



# WOKINGHAM BOROUGH COUNCIL

A Meeting of the **STANDARDS COMMITTEE** will be held virtually on **MONDAY 11 JANUARY 2021 AT 7.00 PM.**

Susan Parsonage  
Chief Executive  
Published on 31 December 2020

**Note:** The Council has made arrangements under the Coronavirus Act 2020 to hold this meeting virtually via Microsoft Teams. The meeting may be viewed live using the following link: <https://youtu.be/EVZ-U1gCm5g>

This meeting may be filmed for inclusion on the Council's website.

Please note that other people may film, record, tweet or blog from this meeting. The use of these images or recordings is not under the Council's control.



# WOKINGHAM BOROUGH COUNCIL

## Our Vision

***A great place to live, learn, work and grow and a great place to do business***

### Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

### Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

### A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

### Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

### Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

### Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

## MEMBERSHIP OF THE STANDARDS COMMITTEE

### Councillors

John Halsall (Chairman)                      John Kaiser (Vice-Chairman) Prue Bray  
Gary Cowan                                      Graham Howe                      Imogen Shepherd-DuBey  
Wayne Smith

### 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 12 October 2020.	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/Town Councillors.	
22.	None Specific	<b>CONSULTATION ON THE WBC CODE OF CONDUCT FOR COUNCILLORS</b> To consider the responses received in relation to the public consultation on proposed changes to the Code of Conduct for Councillors.	7 - 22

23. None Specific

**UPDATE ON COMPLAINTS AND FEEDBACK**

23 - 28

To consider an update on progress relating to the investigation of Code of Conduct complaints and any wider training issues arising.

**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 12 OCTOBER 2020 FROM 7.00 PM TO 7.25 PM**

**Committee Members Present**

Councillors: John Halsall (Chairman), John Kaiser (Vice-Chairman), Prue Bray, Imogen Shepherd-DuBey and Wayne Smith

**Parish/Town Council Representatives:** Sally Gurney (Wokingham Town Council)

**Officers Present**

Neil Carr, Democratic and Electoral Services  
Jennifer Lee, Deputy Monitoring Officer  
Andrew Moulton, Monitoring Officer

**28. APOLOGIES**

Apologies for absence were submitted from Gary Cowan, Graham Howe and Roy Mantel (Twyford Parish Council).

**29. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 1 July 2020 were confirmed as a correct record and would be signed by the Chairman at a later date.

**30. DECLARATION OF INTEREST**

There were no declarations of interest.

**31. PUBLIC QUESTION TIME**

There were no public questions.

**32. MEMBER QUESTION TIME**

There were no Member questions.

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

There were no Town or Parish Council questions.

**34. CONSULTATION ON WBC CODE OF CONDUCT**

The Committee considered a report, set out at Agenda pages 7 to 28, which gave details of a public consultation document on the Council's Code of Conduct for Councillors.

The report stated that the Committee had agreed to carry out a consultation exercise relating to the overall provisions of the Code of Conduct and specific changes agreed in principle by Members.

Appended to the report was the draft consultation document and a copy of the Local Government Association's (LGA) Model Member Code of Conduct. It was considered that the Council's Code of Conduct was consistent with the provisions in the LGA model code.

It was proposed to run the consultation exercise up to 11 December 2020. Any feedback would then be considered by the Committee at its meeting in January 2021. Specific feedback would be sought from Town and Parish Councils as they shared the WBC Code of Conduct.

Following approval by the Committee, in January 2021, the amended Code of Conduct would be submitted to the Constitution Review Working Group prior to approval by the full Council.

Sally Gurney suggested that the consultation document should include reference to the seven “Nolan” principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

**RESOLVED** That:

- 1) the Code of Conduct consultation document be confirmed, subject to inclusion of the seven Nolan principles of public life;
- 2) the Committee receive a further report, at its meeting in January 2021, on the results of the public consultation;
- 3) following agreement on the final changes to the Code of Conduct, a report be submitted to the Constitution Review Working Group prior to approval by the full Council;
- 4) the LGA Model Member Code of Conduct be noted.

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

The Committee considered a report, set out at Agenda pages 29 to 34, which gave details of progress relating to Code of Conduct complaints investigated since the previous meeting.

The report stated that, since the 1 July 2020 meeting, three new complaints had been received. A summary of the complaints was appended to the report together with progress in resolving earlier, ongoing complaints.

