

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON 19 JULY 2021 FROM 7.00 PM TO 7.50 PM**

Committee Members Present

Councillors: John Kaiser (Chairman), Prue Bray, Imogen Shepherd-DuBey, Daniel Sargeant (Vice-Chairman), Caroline Smith and Jackie Rance
Parish/Town Council Representatives:- Sally Gurney (Co-Optee, Wokingham Town Council) and Roy Mantel (Co-Optee Twyford Parish Council)

Officers Present

Neil Carr, Democratic and Electoral Services Specialist
Jennifer Lee, Deputy Monitoring Officer
Andrew Moulton, Monitoring Officer

1. APOLOGIES

Apologies for absence were submitted from Abdul Loyes.

2. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 8 March 2021 were confirmed as a correct record and signed by the Chairman, subject to the final paragraph in Minute 53 (Annual Report) being amended to read:

“Sally Gurney asked if there were any plans to recruit further Independent Persons. It was confirmed that the current number of Independent Persons was deemed to be sufficient. If a vacancy arose, there would be a public recruitment exercise *which could be used to achieve a more diverse group of Independent Persons.*”

3. DECLARATION 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 or Town Council questions.

7. UPDATE ON MEMBER CODE OF CONDUCT

The Committee considered a report, set out at Agenda pages 11 to 13, which considered issues highlighted at the previous meeting in relation to the Councillor Code of Conduct.

Andrew Moulton (Monitoring Officer) attended the meeting to present the report and answer Member questions.

The report stated that the Committee had recommended to Council the Local Government Association (LGA) Model Code of Conduct, subject to a number of amendments. This would be considered by the Council at its meeting on 22 July 2021.

The Committee had also highlighted a number of issues for further consideration, including:

- the publication of Member names when breaches of the Councillor Code of Conduct are resolved informally;
- the process for handling complaints made by a Town or Parish Clerk against a Councillor;
- guidance on the timeframes for publishing different types of exempt or confidential information;
- clarification on the definition of “co-opted member” in the Model Code vis-à-vis the proposed Social Media Guidance;
- any implications relating to the declaration of interests in light of the number of Non-Executive Directors appointed by the Council.

In relation to breaches of the Code of Conduct that were resolved informally, the Constitution currently stated that “the Subject Member’s name will not be disclosed”. Andrew Moulton stated that he was keen to commission expert advice on this issue, including benchmarking on the process used by other Councils. Consequently, it was suggested that this issue be deferred to the October 2021 meeting of the Committee. It was confirmed that Imogen Shepherd-Dubey had also carried research into 20 other Councils. This research should be used to inform the report to the next meeting. It was also felt that feedback from the Committee’s public consultation exercise should be included in the discussions.

In relation to the process for handling complaints made by a Town or Parish Clerk against a Councillor, the report stated that the Committee for Standards in Public Life had recommended that complaints about the conduct of a Councillor towards a Clerk should be made by the Chair or by the Parish Council as a whole, rather than by the Clerk in all but exceptional circumstances. Andrew Moulton stated that the current informal process whereby he supported the Borough’s Town and Parish Clerks worked well and there was no demand for change.

Prue Bray referred to the report being submitted to Council on the proposed changes to the Councillor Code of Conduct. Prue stated that Paragraph 4.2 in the report (release of any paper which is marked, or could reasonably be assumed to be, confidential or exempt) should be removed to allow further consideration by the Committee before submission to Council.

In relation to the definition of “co-opted member” in the Model Code of Conduct vis-à-vis the social media guidance, the note circulated to the Committee stated that the social media guidance applied to both Members and co-opted members. However, it would only apply to their conduct when they were acting “in that capacity”. Where a complaint was raised about a co-opted member’s behaviour on social media, it would be considered on a case-by-case basis, bearing in mind the capacity in which the individual was acting.

Guidance on issues relating to the declaration of interests by Non-Executive Directors, appointed by the Borough Council, would also be submitted to the October 2021 meeting of the Committee.

RESOLVED That:

- 1) the issue of disclosing the names of Members who breach the Code of Conduct and are dealt with informally, be considered at the October 2021 meeting of the Committee, following expert advice, benchmarking and consideration of best practice;
- 2) the current arrangements relating to support for Town and Parish Clerks be continued;
- 3) paragraph 4.2 of the Councillor Code of Conduct report (confidential and exempt information) to be considered by Council, on 22 July 2021, be deferred, pending further discussions by the Committee.
- 4) the guidance on issues relating to the definition of “co-opted member” in the Model Code vis-à-vis the social media guidance be noted;
- 5) guidance on issues relating to the declaration of interests by Non-Executive Directors, appointed by the Borough Council, be submitted to the October 2021 meeting of the Committee.

8. UPDATE ON CODE OF CONDUCT COMPLAINTS

The Committee considered a report, set out at Agenda pages 15 to 20, which provided an update on progress relating to Councillor Code of Conduct complaints.

The report stated that, since the previous meeting of the Committee, on 8 March 2021, two new complaints had been received. In addition, four existing complaints had been progressed.

Andrew Moulton provided a progress report on each of the complaints (Appendix A to the report). Andrew referred to previous Member comments about the tardiness of complaint resolution. In order to deliver speedier resolution of cases capacity had been increased in the Borough Council’s legal team.

Andrew stated that one of the complaints had progressed to a Standards Committee Hearing Panel. It was hoped to arrange the hearing in August 2021.

Andrew also noted that the majority of complaints received were made by Members against other Members. Members felt that the overall volume of complaints was not great and that Members should be able to continue to make complaints as and when necessary.

It was suggested that the potential for additional capacity outside the legal team be investigated and that benchmarking be carried out on the time taken by other councils to deal with Code of Conduct complaints.

RESOLVED That:

- 1) the update report on Councillor Code of Conduct complaints be noted;
- 2) a report be submitted to the October 2021 meeting on options for additional complaints handling capacity and benchmarking on the time taken by other councils to deal with Code of Conduct complaints.