



# **WOKINGHAM BOROUGH COUNCIL**

## **Standards Committee**

### **Annual Report**

**2023/24**

Submitted to the Council – March 2024

## **Introduction by Morag Malvern, Chair of the Standards Committee**

I am pleased to present the Annual Report of the Standards Committee for 2023/24.

The main aim of the Standards Committee is to promote and maintain the highest standards of conduct by elected Members representing the Borough, Town and Parish Councils. Local government impacts the lives of residents every day, providing essential services to those it serves. High standards are required in order to demonstrate that key decisions are taken in the public interest and to maintain public confidence in elected Members and officers. Doing things in the right way and in the public interest is critical for public confidence in the bodies that operate on the public's behalf and supports the delivery of essential public services.

Members' conduct should be underpinned by the ethical standards summarised in the seven principles of public life, also known as the Nolan Principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles are the basis of the ethical standards expected of public office holders.

The Standards Committee met four times during the year and focussed on ensuring that the Borough Council's policies, as set out in the Member Code of Conduct, were up-to-date, understood and underpinned by best practice. Bearing in mind the significant ongoing challenges facing the Borough, Town and Parish Councils over the year, I am pleased to report that the level of Code of Conduct complaint activity in 2023/24, although showing an increase, still remained at a relatively low level.

At each meeting, the Committee focussed on a specific aspect of the Standards regime in order to ensure that Members were up to speed and aware of the latest developments. The Committee also considered national initiatives including the LGA's Debate Not Hate Campaign and the report of the Jo Cox Civility Commission. Members were keen to ensure that the Committee was aware of new initiatives aimed at ensuring that best practice principles were being adopted, especially at a time when the temperature of political discourse, both nationally and locally, had been raised.

The work of the Standards Committee is supported by three Independent Persons who, as the name suggests, provide an independent perspective to the Borough Council's Monitoring Officer in relation to Code of Conduct complaints. Sadly, one of the Independent Persons – Nick Oxborough – died during the year whilst another – David Comben – has indicated that he will step down from the role following 20 years' service. I would like to record the Committee's thanks for the sage advice provided by Nick and David over many years.

Finally, I would like to record my thanks to the Borough, Town and Parish Members and officers who contributed to the work of the Committee during the year.

**Morag Malvern  
March 2024**

## 1.0 What does the Standards Committee Do?

The role of the Standards Committee is to promote, monitor and enforce probity and ethical standards amongst elected Members within the Wokingham Borough, including Town and Parish Councillors. The Localism Act 2011 removed the requirement for a national code of conduct and statutory Standards Committees. The Act introduced a locally focussed “light touch” framework for the adoption of a Member Code of Conduct, and processes for the receipt and consideration of complaints. Although not obliged to do so under the terms of the Localism Act, Wokingham Borough Council decided to maintain a dedicated Standards Committee.

In addition to maintaining an overview of Code of Conduct complaints against Wokingham Borough Council Members, the Committee is also responsible for overseeing complaints against Town and Parish Councillors. The Committee discharges this duty through regular consideration of update reports from the Monitoring Officer who is responsible for deciding on and dealing with complaints, except for those which are required to be referred to a Hearing Panel of the Standards Committee.

If the complaints process determines that a Town/Parish Councillor is in breach of the Code of Conduct, recommendations will be submitted to the relevant Town/Parish Council as to the appropriate sanction. However it is for the Town/Parish Council to decide what action is to be taken.

### Role and Functions

The Standards Committee has the following role and functions:

- a) promoting and maintaining high standards of conduct by elected Members, co-opted members and officers;
- b) assisting the elected Members and co-opted members to observe the Member Code of Conduct;
- c) advising the Council on the adoption or revision of its Member Code of Conduct;
- d) monitoring the operation of the Member Code of Conduct, the Officer Code of Conduct, the Council’s Whistleblowing Policy and any other appropriate codes of conduct and procedures;
- e) advising, training or arranging to train elected Members and co-opted members on matters relating to the Members’ Code of Conduct;
- f) the exercise of (a) to (e) above in relation to the Parish/Town Councils in the Borough and the members of those Parish/Town Councils;
- g) the presentation of an annual report by the Chair of the Standards Committee to Council.