Andrew Moulton (Monitoring Officer) confirmed that two additional complaints had been received, details of which would be included in the report to the next meeting of the Committee.

In the ongoing discussion, Members raised the following points:

Members reiterated earlier concerns about the timeframe for investigation and reporting the outcome of Code of Conduct complaints.

It was noted that a number of complaints related to a perceived lack of social distancing by Members attending public events. Members felt that the Standards Committee was not the appropriate body to deal with alleged breaches of the social distancing guidelines.

It was suggested that the Monitoring Officer write to all Members to remind them of the importance of social distancing at public events and to advise them on appropriate steps to take in the event that constituents accidentally breached the distancing guidelines whilst discussing local issues or seeking advice.

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

<b>TITLE</b>	<b>Consultation on the WBC Code of Conduct for Councillors</b>
<b>FOR CONSIDERATION BY</b>	Standards Committee on 11 January 2021
<b>WARD</b>	None Specific
<b>DIRECTOR</b>	Deputy Chief Executive - 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**

That the Committee:

- 1) consider the responses received (Annex 2) in relation to the public consultation on proposed changes to the Code of Conduct for Councillors;
- 2) consider any further changes to the Code of Conduct for Councillors in light of the comments received;
- 3) consider any other issues arising out of the consultation exercise;
- 4) note that the Code of Conduct for Councillors will be reviewed on an annual basis.

## **SUMMARY OF REPORT**

At its meeting on 12 October 2020, the Committee considered proposed changes to the Code of Conduct for Councillors in light of the Best Practice principles set out in the report of the Committee on Standards in Public Life (CSPL).

The Committee agreed to carry out a public consultation on the proposed amendments to the Code of Conduct. The consultation ran until 11 December 2020 and generated a number of comments from Town and Parish Councils, individual Members and members of the public.

The consultation comments are appended to the report for the Committee to consider. The Committee may wish to make further changes to the Code of Conduct prior to submission to the Constitution Review Working Group and full Council.

In line with best practice, the Code of Conduct for Councillors will be reviewed on an annual basis.

## Background

At its meeting on 2 March 2020, the Committee considered the WBC Code of Conduct for Councillors in light of the Best Practice principles set out in the report of the Committee on Standards in Public Life (CSPL).

The CSPL report (January 2019) had 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 and disruptive behaviours. The CSPL also identified risks around conflicts of interest, gifts and hospitality and expressed concern about the increasing complexity of decision making which put governance procedures under increasing strain.

The CSPL report included a list of Best Practice principles and suggested that each local authority compare existing arrangements against the list. The CSPL report stated: "Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them".

At its meeting on 12 October 2020, the Committee agreed changes to the Code of Conduct for Councillors which would be the subject of a public consultation exercise. The public consultation ran until 11 December 2020. As a reminder, the consultation document is set out at **Annex 1**. A number of comments were received from Town and Parish Councils, individual Members from the Borough, Town and Parish Councils and members of the public. The consultation responses are set out at **Annex 2** for the Committee to consider.

## Best Practice 5

A number of consultation responses commented on best practice 5 – gifts and hospitality. The consultation document stated:

**"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).

**Current situation** – The gifts and hospitality register is being updated and will be published in line with Best practice 5. ***Views are sought on a proposal to amend the value of declarable gifts from £25 to £100.***"

The original CSPL report (2019) commented on gifts and hospitality as follows:

An individual threshold of £100 could allow a Councillor to accept significant gifts and hospitality from a single source on multiple occasions, without needing to register the fact that they have done so. £50 is the registration threshold for gifts or donations during election campaigns, which would then provide a consistent declaration threshold both during and outside election periods.

The CSPL report recommended that **"Councillors be required to register gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source"**. Members may wish to consider the issue of the threshold for registering gifts and hospitality further in light of the consultation feedback and the original recommendation from the CSPL.

## Next Steps

Once agreed by Members, the final changes to the Code of Conduct for Councillors will be submitted to the Constitution Review Working Group for comment and then approved by full Council.

