

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON 8 MARCH 2021 FROM 7.00 PM TO 8.12 PM**

Committee Members Present

Councillors: John Kaiser (Vice-Chairman), Prue Bray, Gary Cowan, Graham Howe, Imogen Shepherd-DuBey, Abdul Loyes and Daniel Sargeant

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.
Jennifer Lee, Senior Solicitor and Deputy Monitoring Officer
Andrew Moulton, Assistant Director, Governance and Monitoring Officer

44. APOLOGIES

There were no apologies for absence.

45. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 11 January 2021 were confirmed as a correct record and would be signed by the Chairman at a later date.

46. DECLARATION OF INTEREST

There were no declarations of interest.

47. PUBLIC QUESTION TIME

There were no public questions.

48. MEMBER QUESTION TIME

There were no Member questions.

49. PARISH / TOWN COUNCIL QUESTION TIME

There were no questions from Parish or Town Councillors.

50. MEMBER CODE OF CONDUCT

The Committee considered a report, set out at Agenda pages 7 to 50 which considered issues relating to the updating of the WBC Councillor Code of Conduct.

The report reminded Members that, on 23 December 2020, the Local Government Association (LGA) had published a Model Councillor Code of Conduct. All Councils were required to have a local Councillor Code of Conduct in place and the Model Code was provided as a template to which could be added local amendments. Members were also reminded of the public consultation undertaken by the Committee in the autumn of 2020 in relation to potential changes to the existing Councillor Code of Conduct.

Appended to the report were the LGA Model Code, the existing WBC Councillor Code of Conduct and the results of the public consultation. Members were reminded that the LGA Model Code and the Committee's public consultation exercise were based on the best practice recommendations set out in the 2020 report by the Committee for Standards in

Public Life (CSPL). The CSPL made a number of specific recommendations to the Government and a formal response was still awaited.

The Standards Committee report stated that Town and Parish Councils currently had the choice to adopt the Council's Councillor Code of Conduct, the LGA Model Code or the Model Code produced by the National Association of Local Councils (NALC).

The report stated that the Committee was faced with several options, viz:

- recommend no change to the Councillor Code of Conduct and resolve to continue with the existing Code;
- recommend to Council that the LGA Model Code be adopted, with or without specific amendments;
- identify issues for further consideration and request a further report to the Committee;
- resolve to defer making any decisions pending the outcome of the Government's consideration of the recommendations from the CSPL report.

Prue Bray proposed that the LGA Model Code of Conduct be adopted with the following local variations:

- social media guidance (as discussed later in the Agenda) be attached to the Model Code of Conduct;
- the monetary threshold for gifts and hospitality remain at the current level of £25;
- in relation to "dealing with disrespect", the word "report" be replaced with the word "notify";
- in relation to exempt information, the complexity of the issues be recognised and Members be advised to seek advice from the Monitoring Officer before releasing information which could reasonably be assumed to be confidential or exempt;
- the Code of Conduct be reviewed every two years or following changes to LGA guidance or Government legislation;
- the best practice principles proposed by the Committee for Standards in Public Life be reviewed by the Standards Committee following publication of the Government's response.

In relation to the Committee's public consultation in late 2020, Members felt that the following issues should be considered at the next meeting:

- the publication of Member names when breaches of the Councillor Code of Conduct are resolved informally;
- the process for handling complaints made by a Town or Parish Clerk against a Councillor;
- guidance on the timeframes for publishing different types of exempt/confidential information;
- clarification on the definition of "co-opted member" in the Model Code vis-à-vis the proposed Social Media Guidance;
- any implications relating to the declaration of interests in light of the number of Non-Executive Directors appointed by the Council;

RESOLVED That:

- 1) the LGA Model Councillor Code of Conduct be recommended to Council for adoption, with the following local variations:
 - Social Media Guidance be attached to the Model Code of Conduct;
 - the monetary threshold for gifts and hospitality remain at the current level of £25;
 - in relation to “dealing with disrespect”, the word “report” be replaced with the word “notify”;
 - in relation to exempt information, the complexity of the issues be recognised and Members be advised to seek advice from the Monitoring Officer before releasing information which could reasonably assumed to be confidential or exempt;
- 2) the adopted Councillor Code of Conduct be reviewed every two years or following changes to LGA guidance or Government legislation;
- 3) a training programme for the adopted Code of Conduct be developed for all WBC Members following the May 2021 Council elections;
- 4) the Monitoring Officer consider the provision of support for Town and Parish Councils that adopt the LGA Model Code of Conduct;
- 5) the best practice principles proposed by the Committee for Standards in Public Life be reviewed in due course, following publication of the Government’s response to its proposals;
- 6) the next meeting of the Committee, in July 2021, consider the following issues:
 - the publication of Member names when breaches of the Code of Conduct are resolved informally;
 - the process for handling complaints made by a Town or Parish Clerk against a Councillor;
 - guidance on the timeframes for publishing different types of exempt/confidential information;
 - clarification on the definition of “co-opted member” in the Model Code vis-à-vis the proposed Social Media Guidance;
 - any implications relating to the declaration of interests in light of the number of Non-Executive Directors appointed by the Council.

