

# Notice of Meeting

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## Standards Committee

**Monday, 12th January, 2015 at 5.00 pm**  
in Committee Room 1 Council Offices  
Market Street Newbury

Date of despatch of Agenda: Wednesday, 31 December 2014

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser on (01635) 519045  
e-mail: [mfraser@westberks.gov.uk](mailto:mfraser@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at  
[www.westberks.gov.uk](http://www.westberks.gov.uk)



**To:** Councillors Peter Argyle (Chairman), Chris Bridges, Barry Dickens, Adrian Edwards, Mollie Lock, Gwen Mason (Vice-Chairman), Garth Simpson and Virginia von Celsing

**Other Attendees:** David Holling, Andy Day, Sarah Clarke, Moira Fraser

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# Agenda

## Part I

Page No.

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 8  
To approve as a correct record the Minutes of the meeting of this Committee held on 13 October 2014.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Monitoring Officer's Quarterly Update Report to the Standards Committee - Quarter 3 of 2014/15** 9 - 16  
*Purpose: To provide an update on local and national issues relating to ethical standards and to bring to the attention of the Committee any complaints or other problems within West Berkshire.*

Andy Day  
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### STANDARDS COMMITTEE

#### MINUTES OF THE MEETING HELD ON MONDAY, 13 OCTOBER 2014

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

**Also Present:** David Holling (Head of Legal Services) and Moira Fraser (Democratic and Electoral Services Manager)

**Apologies for inability to attend the meeting:** Councillor Virginia von Celsing

**Councillor Absent:** Councillor Garth Simpson

#### PART I

##### 7. Minutes

The Minutes of the virtual meeting held on 16 June 2014 were approved as a true and correct record and signed by the Chairman.

##### 8. Declarations of Interest

There were no declarations of interest received.

##### 9. Monitoring Officer's Quarterly Update Report to the Standards Committee - Quarter 2 of 2014/15

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

The Monitoring Officer, explained that the membership of the Standards Committee and the Advisory Panel and the names of the Independent Persons had been confirmed at the May 2014 Council meeting. There was still a vacancy for an Independent Member on the Advisory Panel.

Since June 2014 Parts 3 (Scheme of Delegation) and 7 (Regulatory and Other Committees) had been amended following a review by the Governance and Audit Committee and full Council. The Monitoring Officer, under delegated authority, had also made minor amendments to Part 3 of the Constitution (Scheme of Delegation).

During Quarter 2 of 2014/15 three complaints about potential breaches of Codes of Conduct were received. Two of these complaints pertained to Parish Councillors (NPC3/14 and NPC4/14) and the other, while referring to a single incident, was a complaint made about two District Councillors (NDC2/14).

The Monitoring Officer in consultation with the Independent person concluded that a breach had occurred on respect of NPC3/14. The findings were published on the Council's website, notice was placed in a local newspaper and the clerk raised the issue at the next parish council meeting and reference to the complaint was made in the minutes of that meeting.

The Monitoring Officer, in consultation with the Independent Person, concluded that there might be a breach in respect of NPC4/14. An independent investigator was therefore

## STANDARDS COMMITTEE - 13 OCTOBER 2014 - MINUTES

appointed and would be investigating the matter on behalf of the Council. If the investigator was to identify evidence of a breach the matter would be referred to the Advisory Panel to consider initially and they would then make a recommendation to the Standards Committee.

In relation to NDC2/14 the Monitoring Officer, in consultation with the Independent Person, concluded that no further action should be taken in respect of the allegations against one of the District Councillors. They did, however, find that the second Councillor had breached West Berkshire Council's Code of Conduct. The matter was published on the Council's website and a notice was placed in the Newbury Weekly News. The Councillor was also asked to send a letter of apology to one of the Councillors involved in the complaint. It was confirmed that the letter of apology had been sent.

It was noted that no dispensations were requested or granted during quarter 2.

Appendix D (Gifts and Hospitality) to Part 13 of the Constitution (Codes and Protocols) required regular updates of declarations of gifts and hospitality to be made to the Standards Committee. One declaration had been made in quarter 2. It was noted that a requirement of the protocol was that prior to accepting any hospitality with a value exceeding £25 Councillors were required to seek authorisation from the Monitoring Officer prior to accepting the hospitality. To date no queries of this nature had been received by the Monitoring Officer. It was therefore proposed that the Committee consider asking the Monitoring Officer to write to all Members and remind them of this requirement. Members concurred with this suggestion and felt that this would be timely given that this was the lead up to the Christmas season.

