



# WOKINGHAM BOROUGH COUNCIL

A Meeting of the **STANDARDS COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **THURSDAY 8 MARCH 2018 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Manjeet Gill', is written over a light grey rectangular background.

Manjeet Gill  
Interim Chief Executive  
Published on 28 February 2018

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# **WOKINGHAM BOROUGH COUNCIL**

## **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

UllaKarin Clark (Chairman)      Ken Miall (Vice-Chairman)      Chris Bowring  
Prue Bray                              Pauline Helliar-Symons              Paul Swaddle

### Parish/Town Council Representatives

Sally Gurney                              Co-Optee, Wokingham Town Council  
Roy Mantel                                Co-Optee Twyford Parish Council

ITEM NO.	WARD	SUBJECT	PAGE NO.
16.		<b>APOLOGIES</b> To receive any apologies for absence	
17.		<b>MINUTES OF PREVIOUS MEETING</b> To confirm the Minutes of the Meeting held on 18 January 2018.	5 - 6
18.		<b>DECLARATION OF INTEREST</b> To receive any declarations of interest.	
19.		<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>	
20.		<b>MEMBER QUESTION TIME</b> To answer any Member questions.	
21.		<b>PARISH / TOWN COUNCIL QUESTION TIME</b> To answer any questions from Parish or Town Councillors.	
22.	None Specific	<b>LOCAL GOVERNMENT ETHICAL STANDARDS CONSULTATION</b> To consider the Council's response to a consultation exercise on ethical standards in local government.	7 - 14

23. None Specific

**STANDARDS COMMITTEE ANNUAL REPORT**

15 - 20

To consider the Standards Committee's Annual Report for 2017/18, to be submitted to the Council at its meeting on 22 March 2018.

**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 18 JANUARY 2018 FROM 7.00 PM TO 7.15 PM**

**Committee Members Present**

Councillors: UllaKarin Clark (Chairman), Ken Miall (Vice-Chairman), Prue Bray and Pauline Helliar-Symons

Parish/Town Council Representatives:- Sally Gurney (Co-Optee, Wokingham Town Council) and Roy Mantel (Co-Optee Twyford Parish Council)

**Officers Present**

Neil Carr, Democratic and Electoral Services Specialist

Andrew Moulton, Assistant Director, Governance and Monitoring Officer

Mary Severin, Borough Solicitor and Deputy Monitoring Officer

**10. APOLOGIES**

Apologies for absence were submitted by Chris Bowring, Paul Swaddle and Roger Loader (Co-opted Member).

The Committee noted that Roger Loader had resigned from Barkham Parish Council due to ill health and, consequently, had stepped down from his role on the Committee as a Co-optee. In line with the agreed procedure, the Monitoring Officer would contact the Town and Parish Councils in order to seek nominations for a new Co-opted Member.

**11. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 5 July 2017 were confirmed as a correct record and signed by the Chairman.

**12. DECLARATIONS 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 or Town Council questions.

**16. UPDATE ON COMPLAINTS AND FEEDBACK**

The Committee considered a report, set out on Agenda Pages 9 to 12, which gave details of progress relating to Code of Conduct complaints.

The report stated that, since the previous meeting of the Committee, three new complaints had been received. Details of each complaint were appended to the report. The Committee was asked to consider any procedural or training issues arising out of the handling of these complaints.

During the ensuing discussion concern was expressed about the first complaint which had been made by a Borough Council Officer (on behalf of other officers) against a Member.

As the Officer had left the Council (and no further evidence was submitted) no further action was taken.

The Committee requested that the Member/Officer Protocol be circulated to all Members after the May elections in order to remind Members about appropriate behaviours.

**RESOLVED** That:

- 1) The Complaints and Feedback report be noted;
- 2) The Member/Officer Protocol be circulated to all Members following the May 2018 elections.

