

# Notice of Meeting

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## Standards Committee

**Monday, 20th April, 2015 at 5.00 pm**  
in Committee Room 1 Council Offices  
Market Street Newbury

Date of despatch of Agenda: Friday, 10 April 2015

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

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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 - 6  
To approve as a correct record the Minutes of the virtual meeting of this Committee held on 12 January 2015.
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. **Changes to Governance Arrangements (C2987)** 7 - 16  
*Purpose: To present the recommendation to create a Governance and Ethics Committee in place of the Governance and Audit Committee and Standards Committee.*
5. **Standards Committee Annual Report 2014/15 (C2858)** 17 - 30  
*Purpose: To present the Annual Standards Committee report to the Standards Committee.*

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 VIRTUAL MEETING HELD ON MONDAY, 12 JANUARY 2015

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

#### PART I

#### 12. Minutes

The Minutes of the meeting held on 13 October 2014 were approved as a true and correct record and signed by the Chairman.

#### 13. Declarations of Interest

There were no declarations of interest received.

#### 14. Monitoring Officer's Quarterly Update Report to the Standards Committee - Quarter 3 of 2014/15

The Committee considered virtually a report (Agenda Item 4) which provided an update on local and national issues relating to ethical standards and brought to the attention of the Committee issues around complaints and other issues arising in West Berkshire.

The Committee were informed that the following amendment needed to be made to paragraph 7.2 of the report. The addition to the Gifts and Hospitality Register for Members was set out below. The declaration was made after the paperwork for the meeting was produced.

Councillor	Gift/Hospitality	Value	Accepted
Hilary Cole	3 bottles of wine and bunch of flowers	Approximately £30	Yes

**RESOLVED** that the amended report be noted.

**CHAIRMAN** .....

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

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# Agenda Item 4.

<b>Title of Report:</b>	<b>Changes to Governance Arrangements</b>
<b>Report to be considered by:</b>	Corporate Board 07 April 2015 Management Board 23 April 2015 Standards Committee 20 April 2015 Governance and Audit Committee 27 April 2015 Council 19 May 2015
<b>Forward Plan Ref:</b>	C2987

**Purpose of Report:** To present the recommendation to create a Governance and Ethics Committee in place of the Governance and Audit Committee and Standards Committee.

**Recommended Action:** 1. To consider a proposal to amalgamate the Governance and Audit and Standards Committees to form the Governance and Ethics Committee and then to make a recommendation to full Council.

**Reason for decision to be taken:** At the request of Corporate Board

**Other options considered:** Not to amalgamate the Committees

**Key background documentation:** West Berkshire Council Constitution  
Annual Standards Committee Report

**Published Works:** Localism Act 2011  
Local Government Act 1972  
Local Government Act 2000

The proposals will help achieve the following Council Strategy principles:

- CSP6 - Living within our means**
- CSP8 - Doing what's important well**

The proposals contained in this report will help to achieve the above Council Strategy principles by:

Ensuring that the Council's governance arrangements are streamlined

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Gordon Lundie
<b>E-mail Address:</b>	glundie@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	07 April 2015
Contact Officer Details	
<b>Name:</b>	David Holling
<b>Job Title:</b>	Head of Legal Services
<b>Tel. No.:</b>	01635 519422
<b>E-mail Address:</b>	dholling@westberks.gov.uk

## Implications

<b>Policy:</b>	Will require changes to the Constitution and the terms of reference of the Governance and Ethics Committee if approved.
<b>Financial:</b>	The amalgamation of the two Committees would generate very minor savings (+- £300) arising from a reduction in expenditure on refreshments and Members Travel Allowances. Currently no allowance is paid to the Chairman of either of these Committees.
<b>Personnel:</b>	N/A
<b>Legal/Procurement:</b>	Will require the Constitution to be updated.
<b>Property:</b>	N/A
<b>Risk Management:</b>	N/A

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at <a href="http://intranet/EqIA">http://intranet/EqIA</a>			<input type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

<b>Is this item subject to call-in?</b>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>

# Executive Summary

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## 1. Introduction

- 1.1 The workload of the Standards Committee has declined over the last few years. Officers have therefore been asked to look into merging the Governance and Audit and Standards Committees of the Council in order to streamline governance arrangements.
- 1.2 In addition The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have recently been enacted which require the Council to make changes to the Constitution to include certain provisions relating to the potential dismissal or disciplining of the Head of Paid Service, Monitoring Officer or S151 Officer. As part of the procedural changes required a panel needs to be set up to advise on matters relating to the dismissal of these Officers. The Act requires at least two Independent Persons who have been appointed under section 28(7) of the Localism Act 2011 to be appointed to the panel. The roles of the Independent Persons therefore needs to be updated.