In line with the CSPL best practice principles, the Code of Conduct for Councillors will be reviewed by the Committee on an annual basis.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	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

<b>Other financial information relevant to the Recommendation/Decision</b>
None

<b>Cross-Council Implications</b>
The work and conduct of Members and Officers impacts on all aspects of the work of Borough, Town and Parish Councils

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

<b>Public Sector Equality Duty</b>
The WBC Code of Conduct for Councillors contains a provision which states that Councillors must not do anything which may cause their Council to breach any of the provisions of the Equality Act 2010. Any alleged breaches relating to the Equality Act duties are addressed through the complaints procedure

<b>List of Background Papers</b>
Report of the Committee on Standards in Public Life – January 2019 LGA Model Member Code of Conduct – May 2020

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## Wokingham Borough Council

### Consultation on the Code of Conduct for Elected Councillors

#### Deadline date for responses

Friday 11 December 2020.

#### Details of consultation

The consultation seeks views on proposed changes to the Council's Code of Conduct for elected Councillors. The Borough Council's Code of Conduct covers Borough, Town and Parish Councillors. In voting for local Councillors residents place the successful candidates in positions of responsibility and trust. The Code of Conduct sets out the behaviours that are expected of Councillors in order to maintain that trust. The behaviours, known as the seven principles of public life are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Elected Councillors should act with integrity and honesty, treating people with civility and impartiality, avoiding conflicts of interest and ensuring that public resources are used prudently in the public interest. The Code of Conduct sets out the procedure for Councillors to register and declare financial and other interests. It also states that Councillors must not do anything which may cause the Council to breach any of the provisions of the Equality Act 2010.

The Committee on Standards in Public Life has published a set of Best Practice principles relating to standards in local government. These principles are set out below together with a summary of the current position in the Council's Code of Conduct. Also set out below are proposed changes to parts of the Code of Conduct.

We would welcome your overall views on the Code of Conduct and your specific views on the proposed changes highlighted below.

#### How to respond

Please send your response to Neil Carr – [neil.carr@wokingham.gov.uk](mailto:neil.carr@wokingham.gov.uk) or by post to Democratic Services, Wokingham Borough Council, PO Box 151, Shute End, Wokingham, RG40 1WH.

**Best practice** recommendations and the **current situation** are set out below – potential changes to the Code of Conduct are **highlighted**.

**Best practice 1:** Councils 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.

**Current situation** - Guidance on Bullying and Intimidation is set out in the Borough Council's Code of Conduct. ***Views are sought on a proposal that guidance on the use and potential misuse of Social Media also be included in the Code of Conduct together with the following statement:***

***“Councillors should be aware that their behaviour in public is, rightly, under public scrutiny and should adhere to the provisions of the Code of Conduct. This includes statements on publicly accessible social media”.***

**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.

**Current situation** – Appropriate provisions are included within the Borough Council's Constitution.

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

**Current situation** – an annual review of the Code of Conduct will be undertaken by the Standards Committee, with public consultation on significant changes.

**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.

**Current situation** – Officers are reviewing Code of Conduct information on the Council's website and the effectiveness of the online process for registering complaints.

**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).

**Current situation** – The gifts and hospitality register is being updated and will be published in line with Best Practice 5. ***Views are sought on a proposal to amend the value of declarable gifts from £25 to £100.***

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

**Current situation** – The public interest test is set out within the Council's Constitution. Each complaint received is considered by the Monitoring Officer, Independent Person and Chairman of the Standards Committee against a number of criteria including Public Interest – is the public interest served in referring the complaint further.

**Best practice 7:** Local authorities should have access to at least two Independent Persons who provide independent input and comment into the complaints process.

**Current situation** – WBC currently retains three Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation into a complaint 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.

**Current situation** – All Code of Conduct complaints are subject to consultation with an Independent Person.

**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 of Conduct engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Current situation** – Breaches of the Code of Conduct resolved following a formal investigation are published on the Borough Council's website and reported to the Council. Breaches which are resolved informally (e.g. through mediation or a written apology) are not reported publicly. ***Views are sought on three possible options:***

- 1. Maintaining the current position whereby complaints resolved informally are not reported publicly on the Council website.***
- 2. Publishing the outcome of complaints which are resolved informally on the Council's website.***
- 3. Removing the informal route from the Code of Conduct so that all complaints are resolved via a formal investigation.***

**Best practice 10:** Councils should have straightforward and accessible guidance on their website on how to make a complaint under the Code of Conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Current situation** – Guidance is provided on the Council's website. Officers are reviewing the guidance in line with Best Practice 10.

