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# Update on Ethical matters – Quarter 3 of 2015/16– Supporting Information

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## 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 (Conservative)
- Richard Crumly (Conservative)
- Mollie Lock, (Liberal Democrat)
- Alan Macro (Liberal Democrat)
- Tony Renouf, (Parish Council Representative)
- Darren Peace (Parish Council Representative)

## **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 1<sup>st</sup> November 2015 the following Parishes had not provided this information:

- Basildon
- Beenham
- Bradfield
- Compton
- Englefield
- Padworth
- Pangbourne
- Shaw-cum-Donnington
- Yattendon

## 5. Council's Constitution

- 5.1 Between October and December 2015 Parts 5 (Executive Rules of Procedure) and Part 11 (Contract Rules of Procedure) were discussed at Full Council. Council decided not to endorse the proposed changes to Part 11 of the Constitution and requested that some additional work be undertaken.
- 5.2 The Monitoring Officer under his delegated authority has authorised the following changes to the Constitution between October and November 2015:
- Changes to Part 10 (Finance Rules of Procedure) 10.1.3, 10.1.9, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.3.2, 10.4.4, 10.4.6, 10.9.3 and 10.12.3 and 10.20.1. Also changes to 10.2., 10.4.5, 10.4.6 and 10.9.3 to reflect change of name to the Governance and Ethics Committee
- 5.3 The Head of paid Service under his delegated authority has authorised the following changes to the Constitution between October and November 2015:
- Amended to paragraphs 1 removed..1.2, 1.2.2, 1.2 and 1.2.1 of Part 15 (Management Structure) Replaced the Head of Communities Efficiency programme with 'Head of Programme Management'. All references to the 2012 Management Restructure were removed. Descriptions in Environment Directorate updated to show Building Control is now a shared service and the inclusion of reference to Berkshire, Buckinghamshire and Oxfordshire WildlifeTrust in the Countryside Section.
- 5.4 A Task Group comprising District Councillors Graham Bridgman, Quentin Webb and Lee Dillon, Parish Councillor Barry Dickens and James Rees Independent Person has been set up to review the Council's Code of Conduct. They will report back to the April 2016 meeting.

## 6. Complaints Against Councillors

- 6.1 During Quarter 3 of 2015/16 (October – December 2015) one formal complaints was received by the Monitoring Officer. This complaint related to a Parish Councillor (NPC5/15).Following the initial assessment of this complaint it was determined by the Monitoring Officer in consultaion with the Independent Person that no breach had been identified and that no further action needed to be taken.
- 6.2 In terms of existing complaints during quarter 2 a complaint (NPC4/15) was received. 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. The investigation has now been completed

and the final report was submitted to the Monitoring Officer by the end of January 2016. The report would be discussed at an Advisory Panel meeting on the 11 February 2016.

## 7. Dispensations

- 7.1 Dispensations to speak and vote at Full Council meetings were submitted in relation to discussions on the A339/ Fleming Road Junction Compulsory Purchase Order by Councillors Adrian Edwards, Anthony Pick, Lynne Doherty, Mike Johnson, Jeff Beck, James Fredrickson and Jeanette Clifford during Quarter 3 of 2015/16. It should be noted that in January 2016 Councillors David Goff and Howard Bairstow also requested dispensation to speak and vote on this matter.
- 7.2 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. A dispensation was granted to all Members that applied for one.

## 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 The following offers of gifts and hospitality were reported in Quarter 3 of 2015/16:

Member	Event	Offer	Accepted
Anthony Pick	Corn Exchange VIP Launch Event	Reception	Yes
Tony Linden	Corn Exchange VIP Launch Event	Reception	Yes
Peter Argyle	Corn Exchange VIP Launch Event	Reception	Yes
Jeff Beck	Corn Exchange VIP Launch Event	Reception	No
Adrian Edwards	Wellington College awards ceremony organised by the South East Reserve Forces and Cadets Association in my role of Armed Forces Champion.	Reception - food and drink to the value of £25	Yes
Adrian Edwards	Berkshire Historic Environment Forum	Meeting and lunch - £10 payable by AE	Yes
Graham Bridgman	Chairman of Padworth Parish Council - date to be advised	Meal and wine	Yes
Peter Argyle	Homestart AGM	Buffet lunch - self	Yes
Peter Argyle	Black History Launch	Light refreshments - self	Yes
Peter Argyle	V.C. Unveiling	Refreshments offered - not taken	Yes
Peter Argyle	Crown Court Service	Coffee, drinks and nibbles - self	Yes
Peter Argyle	Corn Exchange VIP opening	Canapes and drinks - self and wife	Yes
Peter Argyle	Volunteer Open Day	Buffet and soft drinks - self	Yes

Peter Argyle	Queen's Awards	Cakes and coffee - not taken	Yes
Peter Argyle	West Berks Business Awards	Canapes, dinner wine & drinks - self and wife	Yes
Peter Argyle	Purley Primary Event	Wine - self and wife	Yes
Peter Argyle	SERFCA Awards	Buffet and drinks - self and wife	Yes
Peter Argyle	Mayor of Bracknell reception	Buffet and coffee - self and wife	Yes
Peter Argyle	LAC Awards	Buffet and coffee - self and wife	Yes
Peter Argyle	Grim Reaper production	Tickets (£8 each) - self and wife	Yes
Richard Crumly	KATS Christmas show	Ticket price (£8) to include a glass of mulled wine and a mince pie.	Yes
Richard Crumly	Newbury Lights Ceremony	A glass of mulled wine and a mince pie from Newbury Town Mayor	Yes
Virginia von Celsing	Received in November	Flowers from resident, to thank for assistance in a planning application.	Yes
Roger Croft	Kennet School Presentation Evening	Bottle of wine and a bunch of flowers.	Yes
Peter Argyle	WW1 Exhibition	Drinks and canapes - self and wife	Yes
Peter Argyle	Mega Diwali Celebration	Indian meal and soft drinks - self and wife + tickets	Yes
Peter Argyle	Remembrance Service	Refreshments offered - not taken	No
Peter Argyle	Remembrance Service	Refreshments offered - not taken	No
Peter Argyle	My Cancer Launch	Canapes and drinks - self	Yes
Peter Argyle	Vision Conference	Coffee and biscuits	Yes
Peter Argyle	Pontifical Mass	Refreshments offered - not taken	No
Peter Argyle	Little Heath	Buffet lunch - self	Yes
Peter Argyle	Xmas Concert	Refreshments offered - not taken	No
Peter Argyle	Graduation Awards	Canapes and drinks - self	Yes
Peter Argyle	Carol Service	Refreshments offered - not taken	No
Peter Argyle	Xmas Concert	Wine - self and wife	Yes
Peter Argyle	Thatcham Carols	Refreshments offered - not taken	No
Peter Argyle	Theale Primary School	Buffet and tea/coffee - self	Yes
Peter Argyle	KS5 Awards	Canapes and drinks - self	Yes
Peter Argyle	Newbury Carols	Refreshments offered - not taken	No
Peter Argyle	Memorial to D. Holtby	Refreshments offered - not taken	No

## 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 17<sup>th</sup> March 2016.

## 10. Conclusion

10.1 The number of complaints against District Councillors has decreased substantially in Quarter 3. However Officers have received a further 4 initial enquiries which the complainant has decided not to pursue during this period.

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 written again to the parishes on the 18<sup>th</sup> January 2016 to reminded Clerks of their obligations.

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### 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.

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### Subject to Call-In:

Yes:  No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

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**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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