



# WOKINGHAM BOROUGH COUNCIL

A Meeting of the **STANDARDS COMMITTEE** will be held at the Civic Offices, Shute End, Wokingham Civic Offices, Shute End, Wokingham RG40 1BN on **WEDNESDAY 16 MARCH 2016 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Andy Couldrick', written in a cursive style.

Andy Couldrick  
Chief Executive  
Published on 8 March 2016

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## **Our Vision**

***A great place to live, an even better place to do business***

### ***Our Priorities***

**Improve educational attainment and focus on every child achieving their potential**

**Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth**

**Ensure strong sustainable communities that are vibrant and supported by well designed development**

**Tackle traffic congestion in specific areas of the Borough**

**Improve the customer experience when accessing Council services**

### ***The Underpinning Principles***

**Offer excellent value for your Council Tax**

**Provide affordable homes**

**Look after the vulnerable**

**Improve health, wellbeing and quality of life**

**Maintain and improve the waste collection, recycling and fuel efficiency**

**Deliver quality in all that we do**

## MEMBERSHIP OF THE STANDARDS COMMITTEE

### Councillors

Rob Stanton (Chairman)	Pauline Helliar-Symons (Vice-Chairman)	Chris Bowring
Ken Miall	Malcolm Richards	Beth Rowland

### Parish/Town Council Representatives

Roger Loader	Roy Mantel
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ITEM NO.	WARD	SUBJECT	PAGE NO.
18.		<b>APOLOGIES</b> To receive any apologies for absence.	
19.		<b>MINUTES OF PREVIOUS MEETING</b> To confirm the Minutes of the Meeting held on 19 January 2016.	5 - 6
20.		<b>DECLARATION OF INTEREST</b> To receive any declarations of interest.	
21.		<b>PUBLIC QUESTION TIME</b> To answer any public questions.  A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice.  The Council welcomes questions from members of the public about the work of this Committee.  Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to <a href="http://www.wokingham.gov.uk/publicquestions">www.wokingham.gov.uk/publicquestions</a>	
22.		<b>MEMBER QUESTION TIME</b> To answer any Member questions.	
23.		<b>PARISH / TOWN COUNCIL QUESTION TIME</b> To answer any questions from Parish/Town Councillors.	
24.		<b>UPDATE ON COMPLAINTS AND FEEDBACK</b> To consider the latest update on complaints.	7 - 10

- 25. TOWN AND PARISH REPRESENTATION ON THE STANDARDS COMMITTEE** 11 - 12  
To consider a report which seeks to clarify the role of Town/Parish representatives on the Standards Committee.
- 26. STANDARDS COMMITTEE ANNUAL REPORT 2015/16** 13 - 18  
To consider the Standards Committee's Annual Report for the Municipal Year 2015/16.

**Any other items which the Chairman decides are urgent.**

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

**CONTACT OFFICER**

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**MINUTES OF A MEETING OF THE  
STANDARDS COMMITTEE  
HELD ON 19 JANUARY 2016 FROM 7.00 PM TO 8.10 PM**

**Committee Members Present**

Councillors: Rob Stanton (Chairman), Chris Bowring, Ken Miall and Malcolm Richards

**Other Councillors Present**

Councillors: UllaKarin Clark

**Officers Present**

Neil Carr, Principal Democratic Services Officer  
Andrew Moulton, Head of Governance and Improvement Services  
Mary Severin, Borough Solicitor and Deputy Monitoring Officer

**10. APOLOGIES**

Apologies for absence were submitted by Councillors Pauline Helliard-Symons and Roger Loader.

**11. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 29 July 2015 were confirmed as a correct record and signed by the Chairman.

**12. DECLARATION OF INTEREST**

There were no declarations of interest.

**13. PUBLIC QUESTION TIME**

There were no public questions.

**14. MEMBER QUESTION TIME**

There were no Member questions.

**15. PARISH / TOWN COUNCIL QUESTION TIME**

There were no Parish/Town questions.

