



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **STANDARDS COMMITTEE** will be held in Council Chamber - Civic Offices, Shute End, Wokingham RG40 1BN on **MONDAY 24 OCTOBER 2022 AT 6.30 PM**

Susan Parsonage
Chief Executive
Published on 16 October 2022

Note: Non-Committee Members and members of the public are welcome to attend the meeting or participate in the meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams, please contact Democratic Services. The meeting can be viewed live using the following link:

<https://youtu.be/uAIVj6feuOY>

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.

Our Vision
<i>A great place to live, learn, work and grow and a great place to do business</i>
Enriching Lives
<ul style="list-style-type: none"> • Champion excellent 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 enable healthy choices for everyone. • Engage and empower our communities through arts and culture and create a sense of identity for the Borough which people feel part of. • Support growth in our local economy and help to build business.
Providing Safe and Strong Communities
<ul style="list-style-type: none"> • Protect and safeguard our children, young and vulnerable people. • Offer quality care and support, at the right time, to reduce the need for long term care. • Nurture our communities: enabling them to thrive and families to flourish. • Ensure our Borough and communities remain safe for all.
Enjoying a Clean and Green Borough
<ul style="list-style-type: none"> • Play as full a role as possible to achieve a carbon neutral Borough, sustainable for the future. • Protect our Borough, keep it clean and enhance our green areas for people to enjoy. • Reduce our waste, promote re-use, increase recycling and improve biodiversity. • Connect our parks and open spaces with green cycleways.
Delivering the Right Homes in the Right Places
<ul style="list-style-type: none"> • Offer quality, affordable, sustainable homes fit for the future. • Ensure the right infrastructure is in place, early, 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, where it is needed most, to live independently in their own homes.
Keeping the Borough Moving
<ul style="list-style-type: none"> • Maintain and improve our roads, footpaths and cycleways. • Tackle traffic congestion and 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 in offering affordable, accessible public transport with good transport links.
Changing the Way We Work for You
<ul style="list-style-type: none"> • Be relentlessly customer focussed. • Work with our partners to provide efficient, effective, joined up services which are focussed around our customers. • Communicate better with customers, 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.
Be the Best We Can Be
<ul style="list-style-type: none"> • Be an organisation that values and invests in all our colleagues and is seen as an employer of choice. • Embed a culture that supports ambition, promotes empowerment and develops new ways of working. • Use our governance and scrutiny structures to support a learning and continuous improvement approach to the way we do business. • Be a commercial council that is innovative, whilst being inclusive, in its approach with a clear focus on being financially resilient. • Maximise opportunities to secure funding and investment for the Borough. • Establish a renewed vision for the Borough with clear aspirations.

MEMBERSHIP OF THE STANDARDS COMMITTEE

Councillors

Sam Akhtar

John Kaiser

Imogen Shepherd-DuBey

Graham Howe

Morag Malvern

Chris Johnson

Adrian Mather

Parish/Town Council Representatives

Sally Gurney

Roy Mantel

Sheena Matthews

Co-Optee, Wokingham Town Council

Co-Optee Twyford Parish Council

Co-Optee Earley Town Council

ITEM NO.	WARD	SUBJECT	PAGE NO.
10.		APOLOGIES To receive any apologies for absence.	
11.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 18 July 2022.	5 - 8
12.		DECLARATION OF INTEREST To receive any declarations of interest.	
13.		PUBLIC QUESTION TIME 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 www.wokingham.gov.uk/publicquestions	
14.		MEMBER QUESTION TIME To answer any WBC Member questions.	
15.		PARISH / TOWN COUNCIL QUESTION TIME To answer any questions from Parish or Town Councillors.	
16.	None Specific	UPDATE ON COMPLAINTS To consider the regular update report on Code of Conduct complaints.	9 - 14

17. None Specific

UPDATE ON TRAINING

15 - 18

To consider a report on Code of Conduct training for Members.

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 JULY 2022 FROM 7.00 PM TO 7.45 PM**

Committee Members Present

Councillors: Sam Akhtar, Graham Howe, Chris Johnson, Morag Malvern, Adrian Mather and Imogen Shepherd-DuBey

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

Officers Present

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

1. ELECTION OF CHAIR

The Committee elected a Chair for the 2022/23 Municipal Year.

RESOLVED: That Morag Malvern be elected Chair of the Standards Committee for the 2022/23 Municipal Year.

2. APPOINTMENT OF VICE-CHAIR

The Committee appointed a Vice-Chair for the 2022/23 Municipal Year.

RESOLVED: That Imogen Shepherd-Dubey be appointed Vice-Chair of the Standards Committee for the 2022/23 Municipal Year.

