

STANDARDS COMMITTEE MINUTES - 21 JULY 2011

Present: Mr J Hicks (Chair);
Mrs T Barnes;
Councillors Beard, Livingston, Rynn, Warman (in place of Councillor Skeats) and Watson;
Apologies: Councillor Skeats and Reverend Canon Brian Shenton.

RESOLVED ITEMS

1. MINUTES

The Minutes of the meeting held on 13 July 2010 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 2011/2012, updating the Committee on developments and complaints during the Municipal Year 2010/2011 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. The Committee had agreed a publicity protocol to support these procedures on 14 July 2009 and adopted an updated Local investigation Procedure on 13 July 2010. Over the past year, the Local Determination Procedure document had been re-drafted to align it with the Local Determination Procedures.

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 - Complaints about Councillors Procedure
Appendix D - Local Determination Procedure (Revised)
Appendix E - Schedule of Complaints
Appendix F - Social Media Protocol
Appendix G - Maintaining High Ethical Standards in Government - Briefing Paper
Appendix H - List of Gifts/Hospitality Registered by Councillors 2010/2011

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 report stated that, when considering a complaint, the test that must be applied was whether there had been a breach of the Members' Code of Conduct a copy of which was appended at Appendix B.

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The Committee's local determination procedure, which had been originally agreed at the Committee's meeting on 1 February 2005, had been revised to reflect the introduction of local assessment procedure. The revised version of the procedure was attached at Appendix D to the report for formal adoption. In addition, a promotional leaflet and application form to assist complainants to access the process was attached at 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 minimum of one quarter. The report also set out constraints that applied to independent members.

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, answer questions and give evidence before leaving.

During the Municipal Year 2010/11, the Monitoring Officer had received 23 formal written complaints about Councillors, of which 13 had come from members of the public and ten from Councillors. 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: the Sub-Committee had found a breach of the Member Code of Conduct in five of the complaints. The Sub-Committee had decided to take no further action in 15 of the complaints and on one occasion the complainant had asked for a review of the decision. The Assessment Review Sub-Committee had therefore met and had also concluded that there was no breach of the Code of Conduct and no further action was warranted. Additionally, the Consideration of Hearing Sub-Committee had met to consider the investigation of a complaint made in the 2009/10 Municipal Year, which convened a Hearing Sub-Committee to deal with the complaint on 13 December 2010.

The Monitoring Officer reported that a high proportion of the complaints had been about actions of councillors' use of social media. The Chair of the Committee had commented that he had been deeply concerned about the number of complaints that had been received this year and the nature of the actions that had been the subject of the complaints, both of which could portray the Council in a bad light. During the year, at the request of the Sub-Committees, the Monitoring Officer had written to Group Leaders and Councillor White regarding the importance of declaring interests; the definition of "close associate"; "dual-hatted" membership of bodies; and most significantly the importance of behaving appropriately at Council meetings. In relation to the concerns about Councillors' use of social media, the Monitoring Officer, in conjunction with the Group Leaders, developed a

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social media protocol for the authority, which was attached at Appendix F to the report.

The report drew attention to the Government's proposal, contained within the Localism Bill, to abolish the Standards Board regime. The Bill would remove the statutory requirement for local authorities to have a Standards Committee, revoke the Model Code of Conduct, and abolish Standards for England and the current statutory facility for disqualification through the First-Tier Tribunal. Local authorities would be able to continue to appoint Standards Committees, and have their own voluntary Members' Code, but these would not have any statutory status. Therefore, the Standards Committee of the future would only be able to censure Members, but would not be able to suspend. A briefing paper, *Maintaining High Ethical Standards in Local Government*, issued by the Local Government Group and the Association of Council Secretaries and Solicitors, which summarised the legislative changes affecting standards in the Localism Bill, and exploring future options for taking forward a non-statutory standards regime in local government, was attached to the report at Appendix G.

The report also set out details of operational issues relevant to the Committee. The report also gave details of training events that members of the Committee and their deputies had attended.

The Register of Gifts and Hospitality offered to Councillors in the financial year 2010/11 was attached to the report at Appendix H.

Resolved -

- (1) That the Committee's terms of reference and constitutional role be noted;
- (2) That the revised Local Determination Procedure, as set out in Appendix D to the report, be adopted;
- (3) That the new Social Media Protocol, as set out in Appendix F, be endorsed;
- (4) That the Government's proposals to abolish the statutory Standards Board regime and the implications of this for maintaining high ethical standards in local government, as explored in the LGG/ ACSeS briefing note, attached to the report at Appendix G, be noted, and Council be recommended that:
 - (a) a local standards committee be established to replace the statutory body on its abolition, comprising both elected councillors and independent members;
 - (b) a local code of conduct for elected councillors be retained;
 - (c) a local standards procedure be developed involving political Group disciplinary processes and subsequent referral to a standards committee where the complainant remained

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dissatisfied with the outcome, which could be in public where the Standards Committee felt this was appropriate;

- (5) That the list of gifts and hospitality registered by Members in the financial year 2010/11, as set out in Appendix H to the report, be received;
- (6) That the Vice-Chair present a report to the next full Council meeting on 18 October 2011 on behalf of the Chair, and use that meeting to present to all Councillors matters of concern to the Committee, and the recommendations set out in (4) above;
- (7) That the Chair meet separately with the Chief Executive and individual Group Leaders to highlight issues that had been considered by the Standards Committee and to encourage the ongoing generally good observance of the Members' Code of Conduct by Reading's Councillors.

(The meeting commenced at 6.30pm and closed at 7.25pm).

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