**Best practice 11:** The Committee on Standards in Public Life found ongoing difficulties in resolving standards matters where Town/Parish Council Clerks were not well supported by the relevant Council in making and resolving complaints. It concluded that Town/Parish Councils should take corporate responsibility rather than leaving these matters to the Clerk. Formal complaints about the conduct of a Town/Parish Councillor towards a Clerk should be made by the Chair or by the Town/Parish Council as a whole, rather than the Clerk, in all but exceptional circumstances.

**Current situation** – The initial handling of complaints of this nature are currently a matter for individual Town and Parish Councils’ discretion. ***Views are sought, especially from Town and Parish Councils, on the adoption of the procedure set out in Best Practice 11.***

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

**Current situation** – This is part of the Borough Council Monitoring Officer’s role. Training and support are provided.

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

**Current situation** – Procedures are currently in place in line with Best Practice 13.

**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.

**Current situation** – Regular reports are currently submitted to the Borough Council’s Executive which provide updates on finance, operational matters and changes to company directors. Officers will review the accessibility of company agendas, minutes and reports in line with Best Practice 14.

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

**Current situation** - Best Practice 15 will be formalised through more regular meetings between senior Officers and political Group Leaders/Whips, including an annual meeting.

Note: The report of the Committee on Standards in Public Life, including the Best Practice principles, can be accessed here:

<https://www.gov.uk/government/collections/local-government-ethical-standards>

## WBC Code of Conduct Consultation - Consultation Feedback

### Response from: Charvil Parish Council

The consultation document was considered at our recent Council meeting, and they were happy with it (after a long discussion about the maximum amount for gifts before having to declare – which is purely academic as none of them have ever been offered anything!!!).

The only point that we had was that No. 15 is irrelevant to us as a non-political council, so we would just delete it when adopting a revised code.

### Finchampstead Parish Council

**Best practice 1:** Agree with proposed change.

**Best practice 5:** No strong view as it rarely affects us, but £100 seems very high. A compromise position of £50 could be appropriate.

**Best practice 9:** There should still be an informal route for resolving breaches of the code, provided this can progress to a formal review if it cannot be resolved informally. No strong view on whether the outcomes of these informal reviews should be published. Should complaints lodged but not investigated be published, along with the reasons – ref Best Practice 6?

**Best practice 11:** Agree that there should be a more specific approach rather than leaving it to the Town or Parish Council's discretion. However, it is imperative that a Clerk is able to make a complaint direct rather than having to get the backing of the Chair or the Council, unless the Clerk wishes to do this. Likewise a Councillor should be able to make a complaint direct.

Agree that Town/Parish Councils should take corporate responsibility rather than leaving it to the Clerk, but there has to be some confidentiality, at least at an early stage. It would be unreasonable for a whole Council to know about a complaint against a Councillor at an early stage, particularly if the complaint was from the Clerk. It could be up to the Town or Parish Council how they deal with this, it would be difficult for a Clerk to act independently – they would at least have to involve the Chair, or if the complaint was against the Chair, the Vice Chair. In Finchampstead we would probably use our Finance & General Management Committee, or a Sub-Committee which reports to that Committee.

### Ruscombe Parish Council

Ruscombe Parish Council acknowledge this Code of Conduct and agree with it.

### **Twyford Parish Council**

The Council have reviewed the Code of Conduct potential changes and agreed the following:

**Best practice 1** – agreed to the proposed changes.

**Best practice 5** – a £25 value of declarable gifts.

**Best practice 9** – select option 2.

**Best practice 11** – approved.

### **Winnersh Parish Council**

**Best practice 1** - Winnersh Parish Council fully support that guidance on the use and potential misuse of Social Media should also be included in the Code of Conduct with the statement above.

**Best practice 5** - Winnersh Parish Council have concern that raising the limit to £100 and remaining unlimited could result in a large financial sum over a year. The Parish Council recognise that £25 may be deemed as 'low value' and suggest a mid-range of £50 should be introduced with a maximum cumulative limit of £200 in any municipal year.

**Best practice 9** - Winnersh Parish Council have concluded that all misconduct should be made public. However, if a Member admits the misconduct then there is no need for an investigation providing the Council is happy that the Member has made a full disclosure.

**Best practice 11** - At Winnersh Parish Council the current practice is that Parish Council will take responsibility for all reports of misconduct and has procedures in place through a Committee.