## 2.0 The Nolan Principles of Public Life

As mentioned earlier, elected Members should seek to carry out their duties in line with a set of principles known as the Nolan Principles. In 1994, Prime Minister John Major established the Committee on Standards in Public Life, chaired by Lord Nolan. The Committee's first report established a set of seven guiding principles for conduct in public life.

The Principles of Public Life apply to anyone elected or appointed to public office, nationally and locally, and everyone appointed to work in local government, the Civil Service, police, courts and probation service, etc. All public office-holders are both servants of the public and stewards of public resources.

The seven Nolan Principles are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Building on the Nolan Principles, the Local Government Association (LGA) has developed the following general principles specifically for the role of elected Member. In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully

- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of elected Member.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### 3.0 **Who Sits on the Standards Committee?**

The Committee is made up of seven Wokingham Borough Council Members. These Members are voting members of the Committee and are appointed on the basis of political proportionality. An elected Member from Wokingham Borough Council chairs the Committee. The Committee also includes three, non-voting, Town and Parish Council representatives. The 2023/24 membership of the Committee was:

#### **Wokingham Borough Council Representatives:**

- Morag Malvern (Chair)
- Rachel Burgess (Vice-Chair)
- Sam Akhtar
- Keith Baker (part year)
- Phil Cunnington
- Graham Howe
- Imogen Shepherd-Dubey
- Caroline Smith

#### **Town and Parish Council Representatives**

- Sally Gurney (Wokingham Town Council)
- Jackie Jagger (Twyford Parish Council)
- Sheena Matthews (Earley Town Council)

### 4.0 **Independent Persons**

Under the terms of the Localism Act 2011, Wokingham Borough Council is required to appoint an Independent Person (a member of the public, not a Council Officer or elected Member) whose views must be sought before a Hearing Panel of the Standards Committee takes a decision on an allegation.

The Independent Person's views may also be sought on an allegation prior to that stage. In addition, a Member who is subject of an allegation may seek the views of an Independent Person. Two people are currently acting in the Independent Person role, with one vacancy.

- David Comben
- Paddy Haycocks

- Vacancy

An Independent Person cannot sit as a member of the Standards Committee, but may attend meetings with the same rights as a member of the public.

As outlined above, there will shortly be two vacancies for the Independent Person role. A recruitment process will be undertaken to restore the full complement of Independent Persons for the 2024/25 Municipal Year.

## 5.0 **Who Supports the Standards Committee?**

The Committee is supported by:

- Andrew Moulton, Assistant Director, Governance and Monitoring Officer
- Neil Allen, Head of Legal and Deputy Monitoring Officer
- Neil Carr, Democratic and Electoral Services Specialist

## 6.0 **Standards Committee Activity in 2023/24**

During the 2023/24 Municipal Year, 19 Code of Conduct complaints were received – 18 relating to Borough Members and one relating to a Parish Council Member. The Standards Committee considered an update report on the complaints and investigations at each of its meetings. The complaints included:

- alleged failure to declare a prejudicial interest;
- a number of complaints relating to the content of posts on social media;
- alleged use of inappropriate language in an informal meeting;
- a number of complaints alleging disrespect shown to complainants at public meetings.

Of the 19 complaints received, no action was taken in nine cases, one was withdrawn and eight were still under consideration by the Monitoring Officer, in liaison with the Independent Person. In the other case, following an investigation it was concluded that there had been a breach of the relevant “respect” clause of the Code of Conduct. The matter was reported to the Borough’s full Council meeting in November 2023.

As agreed previously, in cases where no action was taken, the complainant and other interested parties received a detailed explanation of the reasoning behind the decision.