# Agenda Item 22.

<b>TITLE</b>	<b>Local Government Ethical Standards Consultation</b>
<b>FOR CONSIDERATION BY</b>	Standards Committee on 8 March 2018
<b>WARD</b>	(All Wards);
<b>DIRECTOR</b>	Chief Executive - Interim Manjeet Gill

## **OUTCOME / BENEFITS TO THE COMMUNITY**

Public assurance that high ethical standards are in place and maintained through the various governance arrangements surrounding the conduct and behaviour of elected representatives.

## **RECOMMENDATION**

The Committee considers its response to the consultation and delegates responsibility for completing a return to the Assistant Director Governance in consultation with the Chairman of the Committee.

## **SUMMARY OF REPORT**

The Committee on Standards in Public Life is undertaking a review of local government ethical standards covering a range of areas including Member Codes of Conduct, governance arrangements for dealing with complaints, and effectiveness of sanctions. The review is seeking feedback to examine how these areas might be improved.

The consultation runs to May and the Standards Committee is invited to consider its initial responses in advance of a formal response being made to the consultation.

## Background

The Committee on Standards in Public Life recently announced that it is undertaking a review of local government ethical standards.

The review considers all levels of local government and its terms of reference are to:-

- examine the structures, processes and practices in local government in England for:
  - maintaining codes of conduct for local councillors
  - investigating alleged breaches fairly and with due process
  - enforcing codes and imposing sanctions for misconduct
  - declaring interests and managing conflicts of interest
  - whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
- make any recommendations for how they can be improved; and
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The consultation is particularly aimed at local authorities and standards committees, local authority members and local authority officials, as well as local government thinktanks, academics and representative bodies.

The consultation closes on 18 May 2018.

## Analysis of Issues

The consultation poses a series of questions and seeks examples of good practice. The questions are set at Appendix 1.

### FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£Nil	Yes	Revenue
Next Financial Year (Year 2)	£Nil	Yes	Revenue

Following Financial Year (Year 3)	£Nil	Yes	Revenue
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<b>Other financial information relevant to the Recommendation/Decision</b>
None

<b>Cross-Council Implications</b> (how does this decision impact on other Council services, including properties and priorities?)
Maintaining high ethical standards impacts all areas of the Council's work.

<b>Reasons for considering the report in Part 2</b>
Not applicable.

<b>List of Background Papers</b>
None

<b>Contact</b> Andrew Moulton	<b>Service</b> Governance
<b>Telephone No</b> Tel: 07747 777298	<b>Email</b> andrew.moulton@wokingham.gov.uk

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## Appendix 1

### **Review of Local Government Ethical Standards: Stakeholder Consultation**

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

#### **Terms of reference**

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
  - a. Maintaining codes of conduct for local councillors;
  - b. Investigating alleged breaches fairly and with due process;
  - c. Enforcing codes and imposing sanctions for misconduct;
  - d. Declaring interests and managing conflicts of interest; and
  - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

#### **Consultation questions**

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

#### *Codes of conduct*

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

#### *Investigations and decisions on allegations*

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
  - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
  - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
  - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

#### *Sanctions*

- f. Are existing sanctions for councillor misconduct sufficient?

- i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
- ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

*Declaring interests and conflicts of interest*

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
  - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
  - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

*Whistleblowing*

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

*Improving standards*

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

*Intimidation of local councillors*

- k. What is the nature, scale, and extent of intimidation towards local councillors?
  - i. What measures could be put in place to prevent and address this intimidation?

**Who can respond?**

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);

- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

### **How to make a submission**

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: [public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)
2. Via post to:
  - Review of Local Government Ethical Standards
  - Committee on Standards in Public Life
  - GC:07
  - 1 Horse Guards Road
  - London
  - SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email ([public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)) or phone (0207 271 2948).



# **WOKINGHAM BOROUGH COUNCIL**

## **Standards Committee**

### **Annual Report**

**2017/18**

Submitted to the Council – March 2018



## **Introduction by UllaKarin Clark, Chairman of the Standards Committee**

I am pleased to present the Annual Report of the Standards Committee for 2017/18.

