
Update on Ethical matters – Quarter 2 of 2015/16– Supporting Information

1. Introduction

- 1.1 The Localism Act 2011 was enacted on 15th November 2011 and it made fundamental changes to the system of regulation of the standards of conduct for elected and co-opted members of Councils and Parish/Town Councils.
- 1.2 As part of the legislative framework the Council is required to set up a committee and underpinning processes to ensure that high standards of conduct are promoted. In July 2015 this responsibility was transferred to the Governance and Ethics Committee from the Standards Committee.
- 1.3 It was agreed that the Monitoring Officer would continue to take quarterly reports to the Governance and Ethics Committee to ensure ongoing monitoring of ethical standards in the district. This report sets out the membership, number and nature of complaints received, highlights gifts and hospitality received by District Councillors, and highlights areas where training or other action might avoid further complaints in the future. It also provides a means of updating the Committee on the progress of ongoing investigations.

2. Standards Regime

- 2.1 The Council has adopted a regime to meet the requirements of the Localism Act 2011 and the Regulations made under that Act including:
 - Terms of Reference for the Governance and Ethics Committee and Advisory Panel;
 - Code of Conduct for West Berkshire District Councillors;
 - Gifts and Hospitality Code;
 - complaints procedures for breaches of that code;
 - dispensations procedure.

Membership

Independent Persons

- 2.2 Under Section 28 of the Localism Act 2011 the Council has to ensure it has appointed at least one Independent Person who is consulted before any decision is made to investigate an allegation against any Member of the Council or any Parish/Town Councillor. It was agreed at the Full Council meeting on the 27 September 2012 that the Independent Person may be consulted directly either by the person who has made the complaint or the person the complaint has been made about. Following the 02 July 2015 meeting three Independent Persons have been appointed and they will be used on a rotational basis to assess complaints and support the Advisory Panel.
- 2.3 The Independent Persons for 2015/16 are:

- Lindsey Appleton
- James Rees
- Mike Wall

Governance and Ethics Committee

2.4 The Governance and Ethics Committee consists of ten members, eight District Councillors, reflecting the political balance of the Council and two co-opted non voting Parish/Town Councillors. The membership for 2015/16 is as follows:

- Steve Ardagh-Walter,
- Jeff Beck,
- Graham Bridgman,
- James Cole,
- Lee Dillon,
- Rick Jones,
- Anthony Pick,
- Quentin Webb,
- Chris Bridges, (Non-voting Parish Council representative)
- Barrie Dickens (Non-voting Parish Council representative)

- Billy Drummond (substitute)
- Sheila Ellison (substitute)
- Tim Metcalfe (substitute)

Advisory Panel

2.5 The Advisory Panel consists of eight Members, two from each of the political parties, two parish councillors and two Independent Persons will also be included on each Advisory Panel and they will be used on a rotational basis. The Independent Person consulted as part of the Initial Assessment should not sit on the associated Advisory Panel if one is required. The Advisory Panel meetings will be chaired by an Independent Person.

2.6 The Membership for 2015/16 is as follows:

- Adrian Edwards
- Richard Crumly
- Mollie Lock,
- Alan Macro
- Tony Renouf,
- Darren Peace

3. Parish/ Town Councils

4. Parishes and Town Councils have been asked to provide the Monitoring Officer with their Parish Councillor's Registers of Interest forms post the May 2015 election. This information will be posted on the relevant websites or where the Parish Council does not have a website it will be published on West Berkshire Council's website. Work on collecting this information is ongoing. A further reminder was sent to Parish Councils but as of the 1st November 2015 the following Parishes had not provided this information:

- Basildon
- Beenham
- Bradfield
- Brimpton
- Bucklebury
- Chaddleworth
- Compton
- East Ilsley
- Englefield
- Frilsham
- Great Shefford
- Greenham
- Hampstead Norreys
- Hamstead Marshall
- Midgham
- Padworth
- Pangbourne
- Shaw-cum-Donnington
- Stanford Dingley
- Tidmarsh with Sulham
- Ufton Nervet
- West Ilsley
- Woolhampton
- Yattendon

