
Update on Ethical Matters – Quarter 1 of 2017/18 - Supporting Information

1. Introduction/Background

- 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. Governance Arrangements

- 2.1 The Governance and Ethics Committee comprises ten members (eight District Councillors appointed on a proportional basis and two co-opted non-voting Parish/Town Councillors). The Advisory Panel comprises 8 Members: 2 from the administration, 2 from the main opposition party, 2 parish/town councillors and 2 independent persons
- 2.2 The Monitoring Officer is authorised to appoint three Independent Persons who are used on a rotational basis on the Initial Assessment Panel and Advisory Panels.
- 2.3 A revised Code of Conduct was adopted in September 2016. The Code and Governance arrangements are supported by a number of documents 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.

3. Membership

Independent Persons:

- 3.1 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. Two Independent Persons are required to sit on the Advisory Panel and they should ideally not have been involved in the initial assessment of a complaint. Three Independent Persons have therefore been appointed (at the 09 May 2017 Council meeting) and they will be used on a rotational basis to assess complaints and support the Advisory Panel.

3.2 The Independent Persons for 2017/18 are:

- Lindsey Appleton
- James Rees
- Mike Wall

Governance and Ethics Committee

3.3 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. This year a substitute parish councillor has been appointed to allow for continuity. The membership for 2016/17 is as follows:

- Steve Ardagh-Walter,
- Jeff Beck,
- Graham Bridgman,
- Paul Bryant,
- James Cole,
- Lee Dillon,
- Anthony Pick,
- Quentin Webb,
- Geoff Mayes, (Non-voting Parish Council representative)
- Barrie Dickens (Non-voting Parish Council representative)

- Billy Drummond (substitute)
- Sheila Ellison (substitute)
- Jason Collis (substitute)
- Jane Langford (substitute non-voting Parish Council representative)

Advisory Panel

3.4 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.

3.5 The Membership for 2017/18 is as follows:

- Adrian Edwards
- Marigold Jacques
- Mollie Lock,
- Alan Macro
- Tony Renouf,

- Darren Peace

3.6 We have also appointed a substitute Parish Councillor (Bruce Laurie) to this Panel to ensure that we have continuity in the event of one of the parish councillors deciding that they no longer wished to support the Panel.

4. Parish/ Town Councils

4.1 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 currently updating changes to Chairmen and Vice-Chairmen details and these will be reflected on the website in due course.

5. Council's Constitution

5.1 Since March 2017 a number of changes have been made to the Constitution: The Monitoring Officer under her delegated authority has authorised the following changes:

- (1) Part 1 - Summary and Explanation, paragraphs 1.4, 1.7 and 1.10
- (2) Part 2 – Articles of the Constitution, paragraphs 2.2.3, 2.2.4, 2.2.5, 2.3.1, 2.3.5, 2.5.3 and 2.8.
- (3) Part 4 – Council Rules of Procedure, paragraphs 4.1, 4.2.1(p), 4.12.1, 4.17.3 and 4.18.2
- (4) Part 7 – Regulatory and Other Committees Rules of Procedure, paragraphs 7.13, 7.11.2 and 7.1.7

5.2 Since March 2017 the following changes have been, made to the Constitution as a result of decisions made at Council meetings:

- (1) Part 2 – Articles of the Constitution, paragraphs 2.7.1 and 2.8.3
- (2) Part 6 – Overview and Scrutiny Rules of Procedure, paragraphs to 6.1.1, 6.1.2, 6.1.4 (inserted), 6.1.6, 6.1.9, 6.1.12, 6.1.13, 6.3.1, 6.3.2, 6.3.3 and 6.3.4
- (3) Part 13 – Codes and Protocols, Appendix G, paragraph 1.4
- (4) Part 15 – Management Structure (re-written post the Senior Management Review)

6. Complaints Against Councillors

During Quarter 1 of 2017/18 (April – June 2017) one formal complaint (NPC3/17) was received by the Monitoring Officer. This complaint pertained to a parish councillor. Following the initial assessment of the complaint it was decided that no further action should be taken on the complaint.

There is one outstanding complaint (NPC1/17) from quarter 4 of 2016/17 which is still being investigated. If the independent investigator finds that the Code of Conduct might have been breached the Advisory Panel will need to assess the complaint with a view to making a recommendation to the Governance and Ethics Committee who will determine the matter at a hearing.

7. Dispensations

7.1 No dispensations to West Berkshire Councillors were granted during Quarter 1 of 2017/18.

8. Gifts and Hospitality

8.1 No gifts or hospitality have been registered during Quarter 1 of 2017/18. In addition all hospitality received by the Chairman whilst undertaking his civic duties is documented and reported to the Monitoring Officer. Officers will send a reminder to members about the need to register gifts and hospitality.

9. Conclusion

9.1 The number of complaints received in respect of alleged breaches of the Members Code of Conduct remains low, which indicates that standards of ethical conduct remain generally high across West Berkshire at both District and at Parish / Town Council levels.

10. Consultation and Engagement

Copies of the year end report will be circulated to all town and parish councils.

Background Papers:

- Localism Act 2011
- Reports to Council 10 May 2012 , Special Council on the 16 July 2012, September 2016
- 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

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

- HQL – Maintain a high quality of life within our communities
- 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

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