### **Woodley Town Council**

The Council's Strategy and Resources Committee Members agreed to the proposed Code.

Regarding **Best Practice 9** the Committee agreed that it would support option 3. That is "Removing the informal route from the Code of Conduct so that all complaints are resolved via a formal investigation."

### **WBC Liberal Democrat Group**

**Best practice 1** - Yes. Social Media behaviour should be treated in the same way as being face to face with people. If you would not do/say something in real life, don't say it on social media.

**Best practice 2** - Yes – but what sanctions are available if a Councillor doesn't comply? One of the concerns is that the standards process does not have any ability to apply sanctions to a Councillor.

**Best practice 4** - The Complaints process should be clear in assisting the complainant in specifying from the outset, which part of the Code of Conduct has been breached.

**Best practice 5** - £100 seems very high. What if you got 3 bottles of wine a month from someone - or an expensive meal out? Ordinarily, a gift from a resident would be a cup of tea and a biscuit – and nowhere near the current £25 limit.

**Best practice 6** - The fact that the complaint happened should still be published along with why it was not taken further. We should review the criteria.

**Best practice 8** - OK. But, we would consider that elected Councillors should not be involved in this decision, at all.

**Best practice 9** – We should not continue with Option 1.

Option 2 should only be taken if it included consultation and agreement by the complainants. It should always include reporting to Council as well along with the names of any guilty Councillors.

Option 3 could prolong things and add work, making things confrontational when they don't need to be. However, a formal investigation must be an option, if the informal process fails.

**Best practice 10** - Needs to be reviewed by someone who is neither an officer nor a Councillor to see if it makes sense. No complaint should be processed without specifying what points of the Code of Conduct have been breached.

**Best practice 11** - Clerks should continue to be able to make their own complaints directly, along with individual Councillors.

**Best practice 13** – OK, but are we clear about when this might need to be invoked e.g. if complaint is about Cabinet member or leader?

**Best practice 14** - These should be published on the main Council website in a section on Council-owned companies.

**Best practice 15** - There is already a Standards Committee meeting – this is where these things should be discussed, perhaps in a Part II.

**Councillor Keith Baker**

**Best practice 1** – Agree.

**Best practice 5** – I am quite neutral on this. Possibly better to leave it at £25.

**Best practice 9:** I have ranked by preference:

- Option 1 – No.
- Option 2 – Second best option.
- Option 3 – Preferred option.

**Best practice 11** – I fully support the proposal.

**Councillor Pauline Jorgensen**

**Best practice 1** - I am not sure why this is necessary, surely the issue is about what is said rather than the medium used? The guidelines should be equally applicable to any public statement including written literature and social media.

**Best practice 2** - They should prohibit trivial and malicious allegations by anyone not just councillors, it should include members of public and officers. We need to make that clearer. I am also not in favour of publishing complaints unless they are found proven.

**Best practice 5** - No strong opinion, everyone should have to disclose gifts in public not just Councillors, e.g. officers as well.

**Best practice 8** - Ok, but I don't think the decision should be just down to one independent person, there is a possibility that they are also biased.

**Best practice 9** – Option 1 - would agree with this, if things can be resolved with a retraction or apology which is accepted I see no reason to publish.

**Best practice 11** - Is there an appeal process when a Clerk feels they have been badly treated by the Council as a whole or the majority group?

**Best practice 13** - I was listening to a debate in the House of Lords. I wonder if officers should also have to declare interests and gifts in the same way as Councillors. They are able to make procurement decisions and I think it would be more transparent if they also had a register of interests.

**Councillor Daniel Sargeant**

**Best Practice 9** - I think that our current position on this is unsustainable. A complaint against a Councillor could be related to a public statement or action. Informal resolution may often be the best way to resolve this, but if the finding is

never made public then there is no method to provide a correction to the original discourse.

An example may be Councillor A misrepresenting the actions of Councillor B on social media. The complaint may be upheld, but without being made public, the original comments by Councillor A are never able to be officially refuted. There seems no justice to this and little incentive for Councillor A not to repeat the offence.

**Councillor Imogen Shepherd-Dubey**

I am largely in favour of the proposed changes to the Constitution.

However, on **best practice 9** - I certainly believe that the informal route should be removed and if someone is guilty, it should be made public.