3. APOLOGIES

An apology for absence was submitted from John Kaiser.

4. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 30 March 2022 were confirmed as a correct record and signed by the Chair.

5. DECLARATION OF INTEREST

There were no declarations of interest.

6. PUBLIC QUESTION TIME

Tony Johnson asked the Chair the following question:

Information published as regards the outcome of the public consultation on the Election Cycle appears to be:

- Inadequate for Member (<2 days) or Public (<0.5 day) understanding.
- Inconsistent with Rules 3.2.7 & 3.2.8 of WBC's Constitution.
- Inconsistent with the provisions of clauses of the Local Government Act 1972 and the Public Bodies (Admission to Meetings) Act 1960.
- An analysis which omits to mention that out of circa 1000 written responses - 40% were in favour of "all-out" and 60% were in favour of "thirds".
- An analysis which gave mis-impression by omitting over 450 responses on topics the summary did mention.

- An analysis which failed to acknowledge 27 public challenges as regards the true costs of elections.
- An analysis which omitted any public concern or challenge as to the conduct of the consultation.
- “Information Hiding” of Appendix B by publishing on a lower level web-page.
- Providing a misleading answer to a public question at a Council Meeting.

And where publication of a non-existent clause in WBC’s Constitution - Rule 6.3.34 d) - may have led to suppression Call-In of the Executive’s decision in January.

Please could the Council explain why this pattern of conduct occurred?

Answer:

At the meeting of the Extraordinary Council on 22 June, Members received an officer report on the electoral cycle which included a range of information including a section summarising the results of a public consultation.

The detailed consultation feedback was highlighted in the report as a “background” document. This means that the information is available to Members and the public, and, in fact, the document was provided in advance of the meeting to all Members and uploaded as a background document on the relevant agenda page on the Council’s website.

As a background document, it was dealt with in accordance with Rule 3.2.10 of the Constitution, which states that such documents will be made available for public inspection for four years after the date of the meeting.

Notwithstanding the above, in the interests of continuous improvement, I understand the Monitoring Officer is reviewing what learning may be appropriate to ensure the Council can provide the further assurance to members of the public like yourself that the Council does not, as you suggest “hide” information but meets its commitment of full and open transparency.

Turning now to your query about the January 2022 Executive meeting, I can confirm that Rule 6.3.34d) does exist and states that “no decision taken by the Council or due to be referred to Council for final approval” can be called-in. Therefore the decision, relating to Whole Council Elections, made by the Executive in January, which I believe is what you are referring to, was not eligible for call-in as it was due for consideration at the February Council meeting.

Supplementary Question

This is not an expression of concern about service delivery and it is not a complaint about a specific person’s or persons’ conduct at this time. In the content of Appendix B there are 20 allegations of bias. There are 15 concerns as to the voting methodology, specifically voting twice. The word condescending appears. The word patronising appears. I am happy to circulate details of this and my analysis to you.

If the Nolan Standards are to mean anything around here, what action does the Standards Committee propose to take to improve the conduct of everybody?

Supplementary Answer

That is a good question which requires considerable thought and attention. As you know, I am new to this role, so I will provide a written answer in due course.

7. MEMBER QUESTION TIME

There were no Member questions.

8. PARISH / TOWN COUNCIL QUESTION TIME

There were no questions from Town or Parish Members.

9. UPDATE ON COMPLAINTS AND TRAINING PROGRAMME

The Committee considered a report, set out at Agenda pages 9 to 16, which provided an update on progress relating to Councillor Code of Conduct complaints.

The report stated that, since the previous meeting in March, five complaints had been received – four relating to WBC Members and one relating to a Town/Parish Councillor. No action was taken in relation to four complaints whilst one was subject to further investigation.

Appendix A to the report gave details of the complaints received in 2022/23 to date. Appendix B gave details of previously outstanding complaints relating to two Parish Councillors.

The Monitoring Officer reported that he had met with the Town and Parish Clerks in March to discuss options to raise awareness of Code of Conduct. The Clerks reported that their Councils had either recently adopted the new LGA Code of Conduct or were actively considering it. It was agreed that further promotion and awareness training could take place in 2022/23. It was also agreed that the Monitoring Officer would develop an online training package for use by the Towns and Parishes. This work was ongoing.

In the ensuing discussion Members raised the following points:

What was the role of the Standards Committee in resolving alleged breaches of the Code of Conduct? It was confirmed that the Standards Committee's role was to set the standards of behaviour expected, ensure that Members received adequate training and support and identify any trends or issues requiring further intervention. A small number of complaints ended up at a Hearings Panel, made up of members of the Committee. The work of the Committee was publicised with any Members found to have breached the Code of Conduct being the subject of a public decision notice.

