



## WOKINGHAM BOROUGH COUNCIL

A Meeting of the **STANDARDS COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **MONDAY 8 JULY 2019 AT 7.00 PM**

Susan Parsonage  
Chief Executive  
Published on 30 June 2019

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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**

John Halsall (Chairman)  
Gary Cowan  
Wayne Smith

John Kaiser (Vice-Chairman) Prue Bray  
Graham Howe Imogen Shepherd-DuBey

### **Parish/Town Council Representatives**

Sally Gurney  
Roy Mantel

Co-Optee, Wokingham Town Council  
Co-Optee Twyford Parish Council

<b>ITEM NO.</b>	<b>WARD</b>	<b>SUBJECT</b>	<b>PAGE NO.</b>
3.		<b>APOLOGIES</b> To receive any apologies for absence.	
4.		<b>MINUTES OF PREVIOUS MEETINGS</b> To confirm the Minutes of the Meetings held on 4 March and 6 June 2019.	5 - 10
5.		<b>DECLARATION OF INTEREST</b> To receive any declarations of interest.	
6.		<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>	
7.		<b>MEMBER QUESTION TIME</b> To answer any Member questions.	
8.		<b>PARISH / TOWN COUNCIL QUESTION TIME</b> To answer any questions from Parish/Town Councillors.	
9.	None Specific	<b>UPDATE ON COMPLAINTS AND FEEDBACK</b> To consider an update on any complaints under investigation since the previous meeting.	11 - 16

10. None Specific	<b>COMMITTEE ON STANDARDS IN PUBLIC LIFE - BEST PRACTICE</b> To consider the list of Best Practice arrangements published by the Committee on Standards in Public Life.	17 - 20
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**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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# Agenda Item 4.

## MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD ON 4 MARCH 2019 FROM 7.00 PM TO 7.20 PM

### **Committee Members Present**

Councillors: Ken Miall (Chairman), UllaKarin Clark, Dianne King and Imogen Shepherd-DuBey

Parish/Town Council Representatives: Roy Mantel (Co-Optee Twyford Parish Council)

### **Officers Present**

Andrew Moulton, Assistant Director, Governance and Monitoring Officer  
Neil Carr, Democratic and Electoral Services Specialist

#### **24. APOLOGIES**

No apologies for absence were received.

#### **25. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 7 January 2019 were confirmed as a correct record and signed by the Chairman.

#### **26. DECLARATION OF INTEREST**

There were no declarations of interest.

#### **27. PUBLIC QUESTION TIME**

There were no public questions.

#### **28. MEMBER QUESTION TIME**

There were no Member questions.

#### **29. PARISH / TOWN COUNCIL QUESTION TIME**

There were no Parish or Town Council questions.

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

The Committee considered a report, set out at Agenda pages 7 to 11, which gave details of progress relating to ongoing Code of Conduct complaints.

The report stated that, since the previous meeting in January 2019, two Code of Conduct complaints had been resolved. Two new complaints had also been received following the despatch of the Agenda. These new complaints were currently being considered by the Chairman, Independent Person and Monitoring Officer.

Andrew Moulton, Monitoring Officer, updated the Committee on the two resolved complaints. The first complaint related to conduct and behaviour at a public meeting and actions surrounding support for a resident. The second complaint related to conduct and behaviour at the same public meeting. Following an investigation into the complaints it had been concluded that there was no breach of the Code of Conduct and, therefore, no further action was taken.

Members queried the length of time taken to resolve the two complaints set out in the report. Andrew Moulton explained that the delay had resulted from the absence of the

investigating officer due to ill health. This was an unfortunate set of circumstances and all the other complaints had been resolved within a reasonable period.

**RESOLVED:** That the update report on Code of Conduct complaints be noted.

### **31. REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE**

The Committee considered a report, set out on Agenda pages 13 to 124, which included the report of the Committee on Standards in Public Life (CSPL) on Local Government Ethical Standards.

The report stated that, at its meeting in March 2018, the Standards Committee had considered a consultation exercise being undertaken by the CSPL. Following the consultation exercise the CSPL had published its report in January 2019.

The CSPL report concluded that the vast majority of local government Members and Officers maintained the highest standards of conduct. However, there were continuing examples of misconduct such as bullying, harassment and other disruptive behaviours. The CSPL had also identified risks around conflicts of interest, gifts and hospitality and expressed concerns about the increasing complexity of decision making which placed governance procedures under increasing strain.