### **RESOLVED that:**

- **the report be noted;**
- **the Monitoring Officer to write to all Members of West Berkshire Council reminding them of their obligations in respect of Gifts and Hospitality under the Code of Conduct.**

## **10. Exclusion of Press and Public**

**RESOLVED that** members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers.](#)

## **11. Update on Previous Standards Complaint**

The Committee considered an exempt report (Agenda item 6) concerning the outcome of court processes and the impact of the court's decision on an earlier Standards Committee's decision.

### **RESOLVED that:**

- **The recommendations as set out in the exempt report be implemented.**

*(The meeting commenced at 5.00 pm and closed at 5.18 pm)*

**STANDARDS COMMITTEE - 13 OCTOBER 2014 - MINUTES**

**CHAIRMAN** .....

**Date of Signature** .....

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# Agenda Item 4.

<b>Title of Report:</b>	<b>Monitoring Officer's Quarterly Update Report to the Standards Committee – Quarter 3 of 2014/15</b>
<b>Report to be considered by:</b>	Standards Committee
<b>Date of Meeting:</b>	12 <sup>th</sup> January 2015
<b>Forward Plan Ref:</b>	N/a

**Purpose of Report:** To provide an update on local and national issues relating to ethical standards and to bring to the attention of the Committee any complaints or other problems within West Berkshire.

**Recommended Action:** 1. To note the report.

**Reason for decision to be taken:** The Standards Committee is responsible for ensuring that District and Town/Parish Councillors in West Berkshire are aware of the standards of conduct expected of them and that they observe those standards.

**Other options considered:** None

**Key background documentation:**

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

The proposals will also help achieve the following Council Strategy principle:  
 **CSP8 - Doing what's important well**  
The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:  
Good governance arrangements are fundamental to the well being of the Council

Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Peter Argyle
<b>E-mail Address:</b>	pargyle@westberks.gov.uk
<b>Date Member agreed report:</b>	

<b>Contact Officer Details</b>	
<b>Name:</b>	David Holling
<b>Job Title:</b>	Head of Legal Services (Monitoring Officer)
<b>Tel. No.:</b>	01635 519422
<b>E-mail Address:</b>	dholling@westberks.gov.uk

## **Implications**

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<b>Policy:</b>	Revised policy and changes to processes adopted at Council in December 2013
<b>Financial:</b>	There are no financial issues arising from this report. All costs associated with the investigation of complaints are met from within existing budgets.
<b>Personnel:</b>	There are no personnel issues associated with this report
<b>Legal/Procurement:</b>	There are no legal issues arising from this report, The matters covered by this report are generally requirements of the Localism Act 2011 and regulations made under it.
<b>Property:</b>	None
<b>Risk Management:</b>	The benefits of this process are the maintenance of the Council's credibility and good governance by a high standard of ethical behaviour. The threats are the loss of credibility of the Council if standards fall.
<b>Equalities Impact Assessment:</b>	The report is to note only. The subject of this report is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.



# Executive Summary

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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 Councils.
- 1.2 In order to ensure that the process was working effectively it was agreed that the Monitoring Officer would make quarterly reports to Standards Committee which set out the number and nature of complaints received and draw the Committee's attention to 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 investigations together with any costs incurred.

## 2. Proposals

- 2.1 Members are asked to note the content of the report.

## 3. Equalities Impact Assessment Outcomes

- 3.1 There is no decision to be made and therefore no Equality Impact Assessment has been undertaken.

# Executive Report

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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 Councils.
- 1.2 In order to ensure that the process was working effectively it was agreed that the Monitoring Officer would make quarterly reports to Standards Committee which set out the number and nature of complaints received and draw the Committee's attention to areas where training or other action might avoid further complaints in the future. It would also provide a means of updating the Committee on the progress of investigations together with any costs incurred.

## 2. New Standards Regime

- 2.1 The Council has adopted a Standards Regime to implement the requirements of the Localism Act 2011 and the Regulations made under that Act. This includes the following documents which were approved at Full Council on the 10 May 2012 and December 2013.
  - Terms of Reference for the Standards Committee and Advisory Panel;
  - Code of Conduct for West Berkshire District Councillors;
  - complaints procedures for breaches of that code;
  - dispensations procedure.
- 2.2 Officers have noted that there might be a need to review the Interests section of the Code of Conduct and this will be brought back to the April 2015 meeting.