**16. CODE OF CONDUCT - ADDITIONAL GUIDANCE**

The Committee considered a report, set out on Agenda pages 9 to 15, which provided guidance for Councillors and members of the public on a range of behaviours contained in Paragraph 9.2.8 of the Code of Conduct. These behaviours were bullying and intimidation, blogging, social networking and use of social media.

Appendix 1 of the report provided draft guidance on bullying and intimidation (Paragraph 9.2.8.2 of the Code of Conduct). An amended version of Appendix 1 was circulated to the Committee. The guidance included an ACAS definition of bullying which Members discussed. Members felt that an appropriate definition of bullying was "offensive, intimidating or malicious behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient". The report contrasted bullying with robust legitimate challenge which a Member could make in examining policy or scrutinising performance. The Committee felt that effective Members and Officers welcomed robust challenge as a key part of the democratic process.

Appendix 2 of the report provided draft guidance on blogging, social networking and the use of social media. The guidance stated that, under the Human Rights Act 1998, everyone has a right to hold opinions and impart information and ideas. However, attached to that right were duties and responsibilities involving the protection of the reputation or rights of others. The guidance was designed to advise Members of the legal issues surrounding public statements.

The report noted that blogging and social networking were excellent communication tools. However, it was important to comply with the Code of Conduct and any relevant legal requirements. It was also important to note that the ethical use of online social media was not limited to those aspects covered in the Code. Consequently, Members should be aware of the potential for negative publicity for both themselves and the Council. The report set out examples of negative behaviour from Members across the country which had resulted in public censure, reputational damage and, in the most extreme cases, disqualification. Members stated that the proposed guidance would be useful in establishing boundaries for behaviour, but it was important to note that any cases would be considered on their merits.

**RESOLVED:** That

- 1) the guidance on Bullying and Intimidation (Appendix 1 to the report), as revised, be recommended to the Constitution Review Working Group for adoption by the Council;
- 2) that the definition of Bullying and Intimidation, agreed by the Committee, be included in the guidance in Appendix 1;
- 3) that the guidance on Blogging, Social Networking and the use of Social Media be circulated to all Members for information, with a covering note from the Chairman and Monitoring Officer;
- 4) that the guidance in Appendix 1 and 2 be included in the new Member training programme following the May elections.

## **17. UPDATE ON COMPLAINTS AND FEEDBACK**

The Committee considered a report, set out at Agenda pages 17 to 20, which provided feedback on the operation of the Member Complaints process since the previous meeting. The report stated that, since the previous meeting of the Committee, one new complaint had been received. Details of the complaint were set out in the Appendix to the report. The complaint related to a long-running dispute between the complainant and the Council over the filming of meetings and the transparency with which the Council conducts its business. The report stated that following investigation of the complaint and a meeting between the Chairman, Monitoring Officer and an Independent Person, it was decided that no further action should be taken. In the meantime, all other cases reported to the Committee had been concluded.

Andrew Moulton, Monitoring Officer, reported that he would be writing to Members in the near future to remind them of the need to update the Register of Members' Interests. Members supported this action and confirmed the importance of keeping the Register up to date.

**RESOLVED:** That the update report on Complaints be noted.

# Agenda Item 24.

ITEM NO:

<b>TITLE</b>	<b>Update on Complaints and Feedback</b>
<b>FOR CONSIDERATION BY</b>	Standards Committee on 16 March 2016
<b>WARD</b>	None Specific
<b>DIRECTOR</b>	Andrew Moulton, Head of Governance and Improvement Services

## **OUTCOME/BENEFIT TO THE COMMUNITY**

To inform and feedback results of the Member Complaints process.

## **RECOMMENDATION**

To note the report.

## **SUMMARY OF REPORT**

Since the last meeting of the Committee on 19 January there have been three new complaints received. Details are provided at Appendix A.

All other cases previously reported have been concluded.

