



# WOKINGHAM BOROUGH COUNCIL

A Meeting of the **STANDARDS COMMITTEE** will be held in Council Chamber - Civic Offices, Shute End, Wokingham RG40 1BN on **WEDNESDAY 30 MARCH 2022 AT 6.00 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', written in a cursive style.

Susan Parsonage  
Chief Executive  
Published on 22 March 2022

Note: Although non-Committee Members and members of the public are entitled to attend the meeting in person, space is limited due to the ongoing Coronavirus pandemic. You can, however, participate in this 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. This meeting can also be viewed live using the following link:

<https://youtu.be/elmYdc0nenI>

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 Kaiser (Chairman)  
Abdul Loyes

Prue Bray  
Daniel Sargeant (Vice-  
Chairman)

Imogen Shepherd-DuBey  
Caroline Smith

Jackie Rance

### 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.
24.		<b>APOLOGIES</b> To receive any apologies for absence.	
25.		<b>MINUTES OF PREVIOUS MEETING</b> To confirm the Minutes of the Meeting held on 24 January 2022.	5 - 8
26.		<b>DECLARATION OF INTEREST</b> To receive any declarations of interest.	
27.		<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>	
28.		<b>MEMBER QUESTION TIME</b> To answer any Member questions.	
29.		<b>PARISH / TOWN COUNCIL QUESTION TIME</b> To answer any questions from Parish / Town Councillors.	
30.	All Wards	<b>UPDATE ON COMPLAINTS</b> To consider the regular update on Code of Conduct Complaints and any matters arising.	9 - 14

31. None Specific

**STANDARDS COMMITTEE ANNUAL REPORT 2021-22**

15 - 22

To consider the Committee's Annual Report for 2021/22, to be submitted to full Council.

**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 JANUARY 2022 FROM 7.00 PM TO 7.37 PM**

**Committee Members Present**

Councillors: John Kaiser (Chairman), Prue Bray, Imogen Shepherd-DuBey, Abdul Loyes, Daniel Sargeant (Vice-Chairman), Caroline Smith and Jackie Rance

**Parish/Town Council Representatives Present**

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

**Officers Present**

Jennifer Lee, Deputy Monitoring Officer  
Andrew Moulton, Monitoring Officer  
Callum Wernham, Democratic and Electoral Services Specialist

**17. APOLOGIES**

There were no apologies for absence.

**18. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 11 October 2021 were confirmed as a correct record and signed by the Chairman.

The Chairman welcomed Sheena Matthews, Co-Optee from Earley Town Council, to the Committee following her appointment at full Council on 20 January 2022. Sheena stated that she was a Member of Earley Town Council and had been for a number of years, and added that she had a background in international development and the Civil Service, with a particular interest in good governance and standards, and looked forward to providing input into the Standards Committee.

**19. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**20. PUBLIC QUESTION TIME**

There were no public questions.

**21. MEMBER QUESTION TIME**

There were no Member questions.

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

There were no Parish or Town Council questions.

**23. UPDATE ON COMPLAINTS**

The Committee considered a report, set out in agenda pages 9 to 14, which provided an update on progress relating to Councillor Code of Conduct complaints.

The report stated that since the previous meeting of the Committee, on 11 October 2021, two new complaints had been received and a number of other complaints had been progressed.

Andrew Moulton, Monitoring Officer, provided a progress report on each of the complaints (set out in Appendix A to the report). Andrew stated that a further complaint had been received in the past week, over and above those mentioned in Appendix A.

Andrew reaffirmed the Committee's expectations in relation to clearer and more expedient timescales when dealing with complaints, including acknowledging complaints within three days, holding an initial meeting within fifteen days, and concluding an investigation within three months where a hearing was required.

In relation to the three outstanding historical complaints, Andrew stated that two were in relation to the same Councillor and the cases were progressing with a view to resolve by the next meeting of the Committee on 2 March 2022.

Andrew sought the Committee's views on improving the overall understanding of the relevant Code of Conduct for all Members, including any additional training opportunities.