## 2. Proposals

2.1 It is proposed that:

- The two Committees are merged to form a Governance and Ethics Committee;
- A revised set of terms of reference of the Governance and Ethics Committee be adopted;
- The membership of the revised Governance and Ethics Committee to comprise ten members (eight District Councillors appointed on a proportional basis and two co-opted non-voting Parish/Town Councillors);
- The structure of agendas be arranged so as to ensure that the Parish Councillors would only need to attend the Standards element of the meeting;
- The Advisory Panel and Independent Persons to be retained;
- The role of the Independent Persons be updated to include the requirements set out in The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015;
- Authority be delegated to the Monitoring Officer to amend all relevant parts of the Constitution to reflect the new governance structure;
- Authority be delegated to the Head of Strategic Support to amend the timetable of meetings for 2015/16.

## 3. Equalities Impact Assessment Outcomes

3.1 This item is not relevant to equality.

## 4. Conclusion

4.1 Although the merge of the two Committees will not generate significant financial savings this merger will assist the Council with streamlining its governance arrangements. The Standards Committee is therefore invited to consider and if appropriate endorse Officer's recommendations to combine the Governance and

Audit Committee and Standards Committee to create a Governance and Ethics Committee, as detailed above.



# Executive Report

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## 1. Introduction

- 1.1 The Council, in its constitution, delegates its work in relation to challenge and independent assurance of the Risk Management Framework and associated internal control to the Governance and Audit Committee.
- 1.2 At present, the main roles of the Governance and Audit Committee are to challenge and provide independent assurance on the Risk Management Framework and associated internal controls of the Council, consider and make recommendations to the Council on proposed changes to the Constitution, review the Council's financial statements and review the external auditors' annual audit letter.
- 1.3 The Governance and Audit Committee met five times in the 2014/15 Municipal Year. This Committee currently comprises eight Members appointed on a proportional basis.
- 1.4 The main roles of the Standards Committee are promoting and maintaining high standards of conduct by Councillors and co-opted Members; assisting Councillors and co-opted Members, to observe the Members' Code of Conduct; advising the Council on the adoption or revision of the Members' Code of Conduct; monitoring its operation; advising and training Councillors and co-opted Members on matters relating to the Members' Code of Conduct; granting dispensations to Councillors and co-opted Members on requirements relating to interests; ensuring arrangements are in place under which allegations of misconduct in respect of the members' Code of Conduct can be investigated, to review such arrangements appropriately; and to exercise the above in relation to the Parish and Town Councils in the District.
- 1.5 The Standards Committee also has a role in considering and recommending improvements to the relevant sections of the Constitution covering the conduct of Councillors and ethical standards of the Council.
- 1.6 The Standards Committee met five times in the 2014/15 municipal year; the first was to elect the Chairman and vice-Chairman and four subsequent meetings in the main to receive the quarterly Standards Reports. Two of these meetings were held virtually. This Committee currently comprises eight members comprising six District Councillors and two non-voting cop-opted Parish Council representatives. The District Councillors are appointed on a proportional basis.
- 1.7 The number of complaints about Councillors has reduced over the last few years although the workload associated with dealing with and avoiding complaints by Officers is still high. In addition, due to introduction of the revised procedures in 2012, the number of complaints being investigated has reduced significantly. The Standards Committee is only required to consider complaints where the matter has been investigated and a potential breach of the relevant Code of Conduct is identified by the investigator.
- 1.8 Due to the reduced workload of the Standards Committee it is proposed that the Governance and Audit and Standards Committees be merged to create a new Committee to be known as the Governance and Ethics Committee.

- 1.9 Following the enactment of the Localism Act 2011 the Council amended the Standards processes and procedures. The revised governance structures included the appointment of an Advisory Panel and it is proposed that this panel be retained.
- 1.10 Under Section 28 of the Localism Act 2011 the Council has to appoint 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 Councillor. It is proposed that this arrangement is also retained.
- 1.11 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have recently been enacted which require the Council to make changes to the Constitution to include certain provisions relating to the potential dismissal or disciplining of the Head of Paid Service, Monitoring Officer or S151 Officer. As part of the procedural changes required a panel needs to be set up to advise on matters relating to the dismissal of these Officers. The Act requires at least two Independent Persons who have been appointed under section 28(7) of the Localism Act 2011 to be appointed to the panel. The roles of the Independent Persons therefore need to be updated.