## Background

Under Section 9.1.13.5 of the Council's Constitution, the Monitoring Officer provides a report to the Standards Committee, on a quarterly basis, which contains the following: the number and nature of complaints received; progress on any investigations and associated costs; and identification of areas where training or other action might avoid further complaints. However the name(s) of the Member(s) will not be disclosed.

Since the last meeting of the Committee on 19 January 2016, there have been three new Code of Conduct complaints received.

Under the Council's adopted policy for the consideration of Code of Conduct Complaints, the Monitoring has delegated authority to decide whether the complaint:

- a) can be resolved informally i.e. by mediation with the two parties before making a decision on whether the complaint merits formal investigation;
- b) requires investigation;
- c) should be referred to the Standards Committee;
- d) no further action should be taken.

<b>Reasons for considering the report in Part 2</b>
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If the Committee decides to discuss the specifics of individual cases it may be necessary to consider excluding the public if that would involve the disclosure of exempt information.
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<b>List of Background Papers</b>
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None.
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<b>Contact</b> Andrew Moulton	<b>Service</b> Governance & Improvement Services
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<b>Date</b> 2 March 2016	<b>Version No.</b> 1

### Appendix A - Code of Conduct Complaints – Outcome of Complaints

Date Received	Council	Summary of Complaint	Conclusion	Date Concluded
2/2/16	WBC & WTC	The complaint relates to the conduct of a Member in the lead up to a recent by-election of Wokingham Town Council (WTC). An investigation has been commissioned into the allegations.	Ongoing	Not applicable
2/2/16	WBC	The complaint relates to the conduct of a Member in the lead up to, during and after a media interview. An investigation has been commissioned into the allegations.	Ongoing	Not applicable
17/2/16	WTC	The complaint relates to the alleged non declaration of an interest by a Member. An initial decision is due to be taken by the Monitoring Officer on 14 March in consultation with the Chair of the Standards Committee and an Independent Person. A verbal update on the outcome of the meeting will be provided to the Committee.	Ongoing	Not applicable

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ITEM NO:

<b>TITLE</b>	<b>Town &amp; Parish Council Representation on The Standards Committee</b>
<b>FOR CONSIDERATION BY</b>	Standards Committee on 16 March 2016
<b>WARD</b>	None Specific
<b>DIRECTOR</b>	Andrew Moulton, Head of Governance and Improvement Services

## OUTCOME/BENEFIT TO THE COMMUNITY

To update and clarify the requirements for representation of Parish/Town Councilors on the Standards Committee.

## RECOMMENDATION

To recommend to Council via the Constitution Review Working Group (CRWG) that Rule 9.1.1b) of the Constitution be amended as follows:-

- “b) three co-opted non-voting Parish Members. Of the three Members, at least one Member should be a member of a Parish Council and at least one should be a member of a Town Council. ***Town/Parish Councillors who are also Members of Wokingham Borough Council will not be eligible to be considered for these co-opted roles.*** The process for appointing Town and Parish Council representatives shall be overseen by the Monitoring Officer and the Independent Person and any recommended appointment agreed by the Council.

## SUMMARY OF REPORT

The Leader of the Council has requested that the Committee consider whether it is appropriate for Member representatives of Town/Parish Councils on the Standards Committee to also be Members of Wokingham Borough Council.

At present there is no provision in the Constitution to prevent a “dual hatted” Member (i.e. Parish/Town councilor and Borough Councillor) from being a Parish/Town Council representative.

The Committee is advised that there may be a perceived conflict of interest if a Parish/Town Councilor representative on the Committee was also a Borough Councillor, and it may therefore be confusing to the public. To avoid any such perception, it is recommended that the Constitution is amended to clarify the process for appointing Town and Parish representatives as set out in the recommendation.

## Background

Under the current constitution, the Standards Committee is composed of:-

a) six elected Members of Wokingham Borough Council. The composition of which will be subject to the rules of Political Balance and only one of those elected can be a Member of the Executive. The Leader of the Council is not entitled to be a Member of the Standards Committee. One of these Members will be elected as Chairman at Annual Council.

b) three co-opted non-voting Parish Members. Of the three Members, at least one Member should be a Member of a Parish Council and at least one should be a Member of a Town Council. The process for appointing Town and Parish Council representatives shall be overseen by the Monitoring Officer and the Independent Person.