In the ensuing discussion, the following points and queries were raised:

- What progress had been made in relation to the complaint lodged in September 2021? Monitoring Officer response – Active communications had now been established with the Councillor concerned, and a resolution was very much the focus within the next few weeks. The previous engagement of this particular Councillor had not been up to the level expected of a Councillor alleged to have breached the Code of Conduct, and any influence that the Committee could bring in terms of encouraging all Councillors to engage with the process in future would be welcomed.
- It was noted that the Monitoring Officer had met with Town and Parish Council clerks to discuss the adoption of the Local Government Association's (LGA's) model Code of Conduct, and a further meeting could be set up to reinforce this and to explore options to make Councillors more aware of the expectations of the Code of Conduct and engagement with the complaints process when required.
- Was it unusual for Councillors to persistently or repeatedly breach the Code of Conduct? Monitoring Officer response – No, this was quite exceptional and the particular case was being viewed as a one-off.
- The Monitoring Officer agreed to schedule an item on how to make the training process (including social media and press related training) more meaningful for the meeting of the Committee on 2 March 2022, and welcomed the Committee's thoughts on any possible improvements.
- The Monitoring Officer agreed to schedule an item updating on the position of each Town and Parish Council in relation to adoption of the new LGA model Code of Conduct, including exploring the option of requiring all Members to re-sign the new Code of Conduct, for the meeting of the Committee on 2 March 2022.
- Members discussed the sanctions available to the Committee when a Member was found to be in serious breach of the Code of Conduct. In addition to naming the Member and detailing the breach of the Code of Conduct, which some Councillors could view as a positive as they felt that they had stood up for residents, the most stringent sanction available was to ban a Councillor from a particular Committee for a period of time. It was noted that prior to 2010, the Standards Board had the ability to ban a Councillor

from sitting on the Council for up to six months. Very serious breaches of the Code of Conduct could be a police matter.

- It was noted that the complaint lodged against the Wokingham Town Council Member should have been dealt with more quickly, and a resolution would be achieved by the date of the next Committee meeting.
- It was noted that more examples of breaches, in an anonymised and redacted format, would be useful for the Committee to understand common themes and potential grey areas. It was added that examples from other Local Authorities could be used, and miniature case studies could also be presented.

**RESOLVED** That:

- 1) the update on Councillor Code of Conduct complaints be noted;
- 2) the Monitoring Officer meet with Town and Parish Council clerks to explore options to make Councillor's more aware of the expectations of the Code of Conduct and engagement with the complaints process when required;
- 3) the Monitoring Officer schedule an item for the meeting of the Committee on 2 March 2022 on how to make the training process including social media and press related training more meaningful;
- 4) the Monitoring Officer schedule an item for the meeting of the Committee on 2 March 2022, updating on the position of each Town and Parish Council in relation to adoption of the new LGA model Code of Conduct, including exploring the option of requiring all Members to re-sign the new Code of Conduct;
- 5) opportunities to present redacted and anonymised examples of breaches of the Code of Conduct to the Committee be explored.

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**TITLE** Update on Complaints

**FOR CONSIDERATION BY** Standards Committee on 30 March 2022

**WARD** (All Wards);

**LEAD OFFICER** Deputy Chief Executive - 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 24 January 2022, there has been one new complaint received against a WBC councillor – the complaint was expected to be concluded shortly after publication of this report and a verbal update will be provided to the Committee at the meeting. Similarly a verbal update will be provided on the complaint received on 29 November 2021 that has gone to investigation. Updates on all complaints can be found at Appendix A including the historic complaints relating to two town councils.

As requested by the Committee, the Monitoring Officer met with Town and Parish clerks on 16 March to explore options to make Councillors more aware of the expectations of the Code of Conduct and engagement with the complaints process when required. Clerks reported that their towns and parishes had either recently adopted the new LGA Model Code of Conductor were actively considering it, and it was agreed that more further promotion could take place at the start of the new municipal year through, for example, annual council meetings. It was also agreed that the Monitoring Officer would develop an online training package for use by towns and parishes.

The Committee is advised that the changes to the complaints process recommended at the October 2021 meeting were approved by full Council on 17 February 2022.

As discussed previously, a future focus for the Committee should be the promotion of training for councillors in the Code. New Members to the Council will receive induction training from the Monitoring Officer in May and it is suggested that this be considered more broadly at the first meeting of the Committee in 2022/23 with a view to rolling out a programme to all councillors.

## Background

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;
- the identification of areas where training or other action might avoid further complaints.

Since the last report to the Committee on 24 January 2022, there has been one new Code of Conduct complaint received.