## **2. Proposed Revised Terms of Reference**

- 2.1 The purpose of the Governance and Ethics Committee will be to provide effective challenge across the Council including maintaining high standards of conduct and provide independent assurance on the risk management framework and associated internal control environment to Members and the public, independently of the Executive.
- 2.2 It is proposed that the functions of the Governance and Audit Committee and Standards Committee be combined to create the proposed terms of reference for the Governance and Ethics Committee set out in Appendix A.

## **3. Membership**

- 3.1 It is proposed that, in line with the Governance and Audit Committee, the Governance and Ethics Committee shall consist of ten members comprising eight Councillors, reflecting the political balance of the Council and two co-opted non voting Parish/Town Councillors. The Parish Councillors would only be invited to attend the meeting when Standards matters were due to be discussed. Agendas would be structured so that Standards items would be considered at the start of the meetings in order that Parish Councillors would be able to leave the meetings at that point should they wish to.

## **4. Independent Persons**

- 4.1 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. 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. Two Independent Persons were therefore appointed in order to ensure that a conflict situation did not arise. It is proposed that this arrangement is retained.

4.2 It is proposed that in order to accommodate the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 the role of the Independent Persons be expanded to include a requirement to sit on a panel where the potential dismissal or disciplining of the Head of Paid Service, Monitoring Officer or S151 Officer is discussed. This panel would make a recommendation to Full Council.

4.3 For the avoidance of doubt a person is not considered to be "independent" if:-

- a) They are or have been, within the last five years, an elected or co-opted Member or officer of the Council or of any Parish Council's within this area. This also applies to committees or sub-committees of the various Councils.
- b) They are a relative or close friend of a current elected, or co-opted, Member or officer of the Council or any Parish Council within its area, or any elected or co-opted member of any committee or sub-committee.
- c) The definition of relative includes the candidate's spouse, civil partner, grandparent, child etc.

## **5. Role of the Advisory Panel**

5.1 The membership of the Governance and Ethics Committee would be appointed on a proportional basis. Current legislation excludes independent members and Parish Council representatives from sitting and voting on Standards Committees. The Advisory Panel makes recommendations to Standards Committee in regards complaints and investigations about both District and Parish Councillors.

5.2 It is therefore proposed that the Governance and Ethics Committee would continue to be supported by the Advisory Panel for the following reasons;

- in order to minimise accusations of political bias;
- and as West Berkshire Council has responsibility for dealing with complaints against elected and appointed members of Parish/ Town Councils.

5.3 It is proposed that the current membership of the Advisory Panel comprising eight members be retained. This would include two members of the Administration, two members of the Opposition, two Parish and two Independent members and is chaired by an independent member

## **6. Savings**

6.1 This amalgamation of the two Committees will generate a small saving (refreshments and travel for 4 meetings a year of approximately £300per annum).

## **8. Conclusion**

8.1 The Standards Committee is invited to consider the Officer's recommendations to combine the Governance and Audit Committee and Standards Committee to create a Governance and Ethics Committee, as detailed above and if appropriate make a recommendation to Full Council..

## Appendices

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### Appendix A – Proposed Terms of Reference of the Governance and Ethics Committee

#### Consultees

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**Local Stakeholders:** Not consulted

**Officers Consulted:** Moira Fraser, Andy Day, Sarah Clarke, Joanna Reeves, Ian Priestley, Andy Walker, Corporate Board

**Trade Union:** Not consulted

## **Proposed Terms of Reference of the Governance and Ethics Committee**

The roles and functions of the Governance and Ethics Committee are to:

1. Consider and make recommendations to the Council on proposed changes to the Constitution.
2. Consider any governance issues emanating from the Government and determine their effect on the Council's business and governance processes.
3. Review the effectiveness of the Council's Risk Management arrangements, the control environment and associated Anti Fraud and Corruption arrangements.
4. Seek assurance that action is being taken on risk related issues identified by auditors and inspectors.
5. Be satisfied that the Council's assurance statements (currently produced annually by all Heads of Service) and the Annual Governance Statement properly reflect the risk environment and any actions required to improve it.
6. Be satisfied that any Partnership that the Council enters into has robust Governance and Risk Management arrangements and that any risk to the Council from the Partnership is minimised.
7. Approve the Internal Audit Strategy and Plan (to ensure that there is adequate coverage) and monitor performance (assessing whether adequate skills and resources are available to provide an effective function).
8. Receive an interim and annual report from the Head of Internal Audit on work undertaken during the year.
9. To consider any issues brought to the attention of the Committee, or Chair and Vice-Chair, by the Chief Internal Auditor at any time during the year.
10. Consider reports of external audit and inspection agencies.
11. Ensure that there are effective relationships between external and internal audit and inspection agencies and other relevant bodies and that the value of the audit process is actively promoted.
12. Review the financial statements, including the suitability of accounting policies and treatments, provisions or adjustments.
13. Review the external auditors annual audit letter, any other reports and opinion and monitor management action in response to issues raised. (Also comment on the external auditors planned work programme.)
14. Promote and maintain high standards of conduct by Councillors and co-opted Members;
15. Assist the Councillors and co-opted Members, to observe the Members' Code of Conduct;

