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# Update on Ethical matters – Quarter 1 of 2016/17– 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 and changes to policies and procedures.

## 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.
- 2.2 A small member Task Group was set up to review the Code of Conduct for West Berkshire Councillors as well as the Gifts and Hospitality Protocol. A revised Code and Protocol were adopted at the September 2016 Council meeting.

## Membership

### *Independent Persons*

- 2.3 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.

2.4 The Independent Persons for 2016/17 are:

- Lindsey Appleton
- James Rees
- Mike Wall

### ***Governance and Ethics Committee***

2.5 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 2016/17 is as follows:

- Steve Ardagh-Walter,
- Jeff Beck,
- Graham Bridgman,
- Keith Chopping,
- James Cole,
- Lee Dillon,
- 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***

2.6 The Advisory Panel consists of eight Members, two from each of the political parties, two parish councillors and two of the 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.

2.7 The Membership for 2016/17 is as follows:

- Adrian Edwards (Conservative)
- Marigold Jacques (Conservative)
- Mollie Lock, (Liberal Democrat)
- Alan Macro, (Liberal Democrat)
- Tony Renouf, (Parish Councillor)
- Darren Peace (Parish Councillor)

## **3. Parish/ Town Councils**

3.1 Parishes and Town Councils have been asked to provide the Monitoring Officer with their Parish Councillor's Registers of Interest forms where changes have been

made to the Chairmanship or Membership of the Council. 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. Parishes are continually updating changes to Chairmen and Vice-Chairmen details and these changes are reflected on the website once the Council is notified.

#### 4. Council’s Constitution

4.1 Since July 2016 a small number of changes have been made to the Constitution: The Monitoring Officer under his delegated authority has authorised the following changes:

- Part 2 (Articles of the Constitution) in August 2016 paragraph 2.6.5 to reflect the new Portfolios
- Part 3 (Scheme of Delegation) in July 2016 paragraph 13.6 to reflect the transfer of Asset Management from Finance to Property Service

4.2 In addition Part 11 (Contract Rules of Procedure) was substantially amended at the September 2016 Council meeting.

4.3 The Councillors Code of Conduct and the Gifts and Hospitality protocol (Appendices To Part 13 of the Constitution) were also amended at the September 2016 Council meeting.

#### 5. Complaints Against Councillors

5.1 During Quarter 2 of 2016/17 (July – September 2016) one formal complaint was received by the Monitoring Officer. This complaint related to a Parish Councillor (NPC8/16). Following the initial assessment of this complaint it was determined by the Monitoring Officer in consultation with the Independent Person that no breach had been identified and that no further action needed to be taken.

#### 6. Dispensations

6.1 No dispensations to West Berkshire Councillors were granted during Quarter 2 of 2016/17.

#### 7. Gifts and Hospitality

7.1 The following offers of gifts and hospitality were reported in Quarter 1 of 2016/17:

Member	Event	Offer	Accepted
Jeanette Clifford	GWR - launch of Electrostar trains from Paddington	Coffee/canapés/first class return ticket from Newbury to Paddington (travelled standard class apart from outward Reading to Paddington)	Yes
Hilary Cole	Newbury and District Agricultural Society building opening and drinks reception - morning	Drinks	Yes
Hilary Cole	Newbury and District Agricultural Society afternoon	Tea and cakes - self (not taken)	Yes

	tea		
Hilary Cole	Newbury and District Agricultural Society Saturday lunch	Three courses and wine	Yes

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

## 8. Training or Other Action Identified to avoid Further Complaints

8.1 A training session for town and parish councillors will take place on 16 March 2017.

## 9. National Agenda

9.1 The Committee on Standards in Public Life published its annual report for 2015-16 on 4 August 2016 together with a forward plan for 2016-17.

9.2 The Committee, in response to its commitment to maintain a watching brief on the need for a mandatory code of conduct, strong local leadership, effective independent persons and concern at the lack of sanctions under the Localism Act 2011, reported that there was evidence to suggest that the role of the Independent Person was generally well received and that, nationally, vexatious complaints were falling.

9.3 However the effectiveness of the sanctions regime was still a concern. The Committee said that it continued to invite Councils to consider whether their own local standards regimes were sufficient to address standards breaches and build public trust.

9.4 Looking forward, the Committee on Standards in Public Life had stated that it would:

- Undertake a review to clarify topics of substantial concern, research the underlying causes and identify best practice in well governed authorities in light of correspondence it had received on the issue of ethical standards in local government at both officer and member level. This work would straddle the committee's work programme for 2016-17 and 2017-18.
- Review whether awareness of the need for ethical standards in the delivery of public services had changed since the publication of its report on Ethical Standards for Providers of Public Services which considered what standards of ethical conduct should be expected from those third party organisations providing public services. The Committee will discuss this with government departments to review the position and intends to report on this by Spring 2017.

## 10. Conclusion

10.1 The number of complaints remains relatively low. There has been a marked reduction in the number of complaints when compared to the same six month period (April to September) during the previous Municipal Year. During 2015/16 sixteen complaints had been received whereas in 2016/17 the Monitoring Officer had received only one formal complaint. It should however be noted that 15 of the 16 complaints received in 2015/16 pertained to one planning committee meeting and was an unusual occurrence.

10.2 It is difficult to determine whether the reduction in the number of complaints is due to adherence to the various Codes of Conduct by Councillors or if the effectiveness of the sanctions available has deterred complainants.

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**Background Papers:**

- Localism Act 2011
- Reports to Council 10 May 2012 and Special Council on the 16 July 2012 and 15 September 2016
- Terms of Reference for the Governance and Ethics Committee and Advisory Panel;
- The revised Code of Conduct for West Berkshire District Councillors
- Committee on Standards in Public Life Annual Report 2015-16 (4 August 2016).

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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

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**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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