At the October 2023 meeting of the Committee, Members asked if there were any trends relating to Member to Member complaints along party lines. It was confirmed that of the 17 complaints received in the year to October, six were submitted by WBC Members. There was no discernible pattern with complaints being from more than one political group. Members also asked whether individuals were making multiple complaints. In 2023/24 there was no evidence of multiple complaints. There were, however, three examples of incidents leading to multiple complaints from different complainants. This could be a factor in the increased number of complaints received compared to previous years.

It is worth reiterating that the number of complaints received should be seen in the context of there being 54 Borough Council Members and over 200 elected Members of Town and Parish Councils across the Borough. Whilst recognising that the level of complaint activity in 2023/24 was relatively low, the Committee continues to recognise the importance of dealing with every complaint seriously and expeditiously.

In addition to discussing complaints activity, the Committee also considered the following issues and national campaigns:

- LGA Debate Not Hate Campaign – the campaign believes that serving in public office is both a privilege and a responsibility. It is working to challenge the abuse local politicians face within the public and political discourse, abuse that can have a negative impact on councillors, their families and local democracy. Through the project, researchers identified key challenges to supporting councillors with these issues, principles for councils to consider, and top tips and good practice case studies to help councils better support councillors prevent and handle abuse and intimidation. The three key challenges were:

Challenge 1: Councillors feel vulnerable to abuse and ill-equipped or supported to handle abuse, harassment and intimidation. Councillors are informed of their risk but have limited knowledge of tools for effective conflict resolution and aftercare.

Challenge 2: Lack of clear process around reporting instances of abuse, harassment and intimidation to the council. Councillors do not know who to turn to when an incident occurs. There is limited understanding about the role and help that supporting officers can provide.

Challenge 3: There is uneven engagement and response from the police to abuse and harassment of councillors. Some police forces are sympathetic, some others are not or consider low-risk abuse as something insignificant. There is limited advice tailored for elected Members in local politics and, on occasions, a lack of understanding of why they need special measures.

In order to understand the issue locally, the Committee commissioned a survey of Wokingham BC Members, with the results due for consideration at the March 2024 meeting. It was then proposed to roll-out the survey to the Town and Parish Councils in the Borough.

- Jo Cox Civility Commission – The Commission takes as its starting point the belief that abuse and intimidation is having a detrimental impact on democracy in the UK. However, addressing the issue is complex and required action across different sectors. The Commission's report made a number of recommendations covering police and security, Parliaments, local government, elections and social media. The recommendations for local government were that:
  - Local authorities should improve risk planning for abuse at council meetings and other events, ensuring high risk events are properly resourced with adequate security;
  - Police should be involved where appropriate and particularly where there is a risk to democratic engagement;

- Councils should pass Motions affirming the principles to address abuse and model good behaviour from the Debate Not Hate toolkit;
- Security and wellbeing resources should be made available for elected Members, with a dedicated point of contact for the escalation of any issues.

## **7.0 LGA Model Code of Conduct**

In December 2020, the Local Government Association (LGA) published a Model Code of Conduct. All councils were required to adopt a local Member Code of Conduct and the Model Code was provided for use by councils as a template to adopt in whole and/or with local amendments should they wish to. It is the role of the Standards Committee to determine whether to recommend the Model Code, amended or otherwise, to full Council for inclusion in the Council's Constitution. Council subsequently agreed to adopt the LGA Model Code with variations proposed by the Standards Committee. The Code of Conduct is subject to continuous review by the Committee.

## **8.0 Standards Committee – Future Actions**

The Standards Committee will continue to make further improvements to the Code of Conduct and its supporting procedures in order to ensure continuous improvement in line with best practice. In so doing it will seek to maintain the credibility and good governance of the Borough, Town and Parish Councils.

The Committee will commission further training and support, as necessary, to underpin high standards of ethical behaviour by elected Members and officers across the Borough. Members will continue to receive training on specific aspects of the Code of Conduct, such as the use and mis-use of social media, to ensure that it remains a living document.

The Committee is keenly aware that high standards of behaviour help to build trust in elected representatives which is crucial to the democratic process. The Committee aims to ensure that the highest standards of behaviour are delivered and complaints are kept to a minimum. Any complaints received, however, will be investigated robustly and fairly within the agreed timeframe.