16. Advise the Council on the adoption or revision of the Members' Code of Conduct;
17. Monitor the operation of the Members' Code of Conduct;
18. Advise, train or arrange to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
19. Grant dispensations to Councillors and co-opted Members on requirements relating to interests set out in the Members' Code of Conduct;
20. Ensure arrangements are in place under which allegations of misconduct in respect of the members' Code of Conduct can be investigated and to review such arrangements appropriately;
21. Exercise (15) to (21) above in relation to the Parish / Town Councils wholly or mainly in its area and the Members of those Parish / Town Councils;

### **Advisory Panel**

1. The Governance and Ethics Committee shall be supported by an Advisory Panel of eight members comprising 2 members of the administration, 2 members of the opposition, 2 parish council representatives and 2 independent members (who shall not be Independent Persons)
2. The Advisory Panel shall be responsible for dealing with complaints where evidence of breach of the Code has been identified and shall report its findings to Standards Committee for formal decision.
3. The Advisory Panel shall be chaired by an Independent Member
4. The Advisory Panel will report its findings to the (name) Committee for formal decision.

# Agenda Item 5.

<b>Title of Report:</b>	<b>Standards Committee Annual Report 2014/15</b>
<b>Report to be considered by and Date of meeting</b>	Corporate Board – 24 March 2015 Management Board – 9 April 2015 Standards Committee – 20 April 2015 Council - 19 May 2015
<b>Forward Plan Ref:</b>	C2858

**Purpose of Report:** To present the Annual Standards Committee report to the Council.

**Recommended Action:**

1. Members are requested to note the content of the report.
2. Report to be circulated to all Parish/Town Councils in the District for information.

**Reason for decision to be taken:** There is no decision. The Council is encouraged to produce an annual report.

**Other options considered:** None

**Key background documentation:**

- 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 (Full Council December 2013).
- Quarter 1, 2 and Quarter 3 of 2014/15 Monitoring Officer's Reports to the Standards Committee

**Published Works:**

- Localism Act 2011

The proposals will help achieve the following Council Strategy principle:

**CSP7 - Empowering people and communities**

The proposals contained in this report will help to achieve the above Council Strategy principle by:

Ensuring that the activity of the Standards Committee be reported back to all District/Town and Parish Councillors

<b>Member Details</b>	
<b>Name &amp; Telephone No.:</b>	Councillor Peter Argyle – Tel (0118) 9376853
<b>E-mail Address:</b>	pargyle@westberks.gov.uk
<b>Date Member agreed report:</b>	11 March 2015

Contact Officer Details	
<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

- Policy:** Revised policy and changes to processes adopted at Council in May 2012 and reviewed in December 2013.
- Financial:** There are no financial issues arising from this report. All costs associated with the investigation of complaints are met from within existing budgets.
- Personnel:** There are no personnel issues associated with this report
- Legal/Procurement:** There are no legal issues arising from this report. The matters covered by this report are generally requirements of the Local Government Act 2000 in so far as appropriate and the Localism Act 2011 and its supporting regulations.
- Property:** None
- Risk Management:** 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.
- Equalities Impact Assessment:** 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.

<b>Is this item subject to call-in?</b>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" 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"/>



# Executive Summary

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## 1. Introduction

- 1.1 Following the enactment of the Localism Act 2011 the Council made a number of amendments to the Standards Regime. As part of the process it was agreed that quarterly update reports would be produced for the Standards Committee and that an annual report would be presented to full Council.

### *Membership*

- 1.2 Membership of the Standards Committee and Advisory Panel has remained stable over the previous Municipal Year. The only adjustment was that following the resignation of Councillor Peter Iveson as a Parish Councillor he was replaced on the Advisory Panel by Councillor Darren Peace.
- 1.3 In accordance with the regulations the Authority will need to re-consider the nominations for Independent Persons for the forthcoming Municipal Year.