5. Council's Constitution

- 5.1 Since June 2015 all Parts of the Constitution pertaining to the Governance and Audit Committee and Standards Committee have been amended to reflect that the committees have been merged.
- 5.2 The Monitoring Officer under his delegated authority has authorised the following changes to the Constitution since July 2015: Part 3 (Scheme of Delegation paragraphs 3.13.11, 3.13.13, 3.14.6, 3.14.7, 3.14.8, 3.14.9, 3.14.10, 3.15.1, 3.15.3, 3.15.6 to 3.15.15) and Part 7 (Regulatory and Other Committees Rules of Procedure paragraph 7.13.4)

6. Complaints Against Councillors

- 6.1 During Quarter 2 of 2015/16 (July – September 2015) fifteen formal complaints were received by the Monitoring Officer. Fourteen of the complaints related to District Councillors (NDC1/15, NDC2/15, NDC3/15, NDC4/15, NDC5/15, NDC6/15, NDC7/15, NDC8/15, NDC9/15, NDC10/15, NDC11/15, NDC12/15, NDC13/15, NDC14/15). All of the complaints related to planning matters. Following the initial assessment of these complaints it was determined by the Monitoring Officer in consultation with the Independent Person that no breaches had been identified and that no further action needed to be taken.
- 6.2 In order to try and prevent a recurrence of these complaints in respect of NDC1/15 to NDC6/15 the Monitoring Officer wrote to the subject members outlining the procedures surrounding declarations of interest at meetings and where appropriate to be mindful of conduct at site visits. In respect of complaint NDC7/15 the subject

member was asked to write a letter of explanation to the complainant. This has been done. The Monitoring Officer wrote to the subject member of a complaint NDC9/15 about appropriate conduct at meetings. In the case of NDC10/15 the Monitoring Officer wrote to the subject member about conduct at planning site visits.

- 6.3 One complaint was received about a parish councillor (NPC4/15) during quarter 2. Due to the complex and longstanding nature of this issue it was decided that it would be appropriate for an independent investigator to look at the facts in so far as they were relevant to this particular complaint.
- 6.4 In terms of existing complaints the Deputy Monitoring Officer, in consultation with the Independent Person, had concluded during quarter 2 of 2014/15 that a potential breach of the Code of Conduct might have occurred in relation to NPC4/14 and the matter was referred to an independent investigator to investigate. The initial findings of the investigator were reported to the Advisory Panel on the 23 March 2015. New information came to light after the agenda was published and as a result of this the Panel agreed to defer consideration of that item until the matter could be more fully investigated.
- 6.5 During Quarters 3 and 4 of 2014/15 two further, but related complaints, were received by the Monitoring Officer. The Monitoring Officer in consultation with the Independent Person concluded that in respect of both NPC5/14 and NPC1/15 the matters should also be referred for investigation. It was later agreed that all three complaints should be subject to a single investigation.
- 6.6 The findings of the investigator were considered by the Advisory Panel on the 13th August 2015. The Advisory Panel, after a lengthy discussion, concurred with the investigator's finding that that no breach of the authority's Code of Conduct had occurred and therefore no further action should be taken in regards to NPC4/14 and NPC1/1f. However they concluded that in relation to NPC5/14 they would recommend to the Governance and Ethics Committee that there had been a breach of the Code of Conduct.
- 6.7 The Governance and Ethics Committee met on the 3rd September 2015 to consider the complaint. After carefully considering both the written evidence submitted and the oral evidence given at the hearing, the Committee found that in respect of NPC5/14 Mr Uduwera-Perera (the subject member) had breached Newbury Town Council's Code of Conduct by failing to treat others with respect and behaving in an intimidatory and/or bullying manner.
- 6.8 A formal public notice setting out the findings was published on both Newbury Town Council and West Berkshire Council's website and a public notice was placed in the Newbury Weekly News.

