



# WOKINGHAM BOROUGH COUNCIL

A Meeting of the **STANDARDS COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **THURSDAY 18 JANUARY 2018 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Manjeet Gill', is positioned above the printed name.

Manjeet Gill  
Interim Chief Executive  
Published on 10 January 2018

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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

UllaKarin Clark (Chairman)      Ken Miall (Vice-Chairman)      Chris Bowring  
Prue Bray                              Pauline Helliar-Symons              Paul Swaddle

### Parish/Town Council Representatives

Sally Gurney                              Co-Optee, Wokingham Town Council  
Roger Loader                              Co-Optee Barkham Parish Council  
Roy Mantel                                Co-Optee Twyford Parish Council

ITEM NO.	WARD	SUBJECT	PAGE NO.
9.		<b>APOLOGIES</b> To receive any apologies for absence.	
10.		<b>MINUTES OF PREVIOUS MEETING</b> To confirm the Minutes of the Meeting held on 5 July 2018.	5 - 8
11.		<b>DECLARATION OF INTEREST</b> To receive any declarations of interest.	
12.		<b>PUBLIC QUESTION TIME</b> 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 <a href="http://www.wokingham.gov.uk/publicquestions">www.wokingham.gov.uk/publicquestions</a>	
13.		<b>MEMBER QUESTION TIME</b> To answer any Member questions.	
14.		<b>PARISH / TOWN COUNCIL QUESTION TIME</b> To answer any questions from Parish / Town Councillors.	
15.		<b>UPDATE ON COMPLAINTS AND FEEDBACK</b> To consider an update report on Code of Conduct complaints and associated issues.	9 - 14

**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 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.

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# Agenda Item 15.

<b>TITLE</b>	<b>Update on Complaints</b>
<b>FOR CONSIDERATION BY</b>	Standards Committee on 18 January 2018
<b>WARD</b>	None Specific;
<b>LEAD OFFICER</b>	Monitoring Officer – Andrew Moulton

## **OUTCOME / BENEFITS TO THE COMMUNITY**

To inform and feedback results of the Member Complaints process.

## **RECOMMENDATION**

To note the report and consider any issues arising.

## **SUMMARY OF REPORT**

Since the last meeting of the Committee on 5 July 2017 there have been three new complaints received. Appendix A provides a summary of each complaint.

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 5 July 2017, there have been 3 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.

The outcomes of these complaints are shown at Appendix A.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

<b>Other financial information relevant to the Recommendation/Decision</b>
None

<b>Cross-Council Implications</b> (how does this decision impact on other Council services, including properties and priorities?)
The work and conduct of Councillors can impact all aspects of the Council's services.

<b>Reasons for considering the report in Part 2</b>
Not applicable

<b>List of Background Papers</b>
None

<b>Contact</b> Andrew Moulton	<b>Service</b> Governance
<b>Telephone No</b> Tel: 07747 777298	<b>Email</b> andrew.moulton@wokingham.gov.uk

## Appendix A - Code of Conduct Complaints – Outcome of Complaints

### New complaints since 5 July 2017

Date Received	Council	Summary of Complaint	Conclusion	Date Concluded
28/7/17	WBC	This complaint was received from an officer on behalf of other officers and related to the alleged conduct of a Member during a meeting with partners. As the officer is no longer employed by the Council and further evidence was not provided, no further action was taken.	No further action	21/12/17
19/8/17	Shinfield Parish Council	This complaint was received from a member of the public relating to the way the parish council nominated persons as trustees to a local charity. After consulting with an Independent Person and Chair of Standards Board, the Monitoring Officer concluded that there was no breach of the Code of Conduct.	No further action	21/9/17
1/12/17	Wokingham Town Council	This complaint was received from a member of the public relating to a post on social media. After consulting with an Independent Person and Chair of Standards Board, the Monitoring Officer concluded that there was no breach of the Code of Conduct.	No further action	13/12/17



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