### *Complaints*

- 1.4 During the 2014/15 Municipal Year 9 complaints about potential breaches of the Code of Conduct were submitted to the Monitoring Officer. Of these 9 complaints 7 pertained to Parish Councillors and 2 pertained to District Councillors. The table below sets out Action Taken on Complaints

<b>No Further Action</b>	<b>2</b>
<b>Other Action</b>	<b>3</b>
<b>Investigation</b>	<b>2</b>
<b>Withdrawn/ not progressed</b>	<b>1</b>
<b>TBC (Initial Assessment on 22 April 2015)</b>	<b>1</b>
<b>Total</b>	<b>9</b>

- 1.5 Two complaints were investigated. The findings of the investigator in relation to NPC4/14 were reported to the Advisory Panel on the 23 March 2015. Due to the fact that new information came to light after the agenda was published the matter was deferred to a later meeting. The other investigation in respect of NPC1/15 is still underway. The outcome of the Initial Assessment into NPC5/14 will be reported at the meeting.

- 1.6 The number of complaints at this stage remains low.

## 2. Proposals

- 2.1 Members are asked to note the report and agree that it be circulated to all Town and Parish Councils for information once its been adopted by Full Council in May 2015..

## 3. Equalities Impact Assessment Outcomes

- 3.1 The report does not require a decision and therefore no EIA is required.

# 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 locally 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 inform Members of any other activity that was taking place around the Standards regime. It would also provide a means of updating the Committee on the progress of investigations.
- 1.3 It was also agreed that an annual report would be presented to Full Council at the Annual meeting and that the year end report would be circulated to all Town and Parish Councils. The annual report would include the quarter four activity. This report also includes a look forward to the forthcoming Municipal Year.

## 2. Governance

- 2.1 The Council adopted a new Standards Regime to implement the requirements of the Localism Act 2011 and the Regulations made under that Act. This included the following documents which were approved at Full Council on the 10 May 2012:
  - New Terms of Reference for the Standards Committee and Advisory Panel;
  - A new Code of Conduct for West Berkshire District Councillors;
  - New outline complaints procedures for breaches of that code;
  - A new dispensations procedure.
- 2.2 The Council agreed to appoint a Standards Committee subject to the proportionality arrangements comprising six District Councillors together with two co-opted Parish Representatives.
- 2.3 The Council also agreed to appoint an Advisory Panel to deal with complaints and processes and report to the Standards Committee. The Advisory Panel would comprise two independent members, four District Councillors (not subject to proportionality arrangements) and two Parish Councillors. The Advisory Panel would also appoint two substitute Parish Councillors to ensure continuity and to build experience amongst the Parish Councillors.
- 2.4 At the time the new Code was adopted it was agreed that the Code of Conduct would be reviewed a year after its inception. A small task group was set up in the summer of 2013 to consider the Council's existing Code and to suggest amendments in line with good practice. A number of minor amendments to the existing Code of Conduct and existing procedures were suggested and the revisions were agreed at the December 2013 Council meeting.

### **3. Independent Persons**

- 3.1 Under Section 28 of the Localism Act 2011 the Council also 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 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. Two Independent Persons have therefore been appointed in order to ensure that a conflict situation does not arise.
- 3.2 James Rees and John Bingham were appointed as the Council's Independent Persons for the 2014/15 Municipal Year.
- 3.3 In accordance with the regulations the Authority will need to re-consider the nominations for Independent Persons for the forthcoming Municipal Year. The Independent Persons must be appointed through the process of public advertisement, application and appointment by Full Council. If required an interview process will be undertaken.
- 3.4 A person is not considered to be "independent" if:-
- (i) They are or have been, within the last five years, an elected or co-opted Member or officer of the Council or of any Parish Council's within this area. This also applies to committees or sub-committees of the various Councils.
  - (ii) They are a relative or close friend of a current elected, or co-opted, Member or officer of the Council or any Parish Council within its area, or any elected or co-opted member of any committee or sub-committee.
  - (iii) The definition of relative includes the candidate's spouse, civil partner, grandparent, child etc.
- 3.5 In addition The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have recently been enacted which require the Council to make changes to the Constitution to include certain provisions relating to the potential dismissal or disciplining of the Head of Paid Service, Monitoring Officer or S151 Officer. As part of the procedural changes required a panel needs to be set up to advise on matters relating to the dismissal of these Officers. The Act requires at least two Independent Persons who have been appointed under section 28(7) of the Localism Act 2011 to be appointed to the panel. The roles of the Independent Persons therefore needs to be updated for the 2015/16.