7. Dispensations

- 7.1 No dispensations to West Berkshire Councillors were granted during Quarter 2 of 2015/16. The Monitoring Officer wrote to all Members of West Berkshire Council during quarter three inviting them to seek a dispensation, if needed, for the next four years in matters pertaining to Council Tax.

8. Gifts and Hospitality

8.1 Appendix D (Gifts and Hospitality: A Code of Conduct for Councillors) to Part 13 of the Constitution (Codes and Protocols) states that 'Regular updates of declarations will be reported to the Governance and Ethics Committee as part of the quarterly performance monitoring reports'.

8.2 Appendix D to Part 13 of the Constitution (Codes and Protocols) requires Members to:

- Register every individual gift or item of hospitality received, in their capacity as a Councillor, that is over £25 in value;
- Prior to accepting any hospitality with a value of £25 or more, a Councillor must seek authorisation from the Monitoring Officer;
- Members should be aware of serial givers or repeat offers of hospitality;
- registration of the gift or hospitality must be made *within 28 days of the date of receipt* ;
- Failure to comply with the rules is a breach of the Members' Code of Conduct and could lead to a complaint being reported to the Monitoring Officer or the Governance and Ethics Committee;
- The press and public have the right to inspect your gift and hospitality declaration forms;
- Where the spouse/partner of a Councillor is also a recipient of any gifts or hospitality the Councillor must ensure that the combined value is also recorded by the Monitoring Officer in accordance with the procedures.

8.3 The following offers of gifts and hospitality were reported in Quarter 2 of 2015/16:

Member	Event	Offer	Accepted
Adrian Edwards	South-East of England launch of the new English Heritage organisation	Refreshments (£25)	Yes
Graham Bridgman	GB is a walk leader with the Council's 'Walking for Health Scheme'. As such GB has a place on a coach for a free trip to Laycock Abbey. Coach paid for by WBC Public Health budget. Awaiting individual apportioned cost.	Coach trip to Laycock Abbey (£10)	Yes
Hilary Cole	Newbury Show	Hospitality at Newbury Showground on Saturday. I was entertained to lunch by the President of the Society. I would put the cost of this at around £100 – this includes the lunch and entry to the Showground. (£100)	Yes

8.4 In addition all hospitality received by the Chairman whilst undertaking his civic duties is documented and reported to the Monitoring Officer.

9. Training or Other Action Identified to avoid Further Complaints

9.1 Training on the Code of Conduct was included in the Member Induction Programme which was arranged post the May 2015 election. The training, which was well received, was reasonably well attended. In total 18 Members attended the training.

9.2 Parish and Town Councillors and their clerks were also invited to attend Code of Conduct Training in June 2015 and 13th October 2015.

9.3 An additional training session for town and parish councillors will take place on the 17th March 2016.

10. Conclusion

10.1 The number of complaints against District Councillors has risen substantially in Quarter 2 but all of the complaints relate to one particular planning application which was addressed to all members who attended the particular meetings. Following assessment it was determined that no breach had occurred but members were reminded as to standards of behaviour which is appropriate at such meetings.

10.2 It is of concern that a large number of Parishes have still provide details of Declarations of Interest in accordance with the Localism Act in order that this Council as responsible authority can ensure that relevant details are provided for the public to ensure transparency. The Monitoring Officer has reminded Clerks and given a deadline of 1st December 2015 in order to respond.

Background Papers:

- Localism Act 2011
- Reports to Council 10 May 2012 and Special Council on the 16 July 2012
- Terms of Reference for the Governance and Ethics Committee and Advisory Panel;
- A new Code of Conduct for West Berkshire District Councillors.

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input checked="" type="checkbox"/>

Wards affected:

All Wards

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

MEC1 – Become an even more effective Council

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by ensuring that high ethical standards are maintained by District, Town and Parish Councillors

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