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A Meeting of the **STANDARDS COMMITTEE** will be held in Council Chamber - Civic Offices, Shute End, Wokingham RG40 1BN on **MONDAY 23 JANUARY 2023** AT **6.00 PM**

Susan Parsonage

Chief Executive

Published on 15 January 2023

Note: Non-Committee Members and members of the public are welcome to attend 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 also be viewed live using the following link: https://youtu.be/UAmWzUDUHps

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

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

Enriching Lives

- 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

- 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

- 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

- 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

- 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

- 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

- Be an organisation that values and invests in all our colleagues and is seen as an employer of
- 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

Morag Malvern (Chair) Imogen Shepherd-DuBey Sam Akhtar

(Vice-Chair)

Graham Howe Chris Johnson John Kaiser

Adrian Mather

Parish/Town Council Representatives

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

ITEM NO.	WARD	SUBJECT	PAGE NO.
18.		APOLOGIES To receive any apologies for absence	
19.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 24 October 2022.	5 - 8
20.		DECLARATION OF INTEREST To receive any declarations of interest.	
21.		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	
22.		MEMBER QUESTION TIME To answer any Member questions.	
23.		PARISH / TOWN COUNCIL QUESTION TIME To answer any questions from Parish or Town Councillors.	
24.	None Specific	TRAINING - PRESENTATION AND Q&A ON CODE OF CONDUCT	

To consider a presentation, followed by a Q&A session on the Member Code of Conduct.

25. None Specific UPDATE ON STATUS OF TOWN AND PARISH 9 - 12

MEMBER CODES OF CONDUCT

To consider an update on the status of Town and

Parish Council Codes of Conduct.

26. None Specific UPDATE ON COMPLAINTS 13 - 20

To consider the regular update on Code of Conduct

complaints and any matters 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 24 OCTOBER 2022 FROM 6.30 PM TO 7.05 PM

Committee Members Present

Councillors: Sam Akhtar, Graham Howe, Morag Malvern (Chair), Adrian Mather and Imogen Shepherd-DuBey (Vice-Chair)

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

Sally Gurney (Co-optee Wokingham Town Council) attended the meeting virtually.

Officers Present

Andrew Moulton, Monitoring Officer
Madeleine Shopland, Democratic and Electoral Services Specialist

10. APOLOGIES

An apology for absence was submitted from Chris Johnson.

11. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 18 July 2022 were confirmed as a correct record and signed by the Chair.

12. DECLARATION OF INTEREST

There were no declarations of interest received.

13. PUBLIC QUESTION TIME

There were no public questions.

14. MEMBER QUESTION TIME

There were no Member questions.

15. PARISH / TOWN COUNCIL QUESTION TIME

There were no Parish/Town Council guestions.

16. UPDATE ON COMPLAINTS

The Committee received an update on complaints.

During the discussion of this item, the following points were made:

- Andrew Moulton, Assistant Director Governance, provided an update on the complaints process. The Monitoring Officer would make an initial assessment of the complaint, write a summary of the complaint, and then subject to a consultation meeting with one of the Independent Persons, would take one of four courses of action.
- It was rare for complaints to reach the Members Hearing Panel stage. Only the most serious complaints would go to this stage and there were a number of stages and processes in place prior to this.
- Since the last Committee meeting three complaints had been received; two relating to Borough Councillors and one relating to a Town/Parish Councillor. No further action was taken in one case. WBC 6 was subject to an investigation.

- With regards to WBC 5, the complaint had been received from an Officer and had since been withdrawn, which ended the Code of Conduct process. In terms of the process there were lessons to be learned. Andrew Moulton indicated that he would bring a more detailed report back to the Committee on how processes could be improved, particularly regarding relations between Officers and Members.
- Councillor Akhtar asked if there was differentiation in how complaints were dealt
 with depending on the seriousness of the complaint. Andrew Moulton indicated that
 the different criteria were set out in the Code of Conduct. The majority of
 complaints were concluded as 'no breach.'
- Sally Gurney asked for an update about a number of long-term outstanding complaints relating to Woodley Town councillors. Andrew Moulton indicated that this matter had also been raised at the most recent Council meeting. The majority of the historic complaints related to two Woodley Town Councillors. Andrew Moulton would be writing to Woodley Town Council very soon to update on these complaints. The complaints had been difficult to resolve due to a lack of cooperation from the Members involved. He would look to see how he could support the Town Council in updating its Code of Conduct in line with the Local Government Association Code.
- The Chair asked about timescales in resolving the outstanding historic complaints.
 She was informed that communication with Woodley Town Council and the complainants would take place within the next few days.
- Adrian Mather indicated that comments had been made that the process did not have sufficient teeth and questioned whether it needed to be reviewed. He queried whether those councillors who had received complaints and refused to cooperate, be required to attend a Member Hearing Panel. Andrew Moulton commented that the whole system relied on relative cooperation.
- Sally Gurney questioned whether amending the process so that in cases where the
 person being complained about did not engage in the process, a decision was
 made based on the information received, was still under consideration, and if this
 step could be added to the formal process. The Chair asked whether the process
 was clear on the way forwards. Andrew Moulton responded that the six complaints
 had come from fellow Councillors or Officers.
- Imogen Shepherd-Dubey emphasised that there needed to be a time limit given for those being complained about to respond to the process. If the person was found guilty the results of the investigation needed to be made public.
- Sheena Matthews asked for an update on the Town and Parish Councils updating their Codes of Conduct in line with the LGA Code and requiring councillors to sign up to the Code officially. She indicated that Earley Town Council had amended its Code of Conduct. Andrew Moulton indicated that this was planned for later in the year.
- Roy Mantel noted that one of the options available to the Monitoring Officer once they had made an initial assessment of a complaint, was to take 'no further action.' He commented that complaints could sometimes be malicious and that there needed to be a mechanism for explaining why complaints were not being progressed in these instances. Andrew Moulton explained that he wrote to complainants and explained why a particular decision had been reached.
- Graham Howe emphasised the importance of exercising caution when making decisions as the situation was not always clear.
- The Chair questioned whether the Independent Persons were offered training and if so, if it was taken up. Andrew Moulton confirmed that it was offered. The Independent Persons were very experienced.