### **4. Standards Committee**

#### **4.1 *Role and Function***

The Standards Committee has the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting Councillors and co-opted Members, to observe the Members' Code of Conduct;

- (c) advising the Council on the adoption and subsequent revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted Members on requirements relating to interests set out in the Members' Code of Conduct;
- (g) ensuring arrangements are in place under which allegations of misconduct in respect of the Members' Code of Conduct can be investigated and to review such arrangements appropriately;
- (h) the exercise of (a) to (g) above in relation to the Parish / Town Councils wholly or mainly in its area and the Members of those Parish / Town Councils;

4.2 The District Councillors on the Standards Committee are representatives of both political groups within the Council but are subject to the proportionality rules. The Standards Committee is however politically neutral. The Standards Committee is expected to operate above party politics and its Members have the respect of the whole authority, regardless of their political party.

4.3 During 2014/15 the Standards Committee comprised the following Members:

- Peter Argyle; (Chairman) (Conservative);
- Adrian Edwards (Conservative);
- Virginia von Celsing (Conservative);
- Garth Simpson (Conservative);
- Mollie Lock (Liberal Democrat);
- Gwen Mason (Vice Chairman) (Liberal Democrat).

4.4 The Standards Committee has a special responsibility to the 56 Town and Parish Councils within the District. It is responsible for ensuring that high standards of conduct are met within the parishes and that all Parish and Town Councillors are aware of their responsibilities under their Codes of Conduct.

4.5 The District Councillors are therefore supported on the Standards Committee by two co-opted Parish Councillors who are appointed in a non-voting capacity. During 2014/15 the Standards Committee comprised the following Parish Councillors:

- Barry Dickens (co-opted non voting Parish Councillor)
- Chris Bridges (co-opted non voting Parish Councillor)

## **5. Advisory Panel**

5.1 The Advisory Panel is responsible for dealing with complaints where evidence of a breach of the Code has been identified by an independent investigator and reports its findings to the Standards Committee for formal decision.

5.2 The District Councillors on the Advisory Panel are representatives of both political groups within the Council and are not appointed in accordance with the proportionality rules. During 2014/15 the Advisory Panel comprised the following District Councillors:

- Quentin Webb;
- Andrew Rowles;
- Geoff Mayes;
- David Allen;

5.3 During the 2014/15 Municipal Year the following Parish Councillors were appointed to the Advisory Panel:

- Tony Renouf
- Peter Iveson (resigned during quarter 4)
- Darren Peace (replaced Peter Iveson in quarter 4)
- Lee Dillon (Parish Council Representative – Substitute)

During Quarter 4 Peter Iveson decided to stand down as a Parish Councillor and therefore from the Advisory Panel. The Monitoring Officer wrote to both of the substitutes on the Panel and it was therefore agreed that Darren Peace would replace him.

5.4 During the 2014/15 Municipal year the following Independent Member was appointed to the Advisory Panel:

- Mike Wall
- There is also a vacancy for a second Independent Person.

## **6. The Monitoring Officer**

6.1 In West Berkshire Council the role of the Monitoring Officer is a statutory post and rests with the Head of Legal Services. The Monitoring Officer has a key role in promoting and maintaining standards of conduct.

6.2 As well as acting as legal adviser to the Standards Committee and Advisory Panel, the Monitoring Officer carries out the following functions:

- reporting on contraventions or likely contraventions of any enactment or rule of law and reporting on any maladministration or injustice where the Ombudsman has carried out an investigation;
- establishing and maintaining registers of Members' interests and gifts and hospitality;
- maintaining, reviewing and monitoring the Constitution;
- advising Members and Parish Councillors on interpretation of the Code of Conduct;
- supporting the Standards Committee and Advisory Panel;
- conducting or appointing an external investigator to look into allegations of misconduct;
- performing ethical framework functions in relation to Parish Councils;
- acting as the proper officer for access to information;
- undertaking an initial assessment, in consultation with the Independent Person, when complaints relating to alleged breach of the Code of Conduct are received;

- making arrangements for relevant matters to be considered by the Standards Committee and Advisory Panel;
- advising whether Executive decisions are within the policy framework; and
- advising on vires issue and maladministration, and in consultation with the Section 151 Officer financial impropriety, probity, and budget and policy issues to all Members.

