

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON 2 APRIL 2015 FROM 7.00 PM TO 8.40 PM**

Committee Members Present

Councillors: Rob Stanton (Chairman), Pauline Helliar-Symons (Vice-Chairman), Roy Mantel, Ken Miall, Malcolm Richards and Beth Rowland

Officers 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

25. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 21 January 2015 were confirmed as a correct record and signed by the Chairman.

26. APOLOGIES

Apologies for absence were submitted from Councillor Chris Bowring and Councillor Roger Loader.

27. DECLARATION OF INTEREST

There were no declarations of interest.

28. PUBLIC QUESTION TIME

There were no public questions.

29. MEMBER QUESTION TIME

There were no Member questions.

30. PARISH / TOWN COUNCIL QUESTION TIME

There were no Parish/Town Councillor questions.

31. REVISED COUNCILLOR CODE OF CONDUCT

The Committee considered a report on proposed changes to the Wokingham Borough Council Code of Conduct set out on Agenda pages 11 to 14 and a copy of the proposed revised Code of Conduct set out on Agenda pages 28 to 35.

Mary Severin, Borough Solicitor presented the report to the Committee. The proposed changes followed the Committee's request at the previous meeting that the current Code of Conduct be reviewed and in light of the objective of making continuous improvements, particularly in the area of declaration of interests. Members of the Committee were referred to pages 12 to 13 of the Agenda which set out key a summary of the proposed changes. The following points were highlighted:

- An objective of the redrafting process had been to make the Code easier for the public, Councillors and Officers to understand and operate. The proposed Code had been modelled on a draft Code of Conduct published by Paul Hoey Associates, a leading authority on Code of Conduct issues;
- The 'seven principles of public life', originally widely known as the 'Nolan Principles' had been removed from the body of the proposed Code of Conduct document and placed as part of the introduction. This reflected the Government's intention when

introducing the new ethical governance arrangements that local Codes of Conduct should be based upon the principles, but reduced the opportunity for spurious and difficult to assess complaints;

- The requirements of the Code around the declaration and registration of interests had been clarified.

Before inviting comments and suggestions from Members of the Committee, the Chairman commented that the process of revising the current Code had been an important piece of work and it was incumbent on the Committee to be clear and comfortable about what proposed. The following points were raised in the Committee's discussion:

- A number of members of the Committee commented that they felt the proposed revised Code was clearer to read and understand subject to the correction of a number of minor typographical errors. It was acknowledged that as members of the Standards Committee they had a higher level of awareness and experience of the Code than Councillors more generally and that it was also important to consider ease of use of the document from a non-expert Councillor's perspective;
- In response to a question, Kevin Jacob commented that it was intended in the future to make provision for Wokingham Borough Councillors to submit and amend their Register of Interests electronically;
- After discussion it was felt that the wording of paragraph 9.2.8.3 of the proposed Code should be amended to reverse the order of the words '*improperly*' and '*to*' as Councillors felt that this would make the meaning of the paragraph clearer;
- It was confirmed that all formal complaints had to be considered. There was provision within the process for consideration of complaints for the Monitoring Officer to not progress complaints which were of a vexatious or trivial nature;
- It was felt by Councillors that the issue of bullying remained a difficult issue to adequately define and formalise within the Code. Mary Severin commented that separate guidance for Councillors was to be drafted on the issue. This would be based upon guidance previously issued by the former Standards Board for England;
- Discussion took place regarding the wording of the proposed paragraph 9.2.8.5 which dealt with the disclosure of confidential information. Whilst some members of the Committee felt that the proposed wording was clear and fair, other members of the Committee felt that it did not sufficiently take account of circumstances where a Councillor might accidentally disclose confidential information or the circumstance where it would be reasonable to disclose information to a third party, for example if a safeguarding issue came to a Councillor's attention. On balance it was decided to amend the paragraph to read: *Councillors must not knowingly disclose information which they believe, or ought reasonably to be aware, is confidential or where disclosure is prohibited by law, unless it is with good cause, or they have the consent of the person authorised to give it, or they are required by law to do so*;
- It was felt that when agreed the Code of Conduct should be circulated to all Members as a separate document so that it would be immediately identifiable to Borough Councillors in addition to any training that might be offered;
- In response to a question, it was confirmed that if the proposed revised Code of Conduct was adopted by the Borough Council the Monitoring Officer would inform all of the town/parish clerks so that they could consider adapting it and adopting it as their own Code of Conduct.