Under the Council's adopted policy for the consideration of Code of Conduct Complaints, the Monitoring Officer has delegated authority to decide whether the complaint:-

- a) can be resolved informally i.e. by mediation with the two parties before making a decision on whether the complaint merits formal investigation;
- b) requires investigation;
- c) should be referred to the Standards Committee;
- d) no further action should be taken.

## Analysis of Issues

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

### FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council faces severe 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

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

#### 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

**Service** Governance

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andrew.moulton@wokingham.gov.uk



## Appendix A

### New Complaint

Date Received	Acknowledged	Within 3 days?	Complainant	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded/ Next steps	Within Performance Timescales
10/3/22	10/3/22	Y	Member of public	Wokingham Borough Member	Alleged failure to respond to enquiry from the public.	Clarification received from complainant together with response from subject member.	Conclusion will be reached w/c 21/3/22 to be verbally reported to Committee.	Tbc

### Open/Unresolved Historic Complaints

Date Received	Acknowledged	Within 3 days?	Complainant	Subject Member	Summary of Complaint	Progress/Conclusion	Date Concluded/ Next steps	Within Performance Timescales
29/11/21	30/11/21	Y	Member of public	Wargrave Parish Council Member	Alleged inappropriate use of information for personal gain.	Initial assessment completed and consultation meeting held 20/12/21 whereby agreed to commission investigation.	Investigators report received 21/3/22  Verbal update will be reported to Committee.	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)

## Status of Historic Complaints

16/9/21	17/9/21	Y	Town & Parish Councillor	Woodley Town Council Member	Conduct of a fellow councillor during a Council meeting.	<ul style="list-style-type: none"> <li>• Subject Member asked to comment on 17/9/21. No response received.</li> <li>• Town Clerk informed of complaint on 17/9/21. Assessment to proceed without above responses.</li> <li>• Noted that this complaint relates to same councillor as 14/12/20 below.</li> </ul>	Complaint referred to subject members' party.
7/21	29/7/21	Y	Member of public	Wokingham Town Council	Conduct of two members relating to a planning matter.	<ul style="list-style-type: none"> <li>• No breach of Code</li> </ul>	22/2/22
21/12/20	22/12/20	Y	Woodley Town Councillor	Woodley Town Council Member	Conduct of a fellow councillor during a Council meeting.	Consultation meeting held on 20/12/21 where it was concluded that whilst a breach may have occurred, the Councillor concerned offered to apologise for his conduct but this has not taken place.	Re-opened.
14/12/20	15/12/20	Y	Woodley Town Councillor	Woodley Town Council Member	Conduct of a fellow councillor during a Council meeting.	<ul style="list-style-type: none"> <li>• Consultation meeting held w/c 6 December.</li> <li>• Councillor given deadline of early January to respond to complaint.</li> </ul>	Complaint referred to subject members' party.



# **WOKINGHAM BOROUGH COUNCIL**

## **Standards Committee**

### **Annual Report**

**2021/22**

Submitted to the Council – May 2022

## **Introduction by John Kaiser, Chairman of the Standards Committee**

I am pleased to present the Annual Report of the Standards Committee for 2021/22.

The main aim of the Standards Committee is to promote and maintain the highest standards of conduct by elected Members representing the Borough, Town and Parish Councils. Local government impacts the lives of residents every day, providing essential services to those it serves. High standards are required in order to demonstrate that key decisions are taken in the public interest and to maintain public confidence.

Members' conduct should be underpinned by the seven principles of public life, also known as the Nolan Principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The Standards Committee met four times during the year and focussed on ensuring that the Borough Council's policies, as set out in the Members' Code of Conduct, were up-to-date, understood and underpinned by best practice. The Committee considered the updated Model Councillor Code of Conduct produced by the Local Government Association and recommended its adoption with some local variations.

The Committee also considered an independent review of the Council's arrangements for handling Code of Conduct complaints. The review concluded that the Council's procedures were broadly in line with good practice and made some recommendations for improvement which were accepted by the Committee.

Bearing in mind the significant challenges facing the Borough, Town and Parish Councils over the year, I am pleased to report that the level of Code of Conduct complaint activity in 2021/22 remained at a relatively low level compared to previous years.

Finally, I would like to record my thanks to the Borough, Town and Parish Members, Officers and Independent Persons who contributed to the work of the Committee during the year. I would also add a welcome to Councillor Sheena Matthews who filled the vacancy for a Town/Parish Council representative on the Committee.