## **7. The Work of the Committee 2014 – 2015**

- 7.1 One of the functions of the Standards Committee is to oversee the Council's Constitution. The Committee was therefore asked to note that since May 2014 Part 3 (Scheme of Delegation), Part 7 (Regulatory and Other Committees, Part 9 (Budget and Policy Framework), Part 10 (Finance Rules of Procedure), Part 12 (Personnel Rules of Procedure), Part 13 (Codes and Protocols) Appendices C, I and J, have been amended.
- 7.2 No dispensations were requested or granted by the Standards Committee during the Municipal Year. The Monitoring Officer has granted a dispensation to Councillor Rick Jones to speak and vote on any items pertaining to Council Tax and a previously granted dispensation to the same effect remains in place for all Councillors.
- 7.3 No specific training needs were identified during the Municipal Year. 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.

## **8. District Council**

- 8.1 All elected Members of West Berkshire Council have completed the register of interests' forms and copies of those forms have been published on the Council's website as required by the legislation.
- 8.2 All Members are encouraged to check their forms to ensure that all relevant information is included and that any changes made since the form was completed are updated.
- 8.3 New interests paperwork will be issued to all Members post the May 2015 election.

## **9. Parish/ Town Councils**

- 9.1 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.

## **10. Local Assessment of Complaints**

### ***Quarter 1 (April to June 2014)***

- 10.1 During Quarter 1 of 2014/15 two complaints were received by the Monitoring Officer. Both complaints pertained to Parish Councillors (NPC1/14 and NPC2/14).

- 10.2 The Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC1/14 no further action should be taken.
- 10.3 Further clarity was sought in relation to complaint NPC2/14. Despite numerous requests the complainant did not stipulate which of the Parish Councillors he wished to complain about and as a consequence the matter could not be progressed

***Quarter Two (July to September 2014)***

- 10.4 During Quarter 2 of 2014/15 three complaints were received by the Monitoring Officer. Two complaints pertained to Parish Councillors (NPC3/14 and NPC4/14). The other complaint, while referring to a single incident, pertained to two different District Councillors (NDC2/14)
- 10.5 The Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC3/14 a potential breach of the Code of Conduct had occurred and as a consequence an advertisement was placed in a newspaper local to the Parish Council concerned. The outcome was also reported to the Parish Council and they were asked to notify all councillors of the outcome at the next Parish Council meeting and make a reference to the announcement in the minutes of that meeting.
- 10.6 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 initial findings of the investigator were reported to the Advisory Panel on the 23 March 2015. New information came to light after the agenda was published and as a result of this the panel agreed to defer consideration of that item until the matter could be more fully investigated.
- 10.7 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 made against one of the District Councillors. They did find, however, that the second Councillor had breached the District Council's Code of Conduct and as a consequence an advert was placed in a local newspaper, on the Council's website and the Councillor was asked to write a letter of apology to another Councillor.

***Quarter Three (October to December 2014)***

- 10.9 During Quarter 3 of 2014/15 one complaint was received by the Monitoring Officer. The Monitoring Officer in consultation with the Independent Person concluded that in respect of NPC5/14 *(To be updated at the meeting following the initial assessment on the 22 April 2015).*

***Quarter Four (January to March 2015)***

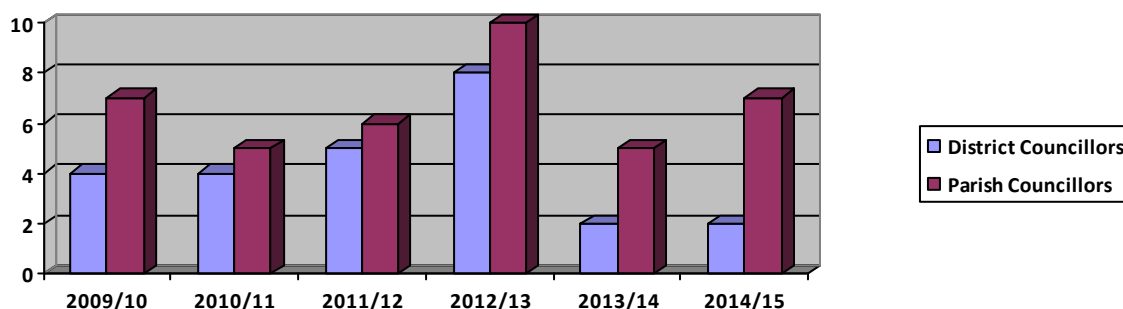
- 10.10 During Quarter 4 of 2014/15 two complaints were received by the Monitoring Officer. The Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC1/15 a potential breach of the Code of Conduct might have occurred and the matter was referred to an independent investigator to investigate. The matter is currently being investigated.
- 10.11 The Deputy Monitoring Officer, in consultation with the Independent Person, concluded that in respect of NPC2/15 that, based on the facts available there did not appear to be a breach of the Code of Conduct. However, on the facts, it was also

considered appropriate for the Monitoring Officer to write to the clerk of the Council concerned to offer some guidance.

