

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON 24 OCTOBER 2022 FROM 6.30 PM TO 7.05 PM**

Committee Members Present

Councillors: Sam Akhtar, Graham Howe, Morag Malvern (Chair), Adrian Mather and Imogen Shepherd-DuBey (Vice-Chair)

Parish/Town Council Representatives:- Roy Mantel (Co-Optee Twyford Parish Council) and Sheena Matthews (Co-Optee Earley Town Council)

Sally Gurney (Co-optee Wokingham Town Council) attended the meeting virtually.

Officers Present

Andrew Moulton, Monitoring Officer

Madeleine Shopland, Democratic and Electoral Services Specialist

10. APOLOGIES

An apology for absence was submitted from Chris Johnson.

11. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 18 July 2022 were confirmed as a correct record and signed by the Chair.

12. DECLARATION OF INTEREST

There were no declarations of interest received.

13. PUBLIC QUESTION TIME

There were no public questions.

14. MEMBER QUESTION TIME

There were no Member questions.

15. PARISH / TOWN COUNCIL QUESTION TIME

There were no Parish/Town Council questions.

16. UPDATE ON COMPLAINTS

The Committee received an update on complaints.

During the discussion of this item, the following points were made:

- Andrew Moulton, Assistant Director Governance, provided an update on the complaints process. The Monitoring Officer would make an initial assessment of the complaint, write a summary of the complaint, and then subject to a consultation meeting with one of the Independent Persons, would take one of four courses of action.
- It was rare for complaints to reach the Members Hearing Panel stage. Only the most serious complaints would go to this stage and there were a number of stages and processes in place prior to this.
- Since the last Committee meeting three complaints had been received; two relating to Borough Councillors and one relating to a Town/Parish Councillor. No further action was taken in one case. WBC 6 was subject to an investigation.

- With regards to WBC 5, the complaint had been received from an Officer and had since been withdrawn, which ended the Code of Conduct process. In terms of the process there were lessons to be learned. Andrew Moulton indicated that he would bring a more detailed report back to the Committee on how processes could be improved, particularly regarding relations between Officers and Members.
- Councillor Akhtar asked if there was differentiation in how complaints were dealt with depending on the seriousness of the complaint. Andrew Moulton indicated that the different criteria were set out in the Code of Conduct. The majority of complaints were concluded as 'no breach.'
- Sally Gurney asked for an update about a number of long-term outstanding complaints relating to Woodley Town councillors. Andrew Moulton indicated that this matter had also been raised at the most recent Council meeting. The majority of the historic complaints related to two Woodley Town Councillors. Andrew Moulton would be writing to Woodley Town Council very soon to update on these complaints. The complaints had been difficult to resolve due to a lack of cooperation from the Members involved. He would look to see how he could support the Town Council in updating its Code of Conduct in line with the Local Government Association Code.
- The Chair asked about timescales in resolving the outstanding historic complaints. She was informed that communication with Woodley Town Council and the complainants would take place within the next few days.
- Adrian Mather indicated that comments had been made that the process did not have sufficient teeth and questioned whether it needed to be reviewed. He queried whether those councillors who had received complaints and refused to cooperate, be required to attend a Member Hearing Panel. Andrew Moulton commented that the whole system relied on relative cooperation.
- Sally Gurney questioned whether amending the process so that in cases where the person being complained about did not engage in the process, a decision was made based on the information received, was still under consideration, and if this step could be added to the formal process. The Chair asked whether the process was clear on the way forwards. Andrew Moulton responded that the six complaints had come from fellow Councillors or Officers.
- Imogen Shepherd-Dubey emphasised that there needed to be a time limit given for those being complained about to respond to the process. If the person was found guilty the results of the investigation needed to be made public.
- Sheena Matthews asked for an update on the Town and Parish Councils updating their Codes of Conduct in line with the LGA Code and requiring councillors to sign up to the Code officially. She indicated that Earley Town Council had amended its Code of Conduct. Andrew Moulton indicated that this was planned for later in the year.
- Roy Mantel noted that one of the options available to the Monitoring Officer once they had made an initial assessment of a complaint, was to take 'no further action.' He commented that complaints could sometimes be malicious and that there needed to be a mechanism for explaining why complaints were not being progressed in these instances. Andrew Moulton explained that he wrote to complainants and explained why a particular decision had been reached.
- Graham Howe emphasised the importance of exercising caution when making decisions as the situation was not always clear.
- The Chair questioned whether the Independent Persons were offered training and if so, if it was taken up. Andrew Moulton confirmed that it was offered. The Independent Persons were very experienced.

- Sam Akhtar questioned if there was an appeals process if someone was found to have committed a breach and was informed that there was not. The Committee had considered this a few years ago but had concluded at that time that it was not appropriate.

RESOLVED: That the update on complaints be noted.

17. UPDATE ON TRAINING

The Committee considered a report regarding training.

During the discussion of this item, the following points were made:

- From the Committee's terms of reference, it was clear that members of the Committee need, amongst other things, the following skills and knowledge:
 - A detailed understanding of the Member Code of Conduct (including "the Nolan Principles" and those areas identified through the Committee's analysis of complaints such as use of social media, the application of confidentiality etc);
 - Knowledge of how the processes work for dealing with complaints alleging a breach of the Member Code of Conduct including the role of the Independent Person and Monitoring Officer – it was suggested that the Committee invite one of the Independent Persons to a future Committee meeting.
 - A knowledge of the rules of natural justice and evidenced based decision making and how to apply them in the context of a standards panel hearing;
 - Knowledge of the Member Officer protocol;
 - Knowledge of other codes of conduct and procedures (e.g., Whistleblowing, Officer Code of Conduct).
- It was proposed that short training sessions (30 minutes) be provided prior to committee meetings.
- Members welcomed the forthcoming development of an online training package for Borough Councillors.
- Sam Akhtar commented that it would be useful to look at the social media element of the Code of Conduct.

RESOLVED: That the individual and collective training and development needs of the Committee members through the remainder of this municipal year and 2023/24, be agreed.

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