51. UPDATE ON COMPLAINTS AND FEEDBACK

The Committee considered a report, set out at Agenda pages 51 to 56, which provided an update on progress relating to Code of Conduct complaints.

The report stated that, since consideration of the most recent report in October 2020, five new complaints had been received. Appended to the report was a summary of progress relating to each complaint. The Monitoring Officer updated the Committee on the latest progress relating to the complaints. One complaint was due to be considered by a Standards Committee Hearings Panel.

The report also provided clarification on the process for handling Code of Conduct Complaints, set out in Chapter 9 of the Council’s Constitution. Andrew Moulton (Monitoring Officer) confirmed the procedure as set out in Para 9.1.13. This stated that any decisions

not taken by a Standards Committee Hearings Panel were taken by the Monitoring Officer, after consultation with the Chairman/Vice Chairman of the Standards Committee and one of the Independent Persons.

Members noted the delays in resolving some of the complaints set out in the report and requested a further report with proposals to bring more rigour to the process. Following the issues raised at the Committee's meeting on 11 January 2021 it was also suggested that a benchmarking exercise be undertaken in order to understand the role of Members in the handling of Code of Conduct complaints. It was noted that some Councils (including Bracknell, West Berkshire and Windsor and Maidenhead) had no Member involvement in the investigation of complaints.

RESOLVED That:

- 1) the update report on Code of Conduct complaints be noted;
- 2) a report be submitted to the next meeting of the Committee with proposals to make the investigation of Code of Conduct complaints more timely and benchmarking information on Member involvement in the consideration of complaints.

52. SOCIAL MEDIA GUIDANCE

The Committee considered a report, set out at Agenda pages 57 to 68, which gave details of a proposed Protocol on the use of social media: Social Media Guidance for Councillors.

The report stated that, in recent years, there had been an increase in the number of Code of Conduct complaints relating to Members' use of social media. At present there was no specific guidance for Members set out in the Councillor Code of Conduct. It was felt to be useful to provide Members with guidance on the use of social media and examples of specific behaviours which may constitute a breach of the Code.

The report stated that 69% of respondents to the LGA's consultation on the proposed Model Code had stated that guidance on the use of social media should be incorporated into the Code. Despite this level of support, guidance on the use of social media had not been incorporated into the Model Code. Consequently, WBC officers had developed social media guidance, which was appended to the report.

Following the earlier discussion on the Councillor Code of Conduct, Members supported the adoption of the proposed social media guidance within the new Code of Conduct.

RESOLVED That:

- 1) the proposed Social Media Guidance be approved;
- 2) the proposed guidance be recommended to full Council alongside the new Councillor Code of Conduct;
- 3) the guidance be monitored and reviewed every two years, alongside the Code of Conduct.

53. ANNUAL REPORT

The Committee considered its Annual Report for 2020/21, set out at Agenda pages 69 to 76.

In line with the Council's Constitution, the Annual Report would be submitted to full Council at its meeting on 18 March 2021.

The report gave details of the role of the Committee in seeking to promote the highest standards of conduct by elected Members representing the Borough, Town and Parish Councils. It stated that, notwithstanding the additional burdens created by the Covid19 pandemic, the level of Code of Conduct activity remained relatively low.

The report stated that the Code of Conduct complaints received during the year related to:

- the alleged disclosure of confidential information;
- the breach of social distancing rules relating to Covid-19;
- the inappropriate use of social media by Members;
- the conduct and behaviour of a Member at a Council meeting;
- the wording of a Council press release.

The report stated that the Committee would continue to commission training and support to underpin high standards of ethical behaviour by Members and officers across the Borough.

Gary Cowan commented that the Annual Report was an excellent document and he would be supporting it.

Prue Bray and Imogen Shepherd-Dubey stated that, as a result of the handling of the Constitutional issues raised at the meeting on 11 January 2021, they could not support the Annual Report in its current format.

Sally Gurney asked if there were any plans to recruit further Independent Persons. It was confirmed that the current number of Independent Persons was deemed to be sufficient. If a vacancy arose, there would be a public recruitment exercise.

RESOLVED: That the Standards Committee Annual Report be approved for submission to the full Council meeting on 18 March 2021.