

STANDARDS COMMITTEE MINUTES - 14 JULY 2009

Present: Mr J Hicks (Chair);
Councillors Bayes (for Councillor Beard), Byrne and Watson; Reverend
Canon Brian Shenton and Mrs T Barnes.

Apologies: Councillors Beard, Maskell, Skeats and Tickner.

RESOLVED ITEMS

1. MINUTES

The Minutes of the meeting held on 16 December 2008 were confirmed as a correct record and signed by the Chair.

2. TERMS OF REFERENCE AND ANNUAL REPORT

The Monitoring Officer submitted a report setting out the Committee's terms of reference and constitutional role for the Municipal Year 2009/2010, updating the Committee on developments and complaints during the Municipal Year 2008/2009 and looking forward to the current Municipal Year. Arrangements for the local assessment of complaints had become operable from 8 May 2008, and the Committee had agreed a new local assessment procedure and Complaints Procedure for the Council at its meeting on 15 July 2008. A publicity protocol to support these procedures was attached to the report for approval.

The report drew attention to the following relevant parts of the Council's constitution and other relevant documents, which were attached:

Appendix A - Article 9 - The Standards Committee (terms of reference)

Appendix B - Part 5 - Code of Conduct for Members

Appendix C - Part 5 - Local Assessment

Appendix D - Standards Committee - draft Press Protocol

Appendix E - List of Gifts/Hospitality Registered by Councillors 2008/2009

The terms of reference and constitutional and operational arrangements for the Committee were set out in Appendix A to the report. The report gave details of the role of the Committee in investigating and determining complaints, and set out the relevant parts of the Council's Constitution for the Committee's procedures for considering cases referred to it by the Standards Committee or Standards Board for local determination. The Committee's procedure for undertaking the initial local assessment of complaints, which had been agreed at the Committee's meeting on 15 July 2008 (Minute 2 refers), was set out in Appendix C to the report.

With regard to the Committee's membership, the report stated that for the past year the Committee's independent members had been John Hicks and Reverend Brian Shenton, who had been appointed in 2007, and Tina Barnes, who had been appointed in December 2008. The report noted that there was no limit to the number of independent members who could be on the Standards Committee, with a

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minimum of one quarter. The report also set out constraints that applied to independent members and gave details of the recruitment process.

The report gave details of the revised Reading Code of Conduct for Members, which had been adopted by full Council on 16 October 2007 (Minute 33 refers) following the issue of the Local Authorities (Model Code of Conduct) Order 2007 on 4 April 2007. With regard to interests, the report stated that, under the Code of Conduct, there were two interests that Members were required to declare at meetings: personal and prejudicial interests. The report noted that the requirement for a member with both a personal and prejudicial interests to declare both and leave the meeting room at which the matter was being discussed had been modified in the new Code to allow the Member to make representations, answers questions and give evidence before leaving, but only if members of the public were also allowed to speak.

In respect of complaints, since the Committee's meeting in July 2008 the Standards Board no longer received complaints directly; these were instead received by the Monitoring Officer. During the Municipal Year 2008/09, four formal written complaints had been received about Councillors, of which two had come from members of the public, one from an officer and one from a Councillor. In each case the report had been referred to the Assessment Sub-Committee for initial consideration, and the outcomes of each of these were set out in the report: in three cases the Sub-Committee had agreed to take no further action; the fourth complaint had been referred to the Monitoring Officer for investigation but the Consideration of Hearing Sub-Committee, which had received the investigating officer's report, had then agreed that there had not been a substantive breach of the Code of Conduct and no further action should be taken.

In each case the complaint had been considered by the Assessment Sub-Committee within 28 days of receipt and a Decision Notice had been issued to the complainant and the Councillor complained about. A brief Minute had been taken and published on the Council's website.

The report gave further details of one of the complaints, concerning the use of a personal blog site, where it had concluded that the action complained about fell outside the Code of Conduct because the Councillor was maintaining the blog site anonymously in a personal capacity. Nevertheless the Sub-Committee, and the independent members in particular, had expressed strong reservations about the wording and content of the website, which they considered to be inconsistent with the general principles of Council service contained in the Code. The Sub-Committee had, therefore, directed the Monitoring Officer to draw it to the attention of the Standards Board for England. The response from the Standards Board was set out in the report, and expanded on by the Monitoring Officer at the meeting.

The report also set out details of operational issues relevant to the Committee. These included a proposal to run a further training session in autumn 2009 on the

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Code of Conduct, Interests and Local Protocols. The Committee had held a special meeting on 16 December 2008 on Government proposals to amend the current Code of Conduct for Members, made in a consultation paper issued by the Department for Communities and Local Government (DCLG) under the 'Communities in Control' agenda. It had been proposed to implement a revised Member Code in time for the local elections in June 2009, but this had not yet happened. The DCLG was proposing amendments in two areas:

- To clarify the application of the Code to Members' conduct in their non-official capacity, following the Collins High Court judgement with regard to Ken Livingstone in 2006;
- To review the general principles governing the conduct of Local Authority members, and to add a new principle (duty to abide by the law) which would apply the Code to a Member acting in a non-official capacity and where the Member's conduct would constitute a criminal offence.

The report also gave details of training events that members of the Committee, the Head of Legal Services and the Monitoring Officer had attended. In addition, during the winter of 2008/2009 the Council had commissioned the Local Government Information Unit to do a training analysis of Councillor development needs in Reading. This had included seeking views from Councillors through questionnaires and interviews. The resultant analysis had showed a positive response on training related to the Code of Conduct and probity, with good recognition of and confidence in these important areas. Nevertheless, the report had highlighted the issue of the Council's reputation and the need for training interventions to help Councillors understand the impact of their actions on the perception and reputation of the Council overall.

The Register of Gifts and Hospitality offered to Councillors in the financial year 2008/09 was attached to the report at Appendix E.

The Committee discussed the report and the points raised included the following:

- The Committee expressed their thanks for the clear and concise nature of the reports that the Monitoring Officer had submitted to the Assessment Sub-Committees that had been held during the Municipal Year 2008/09;
- It was noted that it would be helpful for all agendas to feature Declarations of Interest as the first agenda item, as was currently the case for the Planning Applications Committee, Licensing Applications Committee and Licensing Applications Sub-Committees, to provide a more consistent approach;
- The Committee discussed a variety of scenarios concerning personal and prejudicial interests and predetermination, and noted that care needed to be taken in relation to issues such as planning and licensing applications. The Committee noted that it was important for all Councillors to seek advice from the Monitoring Officer in relation to these matters;

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- The Monitoring Officer also provided clarification to the Committee on a number of points concerning the process for considering complaints against Councillors through local determination.

Resolved -

- (1) That the Committee's terms of reference and constitutional role be noted;
- (2) That the Standards Committee draft Press Protocol be agreed, to be reviewed in one year's time;
- (3) That the list of gifts and hospitality registered by Members in the financial year 2008/09 be received;
- (4) That the Chair present these Minutes to the next full Council meeting on 13 October 2009, and use that meeting to present to all Councillors matters of concern to the Committee;
- (5) That the Council be recommended to adopt the practice of including a standing "Declaration of Interests" agenda item at the beginning of all meetings involving Councillors, including the Standards Committee;
- (6) That the Committee record their thanks for the clear and concise nature of the reports that had been submitted to the Assessment Sub-Committees during the Municipal Year 2008/09
- (7) That all Councillors be encouraged to seek advice from the Monitoring Officer in relation to specific issues of personal and prejudicial interests and predetermination.

(The meeting commenced at 6.30pm and closed at 7.15pm).

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