**John Kaiser  
March 2022**



## 1.0 What does the Standards Committee Do?

The role of the Standards Committee is to promote, monitor and enforce probity and ethical standards amongst elected Members within the Wokingham Borough, including Town and Parish Councillors. The Localism Act 2011 removed the requirement for a national code of conduct and statutory Standards Committees. The Act introduced a locally focussed “light touch” framework for the adoption of a Member Code of Conduct, and processes for the receipt and consideration of complaints. Although not obliged to do so under the terms of the Localism Act, Wokingham Borough Council decided to maintain a dedicated Standards Committee.

In addition to maintaining an overview of Code of Conduct complaints against Wokingham Borough Council Members, the Committee is also responsible for overseeing complaints against Town and Parish Councillors. The Committee discharges this duty through regular consideration of update reports from the Monitoring Officer who is responsible for deciding on and dealing with complaints, except for those which are required to be referred to a Hearing Panel of the Standards Committee. If the complaints process determines that a Town/Parish Councillor is in breach of the Code of Conduct, recommendations will be submitted to the relevant Town/Parish Council as to the appropriate sanction. However it is for the Town/Parish Council to decide what action is to be taken.

### Role and Functions

The Standards Committee has the following role and functions:

- 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.

## 2.0 The Nolan Principles of Public Life

As mentioned earlier, elected Members should seek to carry out their duties in line with a set of principles known as the Nolan Principles. In 1994, Prime Minister John Major established the Committee on Standards in Public Life, chaired by Lord Nolan. The Committee's first report established a set of seven guiding principles for conduct in public life.

The Principles of Public Life apply to anyone elected or appointed to public office, nationally and locally, and everyone appointed to work in local government, the Civil Service, police, courts and probation service, etc. All public office-holders are both servants of the public and stewards of public resources.

The seven Nolan Principles are:

**Selflessness**

Holders of public office should act solely in terms of the public interest.

**Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

**Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

Holders of public office should be truthful.

**Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Building on the Nolan Principles, the Local Government Association (LGA) has developed the following general principles specifically for the role of councillor:

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully

- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### 3.0 **Who Sits on the Standards Committee?**

The Committee is made up of seven Wokingham Borough Council Members. These Members are voting members of the Committee and are appointed on the basis of political proportionality. An elected Member from Wokingham Borough Council chairs the Committee. The Committee also includes three, non-voting, Town and Parish Council representatives. The 2021/22 membership of the Committee was:

#### **Wokingham Borough Council Representatives:**

- John Kaiser (Chairman)
- Prue Bray
- Abdul Loyes
- Jackie Rance
- Daniel Sargeant (Vice-Chairman)
- Imogen Shepherd-Dubey
- Caroline Smith

#### **Town and Parish Council Representatives**

- Sally Gurney (Wokingham Town Council)
- Roy Mantel (Twyford Parish Council)
- Sheena Matthews (Earley Town Council) – from January 2022

### 4.0 **Independent Persons**

Under the terms of the Localism Act 2011, Wokingham Borough Council is required to appoint an Independent Person (a member of the public, not a Council Officer or elected Member) whose views must be sought before a Hearing Panel of the Standards Committee takes a decision on an allegation.

The Independent Person's views may also be sought on an allegation prior to that stage. In addition, a Member who is subject of an allegation may seek the views of an Independent Person. Three people are currently acting in the Independent Person role:

- David Comben
- Paddy Haycocks
- Nick Oxborough

An Independent Person cannot sit as a member of the Standards Committee, but may attend meetings with the same rights as a member of the public.

## 5.0 **Who Supports the Standards Committee?**

The Committee is supported by:

- Andrew Moulton, Assistant Director, Governance and Monitoring Officer;
- Jennifer Lee, Senior Solicitor and Deputy Monitoring Officer;
- Neil Carr, Democratic and Electoral Services Specialist.

## 6.0 **Standards Committee Activity in 2021/22**

During the 2021/22 Municipal Year seven Code of Conduct complaints were received. The Standards Committee considered an update report on the complaints and investigations at each of its meetings. The complaints related to:

- conduct of an elected Member during a Council meeting;
- conduct of two elected Members relating to a planning matter;
- conduct of an elected Member during a Planning Committee meeting;
- two separate social media posts which allegedly breached the Code of Conduct;
- conduct of an elected Member during a private meeting;
- alleged inappropriate use of information for personal gain.

