

STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 13 JANUARY 2014

Councillors Present: Peter Argyle (Chairman), Barry Dickens, Adrian Edwards, Mollie Lock, Gwen Mason (Vice-Chairman) and Garth Simpson

Also Present: David Holling (Head of Legal Services), Moira Fraser (Democratic and Electoral Services Manager) and Councillor Geoff Mayes

Apologies for inability to attend the meeting: Chris Bridges and Councillor Virginia von Celsing

PART I

18. Minutes

The Minutes of the meeting held on 14 October 2013 and the special meeting of the 11 December 2013 were approved as a true and correct record and signed by the Chairman.

19. Declarations of Interest

There were no declarations of interest received.

20. Monitoring Officer's Quarterly Report to the Standards Committee - Quarter 3 of 2013/14 (SC2693)

The Committee considered a report (Agenda Item 4) concerning an update on local and national issues relating to ethical standards and highlighting to the Committee any complaints or other problems within West Berkshire.

The Monitoring Officer reported that the revised Code of Conduct had been adopted at the December Council meeting. He thanked all those that had contributed to the revised Code as well as the production of the Social Media Protocol. A copy of the revised Code and the Social Media Protocol had been sent to all Parish and Town Councils.

During quarter three Part 4 (Council Rules of Procedure), Part 5 (Executive Rules of Procedure), Part 6 (Overview and Scrutiny Management Commission Rules of Procedure), Part 7 (Regulatory and Other Committees Rules of Procedure) and Part 13 (certain Codes and Protocols) had been amended.

The Monitoring Officer outlined the process and procedures for dealing with requests for dispensations. David Holling explained that following the adoption of the new standards regime authority had been delegated to the Monitoring Officer to grant dispensations in situations where they were deemed to be objective. Where requests were more subjective a decision on whether or not to grant a dispensation would need to be made by the Standards Committee.

Since October 2013 the Monitoring Officer and the Standards Committee had each been asked to grant a dispensation to a group of West Berkshire District Councillors. In addition, the Monitoring Officer had written to all Parish and Town Councils on the 12 November 2013 to remind them that under the provisions of the Localism Act 2011 the ability to grant dispensations in order to discuss matters relating to the setting of their precepts had been delegated to the Town or Parish Council.

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During Quarter 3 of 2013/14 (October –December 2013) two complaints, NPC11/13 and NDC4/13, were received by the Monitoring Officer. The Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC11/13 informal resolution would be the most appropriate course of action. The subject member was asked to write to the complainant and set out the circumstances surrounding the comments that she had made and explain that they were made in her private capacity and that she had not sought to cause any offence. It was noted that although a draft copy of this letter had been received the signed version requested by the Monitoring Officer had not yet been forthcoming. The Standards Committee offered their support to the Monitoring Officer to take further action should the letter not be received.

In respect of complaint NDC4/13 the complainant had asked for their identity to be kept confidential. Despite several attempts to contact the complainant no response has been received and therefore the complaint has not been progressed.

The Advisory Panel had not met during quarter 3 and no training had been undertaken during this quarter either. The Monitoring Officer concluded that the number of complaints remained relatively low and no additional action was therefore required.

RESOLVED that the report be noted.

21. Amendments to Appendix D (Gifts and Hospitality) and Appendix E (Procedure for Local Determination of Allegation) to Part 13 (Codes and Protocols) of the Constitution

The Committee considered a report (Agenda Item 5) concerning any changes to the way Members needed to deal with offers of Gifts and Hospitality and the procedure for determining complaints made under the Standards Regime.

David Holling explained that West Berkshire Council's Code of Conduct for Councillors was adopted by Full Council at its meeting on 10th May 2012 and came into effect from 1st July 2012. A scheduled review of the Code of Conduct and the underpinning processes was undertaken and the ensuing amendments were adopted at the December 2013 Council meeting.

It was therefore now necessary to re-write Appendix E (Procedure for Local Determination of Allegations) to reflect the revised governance arrangements and procedures for dealing with complaints made against district, town and parish councillors.

Members commended the revised arrangements. It was noted that to date no complaints had progressed to a hearing stage and the procedures laid out had not yet been tested. It might therefore be necessary to revisit the procedure once more complaints had been received.

The Monitoring Officer also explained that following an internal audit of the management of the Constitution in 2010 it was noted that one of the responsibilities of the Finance and Governance Group was to have ownership of the Council's Constitution. A timetable was therefore established for the Finance and Governance Group to review individual sections of the Constitution. In line with this timetable the Standards Committee were asked to consider proposed amendments to Appendix D (Gifts and Hospitality) to Part 13 (Codes and Protocols) of the Constitution.

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The existing protocol for dealing with gifts and hospitality by Members did neither accord with legislative changes nor current nor best practice and it had therefore also been substantially re-written.

Members discussed whether or not to retain the £25.00 limit for gifts and hospitality. They noted the comments from Tony Renouf, a member of the Advisory Panel, that consideration should be given to removing the limit and instead requiring all gifts and hospitality to be declared. Members felt that the £25.00 limit was a long held custom and practice and that Members were familiar with this delineation and therefore agreed that it should be retained.

The Committee noted the comments from the two Independent Members and Councillor Renouf in relation to the rule (rule 1 page 19) that required Member to seek authorisation from the Monitoring Officer prior to accepting any gifts and hospitality. They agreed that this would be impractical in relation to gifts and therefore suggested that the wording be amended so that it only applied to hospitality.

The Committee also asked that the second bullet point under the heading 'gifts which are more likely to be considered acceptable' (page 23) be extended to include 'training' and 'working meetings'.

Councillor Adrian Edwards noted that there was no reference to gifts or hospitality received by Councillor's spouses/ partners. David Holling noted that the Localism Act 2011 required such disclosures to be made in accordance with regulations made under the Act. It was therefore agreed that reference would be made to this in the introduction to the revised Code.

David Holling explained that both Appendices would be considered by the Governance and Audit Committee (10 February 2014) and then full Council on the 04 March 2014.

RESOLVED that the amended Appendices be referred to the 10 February 2014 Governance and Audit Committee for consideration prior to adoption at the 04 March 2014 Council meeting.

(The meeting commenced at 5.30 pm and closed at 6.14 pm)

CHAIRMAN

Date of Signature