 Sam Akhtar questioned if there was an appeals process if someone was found to have committed a breach and was informed that there was not. The Committee had considered this a few years ago but had concluded at that time that it was not appropriate.

RESOLVED: That the update on complaints be noted.

17. UPDATE ON TRAINING

The Committee considered a report regarding training.

During the discussion of this item, the following points were made:

- From the Committee's terms of reference, it was 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 it was suggested that the Committee invite one of the Independent Persons to a future Committee meeting.
 - ➤ A knowledge of the rules of natural justice and evidenced based decision making and 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).
- It was proposed that short training sessions (30 minutes) be provided prior to committee meetings.
- Members welcomed the forthcoming development of an online training package for Borough Councillors.
- Sam Akhtar commented that it would be useful to look at the social media element of the Code of Conduct.

RESOLVED: That the individual and collective training and development needs of the Committee members through the remainder of this municipal year and 2023/24, be agreed.



Agenda Item 25.

TITLE Update on status of Town and Parish Member Codes

of Conduct

FOR CONSIDERATION BY Standards Committee on 23 January 2023

WARD (All Wards);

LEAD OFFICER Monitoring Officer - Andrew Moulton

OUTCOME / BENEFITS TO THE COMMUNITY

Overview and assurance of the status of each Member Code of Conduct policy for all town and parish councils in the borough.

RECOMMENDATION

That Standards Committee considers the update at Appendix 1 and advises the Monitoring Officer of any follow-up actions and/or further support for individual town or parish councils.

SUMMARY OF REPORT

The role of councillor across all tiers of local government is a vital part of the country's system of democracy. It is important that all councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. Conduct as an individual councillor affects the reputation of all current councillors and influences the future decisions of individuals from a range of backgrounds and circumstances in putting themselves forward to become councillors.

In 2020, the Local Government Association (LGA) published a model Member Code of Conduct. The Borough Council adopted this model (with some minor revisions) at its meeting of 22 July 2021.

The remit of the Borough Council's Standards Committee also covers the standards arrangements for the 17 town and parish councils in the borough and requires the borough council's Monitoring Officer and Standards Committee to administer any complaints against town and parish councillors. Individual town and parish councils have been encouraged to consider the LGA Model and whether they needed to update their local Code of Conduct. This report provides an update at Appendix 1 on the status of the Member Code of Conduct of each town/parish council and provides an opportunity for the Committee to further promote and enhance awareness of the importance of high standards of conduct amongst all councillors.

Background

The Localism Act 2011 makes arrangements for regulating the conduct of members of councils in England. The previous framework, brought in under the Local Government Act 2000, and the organisation called "Standards for England" have gone.

Town and Parish councils must adopt their own codes of conduct, but town and parish councils can adopt the code of their principal authority (i.e. Wokingham Borough Council), if they wish. Principal authorities are responsible for investigating complaints against town and parish council members.

The remit of the Borough Council's Standards Committee also covers the standards arrangements for the 17 town and parish councils in the borough and requires the borough council's Monitoring Officer and Standards Committee to administer any complaints against town and parish councillors.

In 2020, the Local Government Association (LGA) published a model Member Code of Conduct. The Borough Council adopted this model (with some minor revisions) at its meeting of 22 July 2021.