## 3. Membership

- 3.1 At the Council meeting on the 15 May 2014 Mr James Rees and Mr John Bingham were re-appointed as Independent Persons in accordance with Section 28 of the Localism Act 2011. It will be necessary to re-advertise the Independent Persons roles by May 2015 and an update will be provided at the April 2015 meeting. Should it be necessary to hold interviews the Chairman and Vice-Chairman of the Standards Committee will be invited to sit on the panel..
- 3.2 At the 15 May 2014 Council meeting the following Members were appointed to the Standards Committee:
  - Peter Argyle; (Chairman)
  - Adrian Edwards;
  - Virginia von Celsing;
  - Garth Simpson;
  - Mollie Lock;
  - Gwen Mason (Vice Chairman)
  - Barrie Dickens (co-opted non-voting Parish Councillor)
  - Chris Bridges (co-opted non-voting Parish Councillor)
- 3.3 The Advisory Panel comprises the following Members:

- Quentin Webb;
- Andrew Rowles;
- Geoff Mayes;
- David Allen;
- Tony Renouf (Parish Council Representative);
- Peter Iveson (Parish Council Representative);
- Mike Wall (Independent Member)
- Darren Peace (Parish Council Representative – Substitute)
- Lee Dillon (Parish Council Representative – Substitute)

3.4 There is still a vacancy for an Independent Member on the Panel.

#### **4. Parish/ Town Councils**

4.1 Parishes have continued to provide the Monitoring Officers with updates to parish councillors Registers of Interest and changes to their membership which are fed through and posted on the relevant websites.

#### **5. Council's Constitution**

5.1 Since October 2014 Part 9 (Budget and Policy Framework), Part 10 (Finance Rules of Procedure) and Part 12 (Personnel Rules of Procedure) of the Council's Constitution have been amended.

5.2 No amendments were made by the Monitoring Officer under his delegated authority during this period.

#### **Complaints Against Councillors**

5.3 During Quarter 3 of 2014/15 (October – December 2014) no formal complaints were received by the Monitoring Officer. A number of informal complaints were made but these have been dealt with outside of the Standards procedures.

5.4 The Deputy Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC4/14 a potential breach of the Code of Conduct might have occurred and the matter was referred to an independent investigator to investigate. The investigation is due to be completed shortly. If the investigator concludes that there has been no breach then no further action will be taken on the matter. If the investigator concludes that there might have been a breach the matter will initially be considered by the Advisory Panel who will then make a recommendation to the Standards Committee. If necessary a special Standards Committee meeting will be arranged.

#### **6. Dispensations**

6.1 No dispensations were granted during Quarter 3.

#### **7. Gifts and Hospitality**

7.1 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 Standards Committee as part of the quarterly performance monitoring reports'.

7.2 Two declarations of gifts and hospitality have been made by District Councillors during Quarter 3 of 2014/15 namely:

<b>Councillor</b>	<b>Gift/Hospitality</b>	<b>Value</b>	<b>Accepted</b>
Peter Argyle	Ticket for Manmade Boys Platform performance at The Corn Exchange, Newbury	£8 to the public	No
Roger Croft	Sovereign Housing's 25th Birthday lunch at The Vineyard	Approximately £50	Yes

7.3 Appendix D to Part 13 of the Constitution (Codes and Protocols) has been amended during the 2013/14 Municipal Year. In essence it 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 Standards 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.

7.4 Following the October 2014 meeting the Monitoring Officer on behalf of the Committee wrote to all Members of the Council reminding them of their obligations in respect of Gifts and Hospitality under the Code of Conduct

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

8.1 Training on the Code of Conduct has been factored into the District Councillor's Member Induction Programme post the May 2015 elections. In addition Officers have contacted all town and parish councils to notify them that a training session for all new Town and Parish Councillors has been arranged for the 17 June 2015. The Standards Committee is invited to comment on any specific areas that they feel the training should cover.

## 9. Conclusion

9.1 The number of complaints at this stage remains low and consequently no specific training needs have been identified other than post May 2015 election induction training for new District and Parish/Town Councillors.

### Appendices

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There are no appendices attached to this report.

### Consultees

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**Local Stakeholders:** N/A

**Officers Consulted:** Moira Fraser, Andy Day, Sarah Clarke

**Trade Union:** Not consulted

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