBER QUESTION TIME**

Councillor Imogen Shepherd-Dubey put the following question to the Chairman:

**Question**

With the complaint made on the 13/03/17 in the Update on Complaints and Feedback report - what feedback has been received from the complainant on the response they have received and why is the Member's name being protected, especially if in this case it seems that the action was taken very publicly in a newspaper? If the Member has been found guilty of breaching the Code of Conduct in this manner, why is the Standards committee still protecting their name?

**Answer**

Thank you for your question.

The complaint received on the 13<sup>th</sup> March was dealt with under the process set out in the Constitution (section 9.1.13.4) for dealing with Member Code of Conduct complaints. Following an initial review of the complaint, the Monitoring Officer consulted with the Chairman of the Standards Committee and the Independent Person.

It was agreed unanimously that the appropriate course of action was to seek to resolve the matter informally by asking the Subject Member to make a written apology to the complainant which was acceptable to the Monitoring Officer and Chairman of the Standards Committee.

The Subject Member subsequently made a written apology to the complainant. Under the Constitution, where there has been a determination by the Monitoring Officer to resolve the complaint informally, the Subject Member's name is not disclosed publically.

It should be noted that this part of the process was considered by the Committee at its last meeting in March and it was decided by the Committee not to change this provision.

I understand the Monitoring Officer has received some feedback from the complainant that they were dissatisfied with this conclusion but I am satisfied that the Constitutional process was followed appropriately.

### **Supplementary Question**

As you state that the complainant was dissatisfied with the outcome, what was done to reconcile the situation?

### **Answer**

There is no further remedy once the decision has been taken. It is not the same process as a court case. Consequently the decision of the Monitoring Officer stands.

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

There were no Parish or Town Council questions.

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

The Committee considered a report, set out on Agenda pages 9 to 13, which gave details of progress relating to Code of Conduct complaints.

The report stated that, since the previous meeting of the Committee, five new complaints had been received. Details of each complaint were appended to the report along with an update from the one outstanding complaint reported to the previous meeting.

The Committee was asked to consider any procedural or training issues arising out of the handling of these complaints. During the ensuing discussion, the following points were made:

Were the complaints being made by the same individuals? The Monitoring Officer confirmed that there had been a number of different complainants.

Were the complaints made against an individual Member? It was confirmed that a number of different Members were involved.

What was the background to the complaint from 17 members of the public? It was confirmed that this complaint involved a planning application and involved one complainant supported by 16 others.

What powers did the Council have to prevent members of the public from publicising their complaint outside the Council process? It was confirmed that the Council and individual Members had no control outside the legal framework for defamation.

The Chairman suggested that the Committee hold some informal training sessions before the start of its meetings. This would help to update Members on any recent legal or constitutional changes which impacted on the complaints process.

**RESOLVED** That:

- 1) the Complaints and Feedback report be noted;
- 2) a Member training session be held at 6.30pm on 17 October 2017, prior to the commencement of the Committee's next meeting.

## **9. WHISTLEBLOWING AND CONFIDENTIALITY**

The Committee considered a report, set out on Agenda pages 15 to 17, which gave details of the differences between whistleblowing and the disclosure of confidential information. This followed a request for clarification at the Committee's meeting on 14 March 2017.

The report reminded Members of the Code of Conduct section which stated that Councillors must not knowingly disclose information which they believe, or should reasonably be aware, is confidential. If a Councillor believes that confidential information should be released because of a "good cause" then that good cause should be reasonable and proportional.

The Council's Whistleblowing Policy and Guidance was designed to allow Council staff and contractors to make a "protected" disclosure in respect of specific types of malpractice being carried out within the Council without fear of being victimised or dismissed. The policy was designed for staff and contractors. However, it may be useful for Members who became concerned about malpractice within the Council.

As a general rule, if Members were worried about their position, they should seek advice from the Monitoring Officer or Borough Solicitor.

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