In relation to the backlog of complaints, what has been done to speed up the process? It was confirmed that additional resources had been identified, for example through the role of Deputy Monitoring Officer.

It was apparent that breaches relating to the use or misuse of social media were increasing. What was the Council doing to address this trend? It was confirmed that training for Members would be delivered in the autumn of 2022. In the meantime, the Monitoring Officer was happy to talk to Members about specific issues or concerns.

In relation to cases where Members did not co-operate with the Monitoring Officer, was it possible to introduce additional sanctions under the Code of Conduct. It was confirmed that this suggestion would be given further consideration.

In relation to Member training, it was felt that induction training for new Members should be supported by an annual refresh on the Code of Conduct for all Members.

Was it possible to provide additional support for Town and Parish Chairs, to help them to deal with complaints locally? It was confirmed that the Monitoring Officer already provided support for Clerks who were dealing with complaints. Additional support for Chairs could be considered but would be dependent on the finite resources available for the Monitoring officer. The Monitoring Officer was happy to have further discussions with the Clerks on these issues.

In relation to the high number of complaints relating to Woodley Town Council, did this relate to a small number of repeat offenders or were the complaints spread amongst a wider group of Members? The Monitoring Officer undertook to consider this issue further before reporting back to the Committee.

RESOLVED That:

- 1) the update on Code of Conduct complaints be noted;
- 2) a further update on the training issues raised by Members be provided at the next meeting of the Committee on 24 October 2022.

TITLE Update on Complaints

FOR CONSIDERATION BY Standards Committee on 24 October 2022

WARD (All Wards);

LEAD OFFICER Monitoring Officer - Andrew Moulton

OUTCOME / BENEFITS TO THE COMMUNITY

To inform and feedback results of the Member Complaints process.

RECOMMENDATION

The Committee is asked to note the update on complaints and consider any issues arising.

SUMMARY OF REPORT

Since the last report on Complaints to the Committee on 18 July 2022, there have been 3 complaints received – 2 relating to WBC councillors, and 1 relating to a Town & Parish councillor.

No further action was taken with regards one of the complaints. One complaint (ref WBC6) is subject to investigation and is expected to conclude shortly. A verbal update will be provided to the meeting with regard to WBC5.

Updates on these 2022/23 complaints can be found at **Appendix A**.

Background

One of the roles of the Committee is to monitor the operation of the Member Code of Conduct.

The Committee undertakes this role through the receipt of regular updates from the Monitoring Officer that provides information on the numbers, types, and outcomes of complaints.

The relevant part of the Constitution is 9.1.12 – Process for Considering Code of Conduct Complaints.

On receipt of a complaint, the Monitoring Officer makes an initial assessment and writes a summary of the complaint and then, subject to consultation with an Independent Person, has delegated authority to decide to:-

a) take no action if there is clear evidence that there has been no breach of the Code of Conduct.

b) Resolve the matter informally by asking the Subject Member to:-

i) take part in mediation with the complainant in order to settle the complaint, provided both the Subject Member and the complainant are willing to do so, and/or

ii) make a written apology to the complainant which is acceptable to the Monitoring Officer and the Independent Person, and/or

iii) attend training and/or

iv) correct an entry in the Members' Register of Interests or correct a declaration made;
OR

c) Require a formal investigation and a written investigation report by an Investigating Officer. The investigation report shall conclude whether there has been a breach of the Code of Conduct. Copies of the investigation report will be provided in confidence to the Independent Person, and the Subject Member. OR

d) Refer the complaint to the Standards Committee for a decision on whether options a), b) and c) above should be followed.

It should be noted that before a complaint reached the stage of a Standards Committee Panel Hearing

Analysis of Issues

See summary of complaints at Appendix A.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	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 (how does this decision impact on other Council services, including properties and priorities?)

None specific

Public Sector Equality Duty

Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:-

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

An Equality Impact Assessment (EIA) is not relevant to this report

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

There are no direct implications arising from this report on the Council's carbon neutral objective.

Reasons for considering the report in Part 2

Not applicable.