The specific role of the Parish/Town Council Members is to be present when matters relating to Parish/Town Councils or their Members are being considered.

Of the three Parish/Town positions on the Committee, two are currently filled. Neither of these Parish Councillors are Borough Councillors. There is currently a vacancy for the Town Council representative.

<b>Reasons for considering the report in Part 2</b>	
Not applicable.	
<b>List of Background Papers</b>	
None.	
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<b>Date</b> 4 March 2016	<b>Version No.</b> 2



# **WOKINGHAM BOROUGH COUNCIL**

## **Standards Committee**

### **Annual Report**

**2015/16**

Submitted to the Council – March 2016



## **Introduction by Rob Stanton, Chairman of the Standards Committee**

I am pleased to present the Annual Report of the Standards Committee for 2015/16.

The Standards Committee met four times during the year and continued to focus on the maintenance of the highest standards of conduct by elected representatives of the Borough, Town and Parish Councils.

The main role of the Committee is to ensure that the Borough Council's policies, as expressed in the Members' Code of Conduct, are up to date and underpinned by best practice. In order to achieve this aim the Committee approved changes to the Code of Conduct during the year which were subsequently ratified by the full Council. The changes made the Code of Conduct easier to understand, for both Members and residents, and clarified the guidance around the declaration and registration of interests. Issues relating to Member interests had been flagged as an area of concern in the previous year's Annual Report.

The Committee also considered further improvements to the operation of the Code of Conduct through an update to the Member-Officer Protocol and the development of guidance on bullying and intimidation, blogging and the use of social media. Appropriate use of social media is an increasingly important issue as more and more transactions and communications are carried out on line.

I am pleased to report that 2015/16 has seen a reduction in the level of complaint activity against elected Members. This is welcome news, but the Committee will continue in its efforts to drive continuous improvement and maintain the highest standards across the Borough. In order to support this commitment, the Committee has sponsored further training sessions for Borough, Town and Parish Members and Officers.

During the year, two additional Independent Persons were appointed to support the work of the Committee and the Council's Monitoring Officer. I am pleased to see that local residents are willing and able to play this important role. On a sadder note, I would also like to recognise the contribution of John Bingham to the role of Independent Person. John provided a wealth of experience, sound judgement and good sense. On behalf of the Committee I would like to record our thanks and our best wishes to John's family.

Finally, I would like to record my thanks to the Members, Independent Persons and Officers who contributed to the work of the Committee during the year.

**Rob Stanton**  
**Chairman, March 2016**

## 1.0 What does the Standards Committee Do?

The broad role of the Standards Committee is to promote, monitor and enforce probity and ethical standards amongst Councillors within the Wokingham Borough area including Town and Parish Councillors.

In July 2012 the Localism Act introduced a locally focussed and designed system for the adoption of a Councillor Code of Conduct, and processes for the receipt, and consideration of complaints against Councillors. Although not obliged to do so by the Localism Act, Wokingham Borough Council decided to maintain a dedicated Standards Committee.

In addition to the receipt and consideration of Code of Conduct complaints against Wokingham Borough Council Members, the Committee is also responsible for the receipt and consideration of complaints against Town and Parish Councillors.

The Terms of Reference for the Committee as set out within Chapter 9 of the Constitution are set out below:

### Role and Functions

The Standards Committee has the following role and functions:

- a) promoting and maintaining high standards of conduct by Councillors, co-opted members, including church and parent governor representatives;
- b) assisting the Councillors, co-opted members, including church and parent governor representatives, to observe the Members' Code of Conduct;
- c) advising the Council on the adoption or revision of its Members' Code of Conduct;
- d) monitoring the operation of the Members' Code of Conduct, the Officers' Code of Conduct and the Council's Whistleblowing policy and any other appropriate codes of conduct and procedures;
- e) advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- f) the exercise of (a) to (e) above in relation to the parish/town councils wholly or mainly in its area and the members of those parish/town councils;
- g) the presentation of an annual report by the Chairman of the Standards Committee to Council.