RESOLVED:

- 1) That the Standards Committee request that the Constitution Review Working Group recommend the revised Code of Conduct to Council subject to the amendments made at the meeting;
- 2) That following the adoption of the revised Code of Conduct, separate copies of the Code be circulated to all Borough Councillors and for information to all parish and town council clerks.

32. REVISED PROCESS FOR DEALING WITH MISCONDUCT COMPLAINTS

The Committee considered a revised process for dealing with misconduct complaints against Councillors as set out on Agenda pages 37 to 52.

Andrew Moulton, Head of Governance and Improvement Services and Mary Severin, Borough Solicitor presented the proposed revised process to the Committee. Members' attention was drawn to Agenda pages 38 and 39 which summarised the changes and a number of specific questions to members of the Committee where its input was requested. Andrew Moulton explained that the proposed amendments had been drafted with the objective of seeking continuous improvement in the Council's process for misconduct complaints.

In discussion the following points were raised:

It was noted that a change was proposed to the process in the event that a Code of Conduct investigation concluded that there had been a breach of the Code of Conduct, (para 9.1.15 of the current process and para 9.1.14.2 of the proposed process). Under the proposed process the name of the Councillor subject of the complaint would be published in the event that a decision was taken by the Monitoring Officer to seek an informal resolution of the complaint. After discussion, the majority of the Committee felt that in those particular circumstances the name of the Councillor subject of the complaint should not be published and the existing process retained because the Councillor would have demonstrated good will in seeking to resolve the issue. It was felt that to publish in this specific circumstance would unfairly risk the reputation of the Councillor. Councillor Beth Rowland felt whilst she understood that point of view she felt that there was a need for a high degree of transparency and such information should be published.

A discussion also took place regarding the notification procedure to be followed after the receipt of a Code of Conduct complaint. Councillor Pauline Helliard-Symons stated that she did not feel that it was fair or appropriate to notify a Councillor that a Code of Conduct complaint had been made against them until a decision had been made by the Monitoring Officer on whether further action should be taken. Notification of the Councillor before the Monitoring Officer decision placed unnecessary distress on the Councillor. However, the majority of the Committee felt that they felt that it was important for any Councillor subject of a complaint to be notified as soon as possible as they would wish to know about the complaint. It also allowed for the subject Councillor to give an initial response which provided the Monitoring Officer with more information to make their initial decision on whether to take further action regarding the complaint.

Mary Severin highlighted that within paragraph 9.1.16.3 of the new process there was specific reference that there was no right of appeal by a subject Councillor against a decision of the Monitoring Officer or a Hearings Panel. Members of the Committee debated whether such a right of appeal should be added to the complaints process. A

number of members of the Committee supported the creation of a process in principle if it could be a simple process and it was noted that the Royal Berkshire Fire Authority had an appeals mechanism for Councillors as part of its Code of Conduct complaints process. Andrew Moulton commented that further work would need to be undertaken on this issue and that a further report could be presented to the next meeting of the Committee.

RESOLVED: That further work be undertaken on the proposed revised process for the consideration of misconduct complaints.

33. UPDATE ON COMPLAINTS AND FEEDBACK

The Committee considered a report on Agenda pages 53 to 55 which set out a summary of the Code of Conduct complaints received and the actions taken between 21 January 2015 and 25 March 2015.

Andrew Moulton, Monitoring Officer and Head of Governance and Improvement Services presented the report to the Committee and highlighted the following points and updates to the report:

- Five new Code of Conduct complaints had been received since 21 January 2015;
- Three complaints related to Wokingham Borough Council councillors and two related to parish/town councillors;
- One complaint against a town/parish councillor was the subject of an ongoing investigation and no further was to be taken in respect of four complaints.

RESOLVED: That the report be noted.