Analysis of Issues

At the meeting of 24 October 2022, the Committee asked for an update on the status of town and parish Member Codes of Conduct. At appendix 1 is the latest position.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and 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	
Section 9 of WBC Constitution	

Contact Andrew Moulton	Service Governance
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	andrew.moulton@wokingham.gov.uk

Appendix 1 – Status of Towns and Parish Member Code of Conduct

Town/Parish Council	Code last updated	Plans for review
Woodley Town Council	Revised and approved at Full Council on 11th October 2022.	At our last Full Council meeting it was also resolved for our Strategy & Resources Committee to review the Code of Conduct specifically at their next meeting, which is due to take place on 22nd November.
Twyford Parish Council	26 July 2022	N/A
Wokingham Town Council	Revised and approved at Full Council December 2021	Likely to be reviewed with new Council 2023 and every 4 years with a new council coming in unless there is national change. It would however, be annually on the Annual Meeting of Council for members to note again.
Barkham Parish Council	Use the Model Code of Conduct which was updated in November 2021	N/A
Finchampstead Parish Council	Reviewed 2021 and updated version adopted 15 December 2021	https://www.finchampstead-pc.gov.uk/policies/code- of-conduct
Arborfield & Newland Parish Council	Adopted at Council Meeting in September 2022	N/A
Sonning Parish Council	May 2022	Adopted the Model Code of Conduct in May 2022 following an earlier meeting where Andrew Moulton referred to this. The Parish Council agreed that it made sense to adopt the same version as WBC were using (LGA Model Councillor Code of Conduct 2020).
Remenham Parish Council	Currently under review.	
Swallowfield Parish Council	August 2015	No plans noted.
St Nicholas Hurst Parish Council	June 2018	No plans noted.
Earley Town Council	November 2020	Adopted the updated LGA Model Councillor Code of Conduct, as amended and adopted by Wokingham Borough Council, in November 2020.
Ruscombe Parish Council	Updated and adopted May 2022	
Charvil Parish Council	Code of conduct is the same as the Borough's and was updated when we last updated ours	
Shinfield Parish Council	21-May-15	
Wargrave Parish Council	14-Jun-20	
Winnersh Parish Council Wokingham Without Parish Council	13-Oct-15 Tbc	Monitoring Officer to follow up with clerk.

Agenda Item 26.

TITLE Update on Complaints

FOR CONSIDERATION BY Standards Committee on 23 January 2023

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 update report to the Committee on 24 October 2022, there have been two new complaints received.

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

In addition, at **Appendix B** is the latest position regarding historic complaints relating to a town council. In total there were seven outstanding complaints previously reported; four of these have been resolved and the remaining three are with Legal Services for review and action as shown in the report.

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.

Analysis of Issues

See summary of 2022/23 complaints at Appendix A.

The latest position on Woodley Town Council historic complaints is provided at Appendix B.

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

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

Public Sector Equality Duty

This is an information update 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	Service Governance	
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-	andrew.moulton@wokingham.gov.uk	

Appendix A Member Code of Conduct Complaints 2022/23 (as at 12 January 2023)

	Ref	Date Received	Acknow- ledged	Within 3 days?	Complainant	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded/	Within Performance
		Received	leugeu	J days:		Wellibei			Next steps	Timescales
	WBC8	21/11/22	21/11/22	Y	Wokingham Borough Member	Wokingham Borough Member	Allegation concerning posts on social media.	Independent Person consultation held on 19/12/22.	19/12/22 No further action.	Y
	WBC7	25/10/22	26/10/22	Y	Wokingham Borough Member	Wokingham Borough Member	Allegation concerning a post on social media.	Independent Person consultation held on 7/11/22.	7/11/22 No further action.	Y
17	WBC6	23/8/22	23/8/22	Y	Wokingham Borough Member	Wokingham Borough Member	Allegation concerning letter written in lead up to May 2022 elections.	Complaint is at investigation stage and is complete apart from subject member's final responses.	Ongoing	N
	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	18/10/22 Complaint withdrawn	Y
	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

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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 associated with elections and change of administration.	30/5/22. No further action.	N
WBC1	30/3/22	30/3/22	Υ	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)

Appendix B – Woodley Town Council

Date Rec'd	Subject Member	Complainant	Allegation	Allegation Status	
I					
13 Dec 2020	Councillor "C"	Woodley TC member	Conduct of a fellow councillor during a Council meeting.	Acknowledgement made on 14 Dec 2020, initial assessment conducted on 8 Jan which concluded that a short investigation was required which was inconclusive given lack of response from Subject Member.	With Legal Services for final review.
21 Dec 2020	Councillor "A"	Woodley TC member	Conduct of a fellow councillor during an online Council meeting.	Councillor "A" agreed to make apology to complainant. No complaint forthcoming so complaint re-opened however Councillor "A" asserts that he withdrew the remark in question at the meeting and later apologised.	With Legal Services for final review
4 Nov 2021	Councillor "A"	Woodley TC member	Breach of confidentiality in disclosing to the press the outcome of the Sept 21 Hearings Panel.	Monitoring Officer consulted with Chair of Standards Committee and wrote to Councillor "A" on 11 & 17 November 2021 seeking information. Councillor "A" confirmed that one of his witnesses (a journalist) to the Sept 21 Hearing Panel had published the article without his knowledge. Case under review by Legal Services.	With Legal Services for final review.

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