The complaints were considered initially by the Monitoring Officer in consultation with the Chairman of the Standards Committee and the Independent Person. In order to improve transparency, the Committee agreed previously that, in cases where no action was taken, the complainant and other interested parties would receive a more detailed explanation of the reasoning behind the decision.

A Standards Hearing Panel also met during the year to consider a complaint against a Town Councillor in relation to comments printed in a local newspaper. The Hearing Panel concluded that the Councillor had not breached the Code of Conduct.

It is worth reiterating that the number of complaints received should be seen in the context of there being 54 Borough Council Members and over 200 elected Members of Town and Parish Councils across the Borough. Whilst recognising that the level of complaint activity in 2021/22 was relatively low, the Committee continues to recognise the importance of dealing with every complaint seriously and expeditiously. It is also worth noting that the Covid-19 pandemic resulted in new types of complaint, including the alleged failure to maintain social distancing in line with the Government guidance. The pandemic also resulted in much more activity taking place on line, which changed the dynamic between elected Members, their Councils and their constituents.

In December 2020, the Local Government Association (LGA) published a model Councillor Code of Conduct (the Model Code).

All councils are required to adopt a local Councillor Code of Conduct and the Model Code is provided for use by councils as a template to adopt in whole and/or with local amendments should they wish to. It is the role of the Standards Committee to determine whether to recommend the Model Code, amended or otherwise, to Full Council for inclusion in the Council's Constitution.

The Standards Committee considered the Model Code at its meeting on 8 March 2021 and agreed to recommend the Code to Council, subject to some local variations including the addition, as an appendix, of guidance on the use of social media. Council subsequently agreed to adopt the LGA Model Code with variations proposed by the Standards Committee.

## 8.0 **Review of Policies and Procedures**

An independent review of the Council's policies and procedures by Paul Hoey Associates found that they were broadly in line with best practice. However, a number of areas for improvement were identified including:

- The process for considering Code of Conduct Complaints – this detailed process document was available online but not on the WBC website.
- Receipt and acknowledgement of a complaint – WBC's internal timescale for acknowledgement of a complaint was three working days and this should be formalised.
- Timescale for the Subject Member to comment on the complaint – the Committee agreed that 15 working days was appropriate, with discretion for the Monitoring Officer to extend this period.
- In Parish or Town Council cases the process stated that the Monitoring Officer would seek the Clerk's views, but it was not clear what the Clerk was being asked to comment on – this should be on factual matters.
- Initial assessment of complaints currently undertaken by the Monitoring Officer in conjunction with an Independent Person and the Chairman of the Standards Committee – best practice indicated that the Monitoring Officer only consult with the Independent Person when carrying out the initial assessment and deciding on a course of action.
- Informal resolution – in cases where informal resolution had been pursued but has not been successful, the Council should reserve the option to refer the matter for formal investigation.
- Public disclosure of Subject Member's name - in cases where informal resolution had followed an investigation and finding of a breach of the Code of Conduct, the Subject Member's name should be disclosed.

- Hearing Panels meeting in Private – as a decision making body of the Council a Hearings Panel is covered by the rules relating to access to information and political balance - there should not be a blanket presumption towards closed hearings, with each meeting to consider the facts on their merits at the start of proceedings. The Committee agreed that the Hearings Panel could meet in public but the Panel would consider and make any decisions in private.
- The Committee agreed that political proportionality should apply to Hearings Panel meetings.

The Committee agreed to accept the recommendations of the independent review and to refer the matter to the Constitution Review Working Group and full Council for agreement.

## **8.0 Standards Committee – Future Actions**

The Standards Committee will continue to make further improvements to the Code of Conduct and its supporting procedures in order to ensure continuous improvement in line with best practice. In so doing it will seek to maintain the credibility and good governance of the Borough, Town and Parish Councils.

The Committee will commission further training and support, as necessary, to underpin high standards of ethical behaviour by elected Members and Officers across the Borough. The Committee is keenly aware that high standards of behaviour help to build trust in elected representatives which is crucial to the democratic process.

As discussed above, an independent review found that the majority of the Council's procedures were in line with best practice. The Committee aims to build on this foundation by ensuring that the highest standards of behaviour are delivered and complaints are kept to a minimum. Any complaints received will be investigated thoroughly and fairly.