The key aim of the Standards Committee is the promotion and maintenance of the highest standards of conduct by elected Members representing the Borough, Town and Parish Councils. Members' conduct should be underpinned by the seven principles of public life, also known as the Nolan principles. These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The Standards Committee met three times during the year and focussed on ensuring that the Borough Council's policies, as set out in the Members' Code of Conduct, were up to date and underpinned by best practice. The Committee considered trends arising out of complaints data and arrangements to ensure that Members were aware of their responsibilities under the Code of Conduct. The Committee is especially keen to ensure that newly elected Members are aware of their responsibilities and the standards of behaviour expected of them.

In relation to the points above, I am pleased to report that the level of Code of Conduct complaint activity in 2017/18 was significantly lower than in previous years.

I would like to record my thanks to the Borough, Town and Parish Members, Officers and Independent Persons who contributed to the work of the Committee. In particular, I would like to mention the contribution of Roger Loader (Parish Council representative) and Carole Freeman (Independent Person) who stood down during the year. I wish them well for the future.

Finally, I would like to welcome Paddy Haycocks and Nick Oxborough to their roles as Independent Persons.

**UllaKarin Clark  
March 2018**

## 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 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. 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.

The Terms of Reference for the Committee, recorded in Chapter 9 of the Borough Council’s 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. An elected Member from Wokingham Borough Council chairs the Committee. The current Chairman is Councillor UllaKarin Clark.

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

The 2017/2018 membership of the Committee was:

- UllaKarin Clark, (Chairman)
- Ken Miall (Vice-Chairman)
- Chris Bowring
- Prue Bray
- Pauline Helliard-Symons
- Paul Swaddle
  
- Sally Gurney (Wokingham Town Council)
- Roy Mantel (Twyford Parish Council).
- Roger Loader (Barkham Parish Council) – part year.

## 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 elected Member) whose views must be sought before the Standards 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 stage. In addition, a Member who is subject of an allegation may seek the views of an Independent Person. Three people are currently acting in the Independent Person role:

- David Comben
- Paddy Haycocks
- Nick Oxborough

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.

## 4.0 Who Supports the Standards Committee?

The Committee is supported by:

- Andrew Moulton, Assistant Director, Governance and Monitoring Officer
- Mary Severin, Borough Solicitor and Deputy Monitoring Officer
- Neil Carr, Democratic Services.

## 5.0 **Standards Committee Activity in 2017/18**

During the 2017/18 Municipal Year three Code of Conduct complaints were received. The Standards Committee considered an update report on the complaints and investigations at each of its meetings. The complaints related to:

- The conduct of a Borough Councillor at a meeting with external partners.
- The process a Parish Council followed in nominating persons as trustees to a local charity.
- A post on social media made by a Town Councillor.

No action was taking in relation to any of these complaints as it was concluded, in each case, that there had been no breach of the Code of Conduct.

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 Members of Town and Parish Councils across the Borough.

Whilst recognising that the level of complaint activity in 2017/18 was very low, the Committee continues to recognise the importance of dealing with every complaint seriously and expeditiously.

## 6.0 **Standards Committee – Future Actions**

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.

The Committee will also deliver further training and support, as necessary, to underpin high standards of ethical behaviour by elected Members and Officers across the Borough. High standards of behaviour help to build trust in elected representatives which is crucial to the democratic process.

The Committee has also submitted comments to the Review of Ethical Standards in Local Government undertaken by the Committee on Standards in Public Life. The review is examining the structures, processes and practices relating to codes of conduct, investigation of breaches of said codes, sanctions for misconduct, managing conflicts of interest and whistleblowing.

The Committee on Standards in Public Life aims to report on these issues later in 2018. Any learning points from that report will be incorporated into local policies and procedures to ensure that the highest standards of conduct are maintained.

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