Our processes should be there to protect the innocent, not the guilty - otherwise the standards process has no threat and Councillors can get away with bad behaviour.

**A Parish Councillor**

I have one comment on the Code of Conduct, but I'm not so sure it is covered in this remit. Anyway, here goes! When a Councillor moves out of a Parish, or the qualifying area, to be elected a Councillor, then they should resign. This is not covered per se but probably covered indirectly under the 7 areas of Code of Conduct. I would like to see it written down explicitly. It is in the best interests of our residents that they are represented by people who also live locally and not, for example, live in Devon.

**A Parish Councillor**

I have a couple of thoughts for the record - when you refer to Best Practice and an "Independent Person " who are or is the adjudication on "conduct" and " best practice" ? That is who will be judge and jury exactly in all this?

Secondly, we are in the midst of revelations of absolutely shocking misconduct by both politicians and officers in positions of high office in the USA. These revelations are coming out fast and furious. So, under such circumstances and if such things were discovered in the UK to be happening too - and unfortunately there might be some indications that this might possibly be the case (though to be fair we don't yet know how much the UK government was involved with the USA related activities) - then for any governmental system, national and local in the UK (or elsewhere too of course) it would be important to refer to the Nuremberg Code - which ignores hierarchy in government and places on everyone who comes across wrong or immoral "orders from on high" to challenge such wrongness no matter where it originated in any hierarchical structure in government (or in society at large of course).

That is to say just "following orders" was no defence in the Nuremberg Tribunals of course. The Nuremberg Code enshrines that principle and the code places great moral responsibility on all.

I personally think it would be intelligent and essential to make reference to the morality of the code in your Best Practice.

The code of course lies above any document you might issue - but I still think it intelligent and essential to make reference to it - as that would show that WBC understands the importance of the code and its enshrined morality with regard to all in public service in the Borough.

### **A Town Councillor**

Further to the recent consultation, I will mull the more complex elements. I agree that the complaints issue is a tricky one and the current situation is unsatisfactory.

In regard to section 5, I firmly disagree that lifting the gifts declaration to £100 is sensible, nor can I think of an argument to raise the cap (but I am open to suggestion). I actually think that the cap should be lowered, I believe that any gift valued at £5 or more should be declared on the basis that we should not be receiving gifts at all.

### **A Resident**

I write, as a Wokingham resident, to provide some feedback on your consultation request on changes to the Code of Conduct for Elected Councillors.

**Best practice 1** - I absolutely think that adherence to the Code of Conduct applies to all media, including social media. I would therefore support the change.

**Best practice 5** - I find it highly objectionable that the suggested changes proposed include an increase to the threshold for declaration. No justification is given for this change, which in itself comes across as odd - why is this change being proposed? I would have imagined that Councillors would be keen to be, and wanted to be seen to be, promoting the utmost propriety. This proposed change feels at odds with this.

I recognise that it is impractical and inefficient to declare every cup of coffee or sandwich but the £25 rule is easily high enough to accommodate this. One might imagine a case could be constructed to justify an inflationary increase. Even so, £100 today was £25 way back in 1980, accounting for inflation!

**Best practice 9** - I would prefer Option 2: that informally resolved complaints are reported at some level. No great detail would be needed, but it would be helpful to know a little more about a topic that is currently insufficiently transparent. Again, this step could go a long way to helping Wokingham Councillors demonstrate their commitment to Nolan's public life principles.

I could not easily find the existing code of conduct. I'd invite you to feed back that:

a) Its web location should be more easily discoverable, and

b) If it does not, it should take a view on rights, duties and standards expected with respect to whistleblowing, including related legislation.

### **A Resident**

I would be grateful if you would draw the Committee's attention to the following issues, described below, arising from the Lingard Report, published in 2019, titled "Report of a Review of Planning Enforcement Procedures with regard to Hare Hatch Sheeplands for WBC". An un-redacted version of the report was released by WBC in October 2019, replacing the heavily redacted version published in August 2019.

In fulfilling **best practice 9** - what steps did the Committee take to ensure the recommendation of the Lingard Report for particular Councillors to undergo training related to their role in enforcement activities was properly undertaken?

What training did, in fact, take place? Which Councillors took part? Who conducted the training?

With regard to **best practice 7 and 8**, will the Committee in future ensure that when an investigation is initiated, the Independent Person leading the investigation will not have had any prior role in investigating the same person or organisation?