List of Background Papers

None

Contact Andrew Moulton

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Service Governance

Email

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Appendix A
Member Code of Conduct Complaints 2022/23 (as at 30 Sept 2022)

Ref	Date Received	Acknowledged	Within 3 days?	Complainant	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded/ Next steps	Within Performance Timescales
WBC6	23/8/22	23/8/22	Y	Wokingham Borough Member	Wokingham Borough Member	Allegation concerning letter written in lead to May 2022 elections.	Complaint is at investigation stage.	Ongoing	
WBC5	3/8/22	3/8/22	Y	Officer	Wokingham Borough Member	Allegations of various breaches of the Code pertaining to correspondence.	Independent person consultation held on 27/9/22	A verbal update will be provided to the meeting.	
T&P2	25/7/22	27/7/22	Y	Earley TC Councillor	Earley Town Council Member	Allegation of disrespect regarding correspondence.	Independent Person consultation held on 10/8/22.	11/8/22 No further action.	Y
WBC4	19/6/22	20/6/22	Y	Member of public	Wokingham Borough Member	Allegation of bringing the office of councillor into disrepute relating to comments made in a media interview.	Independent Person consultation held on 6/7/22.	6/7/22 No further action.	Y
WBC3	24/5/22	25/5/22	Y	Member of public	Wokingham Borough Member	Alleged disrespect in social media exchanges.	Independent Person consultation held on 9/6/22.	9/6/22 No further action.	Y
T&P1	18/5/22	18/5/22	Y	Member of public	Remenham Parish Council	Conduct relating to election campaign and at Parish Meeting.	Independent Person consultation held on 9/6/22. Investigation conducted.	28/9/22 Finding of no breach following investigation.	N
WBC2	28/4/22	28/4/22	Y	Member of public	Wokingham Borough Member	Alleged disrespect in social media exchanges.	Independent Person consultation held on 30/5/22. Meeting delayed due to Monitoring Officer's availability due to other duties	30/5/22. No further action.	N

							associated with elections and change of administration.		
WBC1	30/3/22	30/3/22	Y	Member of public	Wokingham Borough Member	Alleged disrespect in social media exchanges.	Independent Person consultation held on 30/5/22. Meeting delayed due to Monitoring Officer's availability due to other duties associated with elections and change of administration.	30/5/22. No further action.	N

Performance Timescales (introduced October 2021)

Acknowledgement within 3 days of receipt

Initial consultation meeting held within 15 working days of acknowledgement

Conclusion within 3 months (if investigation required)

TITLE Update on Training

FOR CONSIDERATION BY Standards Committee on 24 October 2022

WARD (All Wards);

LEAD OFFICER Deputy Chief Executive - Graham Ebers

OUTCOME / BENEFITS TO THE COMMUNITY

To provide assurance of high standards of ethical conduct and behaviour.

RECOMMENDATION

That the committee agrees the individual and collective training and development needs of its members through the remainder of this municipal year and 2023/24.

SUMMARY OF REPORT

With the new Member Code of Conduct in place and associated revisions to the way complaints are dealt, it is timely to consider what training and development the committee requires in order to fulfil its role.

The remit of the committee is laid down by the Constitution and to fulfil that role committee members will need to understand a range of topics. The aim of this report is to explore with committee members what skills and knowledge they need to tackle their role with confidence. All members will have differing levels of knowledge and skill and so some training needs will be collective whilst others will be personal.

Background

The terms of reference of the Standards Committee are laid down in the Constitution as follows:

- 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.

From those terms of reference it is clear that members of the Committee need, amongst other things, the following skills and knowledge:

- A detailed understanding of the Member code of conduct (including "the Nolan Principles" and those areas identified through the Committee's analysis of complaints such as use of social media, the application of confidentiality etc)
- Knowledge of how the processes work for dealing with complaints alleging a breach of the Member code of conduct including the role of the Independent Person and Monitoring Officer
- A knowledge of the rules of natural justice and evidenced based decision making plus how to apply them in the context of a standards panel hearing
- Knowledge of the Member Officer protocol
- Knowledge of other codes of conduct and procedures (e.g. Whistleblowing, Officer Code of Conduct)

Members of the committee may identify further skills and knowledge that they will require. Committee members are asked to consider the above list and use their experience to date to help identify a comprehensive list of matters. Members will have vary degrees of experience in the matters identified and therefore it will be necessary to agree which items should be the subject of collective training of the whole committee and which will be for individual members.

It is proposed that at future meetings of the Committee short training sessions (30 minutes) are provided prior to committee meetings. These are suitable for small topics that simply require knowledge transfer. Larger topics can be split across several sessions but some topics may need a longer training event (e.g. an evening session). Equally there is limited opportunity for skill practice in a 30 minute session and so again longer events may be required.

Simultaneously, an online training package is being developed for all borough councillors which should be available later this year. This package can also be made available to town and parish councillors.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	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

Existing resources will be used to provide training.

Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)

The work of councillors impacts all parts of the Council

Public Sector Equality Duty

There are no direct implications from this report.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

No specific impacts of this report.

Reasons for considering the report in Part 2

Not applicable

List of Background Papers

None

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