## 2.0 Who Sits on the Standards Committee?

The Committee is made up of six Wokingham Borough Council Members. These Members are voting members of the Committee and are appointed on the basis of political proportionality. A Member from Wokingham Borough Council chairs the Committee. The current Chairman is Councillor Rob Stanton.

The Committee also includes three, non-voting, Town and Parish Council representatives.

The 2015/2016 membership of the Committee was as follows:

- Rob Stanton, (Chairman)
- Pauline Helliar-Symons (Vice-Chairman)
- Chris Bowring
- Ken Miall
- Malcolm Richards
- Beth Rowland
  
- Roger Loader (Barkham Parish Council)
- Roy Mantel (Twyford Parish Council)

Currently there is a vacancy for a Town Council representative to the Committee.

### **3.0 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 Councillor) whose views must be sought before the Committee takes a decision on an allegation it has decided to investigate. The Independent Person's views may also be sought on an allegation prior to that. In addition, a Councillor who is subject of an allegation may seek the views of the Independent Person.

Three people have been appointed as Independent Persons:

- David Comben
- David Jones
- Carole Luurtsema

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

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

The Committee is supported by:

- Andrew Moulton, Monitoring Officer and Head of Governance and Improvement Services.
- Mary Severin, Deputy Monitoring Officer and Borough Solicitor.
- Neil Carr, Principal Democratic Services Officer.

### **5.0 Complaint Statistics 2015/16**

During the 2015/16 Municipal Year four Code of Conduct complaints were received. Three of the complaints were made against Members of Wokingham Borough Council with one complaint against a Town Councillor. In one case, no further action was taken by the Monitoring Officer in accordance with the powers delegated to him. At the time of writing, the other three complaints were under consideration.

In comparison, during the 2014/15 Municipal Year 18 Code of Conduct complaints were received (of those 18 complaints, eight involved the same complaint against eight individual Members).

A Standards Committee Hearings Panel was held in July 2015 following an investigation into a complaint, received in February 2015, against a Parish Councillor. The Panel found that the Parish Councillor had breached the Code of Conduct. However, no further action was taken as the Councillor was no longer a member of the Parish Council.

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

## **6.0 Standards Committee Activity 2015/16**

Since the previous Annual Report to the Council, in March 2015, the Committee has met four times and has considered a range of issues including:

- Revisions to the Member Code of Conduct – to make the Code easier to understand and to provide further clarification on the registration and declaration of Member interests.
- The process for handling misconduct complaints against Members – to make the process more streamlined and to evaluate the merits of an additional right of appeal for Members who are the subject of complaints.
- Updates to the Member-Officer Protocol – to provide a more streamlined protocol with supporting information set out in appendices.
- Guidance on bullying and intimidation – to provide guidance to Members and residents about the definition of bullying and examples of behaviours from across the country that resulted in Code of Conduct violations.
- Guidance on blogging, networking and the use of social media – to provide additional guidance to Members on the rights and responsibilities associated with on line communications and the use of social media.
- Regular updates on complaints and feedback – to provide Members with feedback on the operation of the Member complaints process, the outcome of individual cases and any learning points arising.

Training and support for Members has been provided during the year, particularly with regard to the provision of practical advice around the declaration of interests. Supplementary guidance on this matter has been issued by the Monitoring Officer. A training session was also provided for Town and Parish Council Members and Officers. Refresher training will take place as part of the induction process for new Borough Council Members in May 2016.

## **7.0 Standards Committee - Future Activity**

The Committee will continue to seek improvements to the Code of Conduct and supporting processes 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. It will also deliver further training and support to underpin high standards of ethical behaviour by elected Members and Officers across the Borough.

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