## 11. Year on Year Comparison of Complaints

### 11.1 Table 1 Number of District and Parish Councillor Complaints Received 2009/10 to 2014/15

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
<b>District Councillors</b>	4	4	5	8	2	2
<b>Parish Councillors</b>	7	5	6	10	5	7
<b>Total</b>	11	9	11	18	7	9



11.2 With the exception of 2012/13 the number of complaints has remained relatively stable. The slight decline in numbers might be attributable to the changes to the sanctions which could be imposed as a result of the implementation of the Localism Act.

### Table 2 Action Taken on Complaints Received 2009/10 to 2013/14

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
<b>No Further Action</b>	1	3	6	11	3	2
<b>Other Action</b>	5	2	3	2	1	3
<b>Investigation</b>	5	4	2	2	0	2
<b>Withdrawn/ not progressed</b>	0	0	0	3	3	1
<b>TBC</b>	0	0	0	0	0	1
<b>Total</b>	11	9	11	18	7	9



### 11.3 Table 3 Outcome of Items Investigated 2009/10 to 2014/15

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
<b>Breach</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>?</b>
<b>No Breach</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>?</b>
<b>Outcome awaited</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>
<b>Total</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>

## 12. Gifts and Hospitality

12.1 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'. A copy of the register for 2014/15 is therefore attached at Appendix A to this report.

12.2 In essence Members are required 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 you received;*
- 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.

## 13. Conclusion

13.1 The number of complaints at this stage remains low. It could be as a result of improved behaviour amongst District and Parish Councillors or that complainants are less willing to instigate a complaint given the reduction in severity of sanctions that the Standards Committee are able to impose.

13.2 What is less uncertain is that the new regime has resulted in a significant reduction in the number of complaints that are investigated. This can be directly ascribed to the fact that the Monitoring Officer is able to request information from both the

complainant and the subject member prior to deciding on the appropriate course of action to take which enables a more complete assessment of the circumstances to be undertaken at an early stage in the process.

13.3 As the number of complaints at this stage remains low no specific training needs have been identified other than post May 2015 election induction training for new District and Parish/Town Councillors. Corporate Board has requested that the governance arrangements for the Standards Committee be revisited during the forthcoming Municipal Year.

## **Appendices**

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Appendix A – Register of Members Gifts and Hospitality for 2014/15

## **Consultees**

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**Local Stakeholders:** N/a

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

**Trade Union:** N/a

<b>Date Received</b>	<b>Member</b>	<b>Event</b>	<b>Offer</b>	<b>Value</b>	<b>Accepted?</b>
3.6.14	Hilary Cole	Performance of 'A Bunch of Amateurs' at Watermill 2.6.14	1 ticket		Yes
3.6.14	Hilary Cole	Farewell Cocktail Party - Denison Barracks 20.6.14			Yes
10.6.14	Adrian Edwards	Launch of Mercure Newbury Elcot Park Hotel on 6 June	Champagne and canapes, followed by lunch and wine	Approx £35	Yes
23.9.14	Hilary Cole	Newbury Agricultural Society on Saturday 20th September.	Lunch guest of President Entry into show and parking	Approx £40	Yes
3.11.14	Peter Argyle	Ticket for Manmade Boys Platform performance at The Corn Exchange, Newbury	Ticket and interval refreshments	£8 to the public	No
4.12.14	Roger Croft	Sovereign Housing's 25th Birthday lunch at The Vineyard	Set lunch	£50	Yes
5.1.15	Hilary Cole	Mr & Mrs Manley - constituents	3 bottles of wine and bunch of flowers	£30	Yes
2.2.15	Geoff Mayes	Christmas /New Year Meal from Padworth Parish Council	Meal	not exceeding £25	Yes
2.2.15	Mollie Lock	Christmas /New Year Meal from Padworth Parish Council	Meal	£21	Yes
17.2.15	Adrian Edwards	Opening of refurbished Lock Stock and Barrel pub	Non alcoholic drinks and food	£30 approx	Yes

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