The CSPL felt that the benefits of the current devolved arrangements should be retained, but that more robust safeguards should be introduced to strengthen locally determined systems. The report made a number of recommendations including:

- development of an updated model Code of Conduct by the Local Government Association;
- candidates standing for public office should not be required publicly to disclose their home address;
- Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on social media;
- the Disclosable Pecuniary Interests Regulations should be amended to include unpaid directorships, trusteeships, management roles in a charity and membership of any organisations seeking to influence public opinion or public policy;
- Councillors should not participate in a discussion or vote in a matter if they have an interest if a member of the public would reasonably regard the interest as so significant that it would be likely to prejudice their consideration or decision making;
- Independent Persons should be appointed for a fixed term of two years, renewable once;
- Councils should be given the power to suspend Councillors, without allowances, for up to six months;
- Councillors should be given the right of appeal to the Local Government Ombudsman if their Council imposes a period of suspension;

- Parish Council Clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.

The CSPL report stated that a number of its recommendations would involve legislative change. In the meantime, its list of “best practice” actions provided a benchmark for ethical practice which it expected all Councils to implement.

In the ensuing discussion, Members discussed the potential impact of the proposal relating to the potential suspension of Members for up to six months. What were the implications of suspension for a Member’s work in supporting residents? Andrew Moulton stated that this would be one of the issues to be considered as part of the Government’s response to the CSPL report.

**RESOLVED** That:

- 1) the CSPL report on Ethical Standards in Local Government be noted;
- 2) the Committee receive a report to its next meeting with an assessment of the Council’s current Standards arrangements compared with the CSPL list of Best Practice.

**32. STANDARDS COMMITTEE ANNUAL REPORT**

The Committee considered its draft Annual Report, set out on Agenda pages 125 to 132. The report provided a summary of the Committee’s activities during 2018/19 and described how it continued to promote the highest standards of conduct by elected Members representing the Borough, Town and Parish Councils. In so doing it sought to ensure compliance with the Nolan principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The report stated that, during the 2018/19 Municipal Year, six Code of Conduct complaints had been received and that, following investigation, none of the complaints resulted in informal or formal sanctions. The conclusions in each case were supported by the Chairman, Independent Person and Monitoring Officer.

Andrew Moulton confirmed that two additional complaints had been received following the despatch of the Agenda. These new complaints were currently under investigation.

Members noted that the number of Code of Conduct 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.

**RESOLVED** That:

- 1) the Standards Committee Annual Report 2018/19 be approved;
- 2) the Annual Report be submitted to the Council at its meeting on 21 March 2019.

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**MINUTES OF A MEETING OF THE  
STANDARDS COMMITTEE  
HELD ON 6 JUNE 2019 FROM 6.30 PM TO 6.35 PM**

**Committee Members Present**

Councillors: Prue Bray, Gary Cowan, John Halsall, Graham Howe, John Kaiser, Imogen Shepherd-DuBey and Wayne Smith

**Officers Present**

Andrew Moulton, Assistant Director, Governance and Monitoring Officer  
Neil Carr, Democratic and Electoral Services Specialist

**1. APOLOGIES**

Apologies for absence were submitted from Roy Mantel.

**2. ELECTION OF CHAIRMAN**

The Committee elected a Chairman for the 2019/20 Municipal Year.

**RESOLVED:** That John Halsall be elected as Chairman of the Committee for the 2019/20 Municipal Year.

**3. APPOINTMENT OF VICE-CHAIRMAN**

The Committee appointed a Vice-Chairman for the 2019/20 Municipal Year.

**RESOLVED:** That John Kaiser be appointed as Vice-Chairman of the Committee for the 2019/20 Municipal Year.

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# Agenda Item 9.

<b>TITLE</b>	<b>Update on Complaints and Feedback</b>
<b>FOR CONSIDERATION BY</b>	Standards Committee on 8 July 2019
<b>WARD</b>	None Specific
<b>DIRECTOR</b>	Director of Corporate Services - Graham Ebers

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

To inform and feedback results of the Member Complaints process.

## **RECOMMENDATION**

To note the report and consider any issues arising.

## **SUMMARY OF REPORT**

Since the last report on Complaints to the Committee on 4 March 2019 there have been six new complaints received.

Appendix A provides a summary of the complaints and the latest position on each.

A verbal update will be given at the meeting on any specific patterns/trends or other matters that the Committee may need to consider.

Also, the Committee is asked to consider any broader training issues that arise from these complaints.

## **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 identify 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 report to the Committee on 5 March 2019, there have been six 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.

## **Analysis of Issues**

The latest position on existing complaints is shown at Appendix A.

## **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)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

Other financial information relevant to the Recommendation/Decision
None

**Cross-Council Implications**

The work and conduct of Councillors can impact all aspects of the Council's services.

