

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON WEDNESDAY 21 JANUARY 2015 FROM 7.00 PM TO 7.50 PM**

Present:-

Wokingham Borough Members:- *Councillors Rob Stanton (Chairman), Chris Bowring, Ken Miall and Beth Rowland*

Parish/Town Council representatives:- *Councillors Ray Duncan, Roger Loader and Roy Mantel*

Also present:-

Kevin Jacob, Principal Democratic Services Officer

Andrew Moulton, Monitoring Officer and Head of Governance and Improvement Services

Mary Severin, Deputy Monitoring Officer and Borough Solicitor

PART I

17. MINUTES

The Minutes of the meeting of the Committee held on 14 October 2014 were confirmed as a correct record and signed by the Chairman.

18. APOLOGIES

Apologies for absence were submitted from Councillors Pauline Helliard-Symons and Malcolm Richards

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. PUBLIC QUESTION TIME

There were no public questions.

21. MEMBER QUESTION TIME

There were no Member questions.

22. PARISH/TOWN COUNCIL QUESTION TIME

There were no Parish/Town Councillor questions.

23. UPDATE ON COMPLAINTS AND FEEDBACK

The Committee considered a report on Agenda pages 5 to 7 which set out a summary of the Code of Conduct complaints received and the actions taken between 14 October 2014 and 21 January 2015.

Andrew Moulton, Monitoring Officer and Head of Governance and Improvement Services commented that since the report to the last previous meeting, no new Code of Conduct complaints had been received.

Members were referred to page 7 of the Agenda which set out progress in respect of the three complaints that had been reported in October and it was confirmed that all three complaints had been closed.

In the case of two of the complaints, a decision had been taken by him as the Monitoring Officer to take no further action in accordance with the agreed procedure for the consideration of complaints against Councillors. With regard to the complaint received on the 22 September further guidance had been issued to Councillors who were Non-Executive Directors of companies owned by the Council which clarified the circumstances in which interests should be declared. Members were also informed that it was intended that training on the declaration and registration of interests and other matters including the proposed revised Member/Officer protocol was planned to take place prior to the meeting of the March full Council meeting. Training would also be provided to new Councillors as part of the induction process following the local elections in May 2015.

The Committee was informed that a meeting of the Standards Committee Hearings Sub-Committee had taken place on the 18 December 2014 and a decision made in respect of the third complaint lodged on 9 July. As set out within the process for the consideration of complaints the decision notice setting out the outcome of the complaint had been published on 22 December 2014 and would be reported to Council in February.

Beth Rowland expressed dissatisfaction that in respect of the complaint relating to the non-disclosure of interests an outcome of 'no further action' had been recorded. She felt that given the reputation of Councillors amongst the general public was poor it was very important that Councillors lead by example and that where they made mistakes that they learned from them in an open and transparent way. The complaint had been of a serious nature and she felt that the Councillors involved should have had to make some kind of formal apology.

Andrew Moulton reminded the Committee of the initial process that was followed after the receipt of a Code of Conduct complaint. As Monitoring Officer he had delegated authority to make an initial assessment of the complaint and to make a decision at that point on what action to take in consultation the Council's Independent Person and Chairman of the Standards Committee as was set out within the Council's Code of Conduct complaints process. No further action had been recorded as the outcome of the complaint because he had taken the decision in the circumstances of that particular complaint that a further investigation was not required and that the other options available to him as set out in the procedure were not appropriate. However, it was stressed that even if a decision was formally recorded as no further action with regard to an investigation it did not imply that no action at all would be taken. For instance, a complaint might highlight a need for training or further guidance to all Members in a particular area. However, the wording of the outcome recorded was something that could be looked at.

The Chairman commented that looking at the majority of recent complaints it was clear that there was a training and awareness issue around the declaration of interests and that this was why this training on this issue for Councillors was regarded as a priority and had been arranged for March.

Roy Mantel expressed concern that the report presented to the Committee did not give sufficient detail for Members to have a sufficient understanding of the complaints and the actions taken. He commented that he accepted that it was a sensitive issue and that some information should not be put into the public domain and therefore suggested that the relevant information could be supplied to the Committee, but be exempt from publication. Andrew Moulton agreed to look at this.

Ken Miall suggested that a disadvantage of the Council's Code of Conduct was that it attempted to cover all eventualities and as a result was not clear or fit for purpose. A common sense approach to Councillor behaviour was needed. Andrew Moulton commented that the Code of Conduct could be looked again to see if any improvements could be made and outlined that any changes would need to be recommended for approval by the Constitution Review Working Group prior to a full Council decision. If possible any suggested amendments would be brought to the next meeting of the Committee.

Kevin Jacob reminded the Committee that it was important for them to bear in mind that when a complaint was initially considered by the Monitoring Officer a decision was only taken on whether there were sufficient grounds to take it further or not. No finding of fact was made.

RESOLVED:

- 1) That the update report be noted;
- 2) That the Monitoring Officer review the Wokingham Borough Council Code of Conduct for consideration at the next meeting;
- 3) That the Monitoring Officer review the format of the update report in order that more detailed information be presented to the Committee in future.

24. UPDATE ON THE MEMBER/OFFICER PROTOCOL

Andrew Moulton, Monitoring officer and Head of Governance and Improvement Services updated the Committee on the development of a revised Member/Officer protocol following the endorsement of a draft revised protocol at the previous meeting.

He commented that following the meeting the Council's officer Corporate Leadership Team, (CLT) had been invited to comment on the draft protocol. The Corporate Leadership Team had been supportive of the value of the Member/Officer protocol and the broad direction of travel towards a more principles based and succinct protocol, but had asked that references to practical scenarios be included as to where the protocol would apply and that reference to the Council's values as set out in the Council Plan of Trust and Respect, Pride, Working as a Team and Being Valued be included.

It was suggested that when the work on the protocol was completed, the Chairman would be initially consulted prior to the circulation of the document to the Committee and submission to the Constitution Review Working Group. This was supported.

RESOLVED:

- 1) That the Chairman of the Committee be consulted on the revised draft of the Member/Officer Protocol;
- 2) That following consultation with the Chairman the Member/Officer Protocol be submitted to the Constitution Review Working Group.

These are the Minutes of a meeting of the Standards Committee

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