The author of the Lingard Report, Richard Lingard, conducted his second investigation over the failed prosecution, confirmed by the Court of Appeal, of the owners of Hare Hatch Sheeplands within 18 months of an earlier investigation by Mr Lingard which had been triggered by criticisms of WBC by the Judge in an earlier hearing at Reading Crown Court. Natural Justice can only be served if the principle of independent review is unswervingly upheld.

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<b>TITLE</b>	<b>Update on Complaints and Feedback</b>
<b>FOR CONSIDERATION BY</b>	Standards Committee on 11 January 2021
<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 12 October 2020, there have been five new complaints received.

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

A key issue for the Committee's work in 2021 will be the need for further training and guidance on Members' use of social media.

Also, the Committee is asked to consider any other 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 12 October 2020, there have been five 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:

- can be resolved informally i.e. by mediation with the two parties before making a decision on whether the complaint merits formal investigation;
- requires investigation;
- should be referred to the Standards Committee;
- 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.***

	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.

<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
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## Code of Conduct Complaints

Date Received	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded
5/3/2020	Town & Parish Member	Complaint received from a Town & Parish Clerk about bullying and disrespect to other Members and officers, and a potential breach of that Councils' equality duties.	Following an initial evaluation of the complaint in consultation with the Chairman and Independent Person, an independent investigation was commissioned which indicated evidence of a breach. The hearing will be held with a Panel of Members of the Standards Committee. At the time of writing, this is scheduled to be held on 12 January.	Ongoing
4/6/2020	Two WBC Members	Complaint received from a member of the public that alleges two Councillors were not adhering to social distancing rules. However, the complainant is unclear as to which part(s) of the Code of Conduct may have been breached.	The Monitoring Officer made an initial evaluation of the complaint and following consultation with the Chairman and Independent Person on 1 July. It was concluded that there was no evidence of a breach of the Code of Conduct.	1/7/20
23/7/2020	WBC Member	Complaint received from a member of the public. Allegation that Councillor had breached disrespect and bullying provisions in the Code as a consequence of statements made on social media.	Following an initial evaluation of the complaint in consultation with the Vice-Chairman and Independent Person, an independent investigation has been commissioned. The investigator's report is expected to be concluded early in the New Year.	Ongoing
28/7/2020	2 WBC Members	Complaint received from a member of the public.	The Monitoring Officer made an initial evaluation of the complaint and, following consultation with the Chairman	6/11/20

		Allegation that Councillors had breached disrespect rule in failing to adhere to social distancing guidance.	and Independent Person, it was concluded that there was no evidence of a breach of the Code of Conduct.	
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<b>Date Received</b>	<b>Subject Member</b>	<b>Summary of Complaint</b>	<b>Progress/Conclusion</b>	<b>Date Concluded</b>
25/11/2020	WBC Member	Complaint received from another WBC member about a social media post made by the subject member that it is alleged to have breached confidentiality.	The Monitoring Officer made an initial evaluation of the complaint and in consultation with the Chairman and Independent Person on 8 December it was decided to commission an investigation into the matter. The investigation is currently underway at the time of writing.	Ongoing
3/12/2020	WBC Member	Complaint received from a member of the public alleging that a social media post by the subject member was disrespectful and in breach of clause 9.2.8.1 of the Code of Conduct.	The Monitoring Officer consulted with the Vice Chairman of the Standards Committee and the Independent Person on 21 December. It was concluded that there was no breach of the Code of Conduct. However, it was also concluded that the Standards Committee should consider a proposed Member Guide to Use of Social Media to be incorporated in the Council's Constitution in due course.	21/12/20
14/12/2020	Town & Parish Member	Complaint received from a Town & Parish Councillor about the conduct of a fellow Councillor during a Council meeting.	The Monitoring Officer will make an initial evaluation of the complaint prior to consulting with the Chairman and Independent Person early in the New Year – a verbal update will be provided to the Committee.	Ongoing
21/12/2020	Town & Parish Member	Complaint received from a Town & Parish Councillor	The Monitoring Officer will make an initial evaluation of the complaint prior to	Ongoing

		about the conduct of a fellow councillor during a Council meeting.	consulting with the Chairman and Independent Person early in the New Year – a verbal update will be provided to the Committee.	
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