**Reasons for considering the report in Part 2**

Not applicable

**List of Background Papers**

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

## **Appendix A**

### **Code of Conduct Complaints**

<b>Date Received</b>	<b>Subject Member</b>	<b>Summary of Complaint</b>	<b>Progress/Conclusion</b>	<b>Date Concluded</b>
25/2/19	WBC Member	Complaint received from another WBC Member about the conduct and behaviour of the subject member against the complainant.	The Monitoring Officer met with the Chairman and Independent Person on 4 March when it was agreed to formally investigate the complaint. The investigator's conclusions confirm that, in her view, there is a breach of the Code of Conduct. The Monitoring Officer in consultation with the new Chairman and Independent Person is considering the appropriate next steps in line with the Constitution.	Ongoing
12/3/19	WBC Member	Relates to conduct and behaviour with a contractor's member of staff relating to a car parking issue at Shute End.	The Monitoring Officer met with the Chairman and Independent Person on 19 March when it was agreed to formally investigate the complaint. The investigator commenced her investigation in April, however, the subject member was not re-elected on 2 May and is no longer a Councillor – therefore the Code of Conduct no longer applies.	2/5/19
13/3/19	WBC Member	Complaint received from another WBC Member about the conduct and behaviour of the subject member against the complainant.	The Monitoring Officer met with the Chairman and Independent Person on 19 March when it was agreed to formally investigate the complaint. The investigator has concluded her work and confirmed that, in her view, there was no breach of the Code of Conduct. The Monitoring Officer consulted with the Chairman and Independent Person on 6 June and concluded that no further action was necessary.	6/6/19
22/3/19	Parish Council Member	Complaint from fellow councillor about alleged non-disclosure of gifts and hospitality and conduct whilst representing the Parish Council.	The Monitoring Officer consulted with the Chairman and Independent Person on 6 June and concluded that no further action was necessary.	6/6/19
27/4/19	WBC Member	Complaint from member of the public about conduct when dealing with a resident enquiry/complaint.	The subject member was not re-elected on 2 May and is no longer a councillor – therefore the Code of Conduct no longer applies. The complainant has been	2/5/19

			informed that the complaint has been closed.	
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Date Received	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded
28/5/19	WBC Member	Complaint from member of the public about conduct relating to alleged disclosure of confidential information.	The Monitoring Officer consulted with the Chairman and Independent Person on 6 June and concluded that an investigation into this matter was required.	Ongoing

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# Agenda Item 10.

<b>TITLE</b>	<b>Report of the Committee on Standards in Public Life – Best Practice</b>
<b>FOR CONSIDERATION BY</b>	Standards Committee on 8 July 2019
<b>WARD</b>	None Specific
<b>DIRECTOR</b>	Director of Corporate Services - Graham Ebers

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

High ethical standards in local government help to build trust and confidence amongst local residents and communities.

## **RECOMMENDATION**

The Committee are recommended to consider the list of Best Practice arrangements published by the Committee on Standards in Public Life (CSPL) and consider any changes which may strengthen the Borough's Code of Conduct procedures and practices.

## **SUMMARY OF REPORT**

At its meeting on 4 March 2019, the Committee considered the report of the Committee on Standards in Public Life (CSPL) on ethical standards in local government. The CSPL report was published in January 2019.

The CSPL report concluded that the vast majority of local government Members and Officers wished to maintain the highest standards of conduct. However, there were ongoing examples of bullying, harassment or other disruptive behaviours.

The CSPL also identified risks around conflicts of interest, gifts and hospitality and expressed concerns about the increasing complexity of decision making which put governance procedures under increasing strain.

The CSPL report contained a set of Best Practice arrangements and suggested that each local authority compare its current arrangements against the Best Practice list. The Best Practice list is set out in the Annex to the report for Member consideration.

## **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)	£0	N/A	N/A
Next Financial Year (Year 2)	£0	N/A	N/A
Following Financial Year (Year 3)	£0	N/A	N/A

### **Other financial information relevant to the Recommendation/Decision**

None

### **Cross-Council Implications**

The work and conduct of Members and Officers can impact all aspects of the work of Borough, Town and Parish Councils.

### **Reasons for considering the report in Part 2**

Not applicable

### **List of Background Papers**

Report of the Committee on Standards in Public Life – January 2019

<b>Contact Neil Carr</b>	<b>Service Democratic Services</b>
<b>Telephone No</b> 0118 974 6058	<b>Email</b> neil.carr@wokingham.gov.uk

## **Committee for Standards in Public Life - List of Best Practice Arrangements**

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring Councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by Councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both Councillors and the public, in a prominent position on a Council's website and available in Council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV (a data record format).

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the Responsible Officer is minded to dismiss as being without merit, vexatious or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a Parish Councillor towards a Clerk should be made by the Chair or by the Parish Council as a whole, rather than the Clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to Parish Councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior Officers should meet regularly with political Group Leaders or Group Whips to discuss standards issues.