



# **WOKINGHAM BOROUGH COUNCIL**

## **Standards Committee**

### **Annual Report**

**2016/17**

Submitted to the Council – March 2017



## **Introduction by Ken Miall, Chairman of the Standards Committee**

I am pleased to present the Annual Report of the Standards Committee for 2016/17.

The Standards Committee met three times during the year and continued to focus on the maintenance of the highest standards of conduct by elected Members on the Borough, Town and Parish Councils.

The main role of the Committee is to ensure that the Borough Council's policies, as set out in the Members' Code of Conduct, are up to date and underpinned by best practice. In order to achieve these aims the Committee considered items on voting rights for Town and Parish Council representatives and a proposed amendment to the Code of Conduct relating to a more consistent approach to the publication of information when Members were found to be in breach of the Code.

Also during the year two Standards Committee Hearings Panel meetings were held to consider alleged breaches of the Code of Conduct relating to the alleged disclosure of confidential information. The two cases considered highlighted the importance of Members understanding their responsibilities under the Code of Conduct and I would take this opportunity to emphasise the importance of Members attending the relevant training sessions and, if in doubt about specific issues, taking advice from the Monitoring Officer.

The level of complaint activity in 2016/17 was similar to previous years. However, I am concerned that the majority of complaints were made by Members complaining about the actions of other Members. The Committee will consider any underlying issues relating to this trend and will provide additional guidance and support as necessary. In so doing the Committee will continue in its efforts to drive continuous improvement and maintain the highest standards across the Borough.

Finally, I would like to record my thanks to the Borough, Town and Parish Members and Officers who contributed to the work of the Committee during the year. I would also like to thank the Independent Persons who were called in on a regular basis and provided robust independent challenge and advice to myself, the Monitoring Officer and Panel Members.

**Ken Miall  
March 2017**

## 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 the receipt and consideration of Code of Conduct complaints against Wokingham Borough Council Members, the Committee is also responsible for the receipt and consideration of complaints against Town and Parish Councillors.

The Terms of Reference for the Committee, recorded in Chapter 9 of the Borough Council’s Constitution, are set out below:

### 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 Who Sits on the Standards Committee?

The Committee is made up of six 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 current Chairman is Councillor Ken Miall.

The Committee also includes three, non-voting, Town and Parish Council representatives.

The 2016/2017 membership of the Committee was as follows:

- Ken Miall, (Chairman)
- Pauline Helliar-Symons (Vice-Chairman)
- Chris Bowring
- UllaKarin Clark
- Beth Rowland
- Paul Swaddle
  
- Sally Gurney (Wokingham Town Council)
- Roger Loader (Barkham Parish Council)
- Roy Mantel (Twyford Parish Council).

### **3.0 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 the Standards Committee takes a decision on an allegation it has decided to investigate. 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. Two people are currently acting in the Independent Person role:

- David Comben
- Carole Luurtsema

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.

David Jones withdrew from the role as an Independent Person during the year.

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

The Committee is supported by:

- Andrew Moulton, Monitoring Officer and Head of Governance and Improvement Services.
- Mary Severin, Deputy Monitoring Officer and Borough Solicitor.
- Neil Carr, Principal Democratic Services Officer.

### **5.0 Complaint Statistics 2016/17**

During the 2016/17 Municipal Year ten Code of Conduct complaints were received. Nine of the complaints were made against Members of Wokingham Borough Council with one complaint against a Parish Councillor. Three complaints were made by members of the public with the other seven made by Borough Council

Members against other Borough Council Members. The complaints related to a range of issues including planning applications, Member behaviour at Council meetings, election publications and the handling of confidential information. The Standards Committee considered an update report on the complaints and investigations at each of its meetings.

A Standards Committee Hearings Panel was held in February 2017 following an investigation into a complaint received against two Borough Council Members. The Panel found that the two Members had breached the Code of Conduct and, in addition to censuring the Members, instructed the Monitoring Officer to provide additional training. At the time of writing, a second Hearings Panel was due to be held in late March 2017. In the other eight cases it was concluded that there was no breach of the Code of Conduct.

It is worth reiterating the point that the number of complaints received should be seen in the context of there being 54 Borough Council Members and over 200 Members of Town and Parish Councils across the Borough. Whilst recognising that the level of complaint activity is low, the Committee continues to recognise the importance of dealing with every complaint seriously and expeditiously.

## **6.0 Standards Committee Activity 2016/17**

Since the previous Annual Report to the Council, in March 2016, the Committee has met three times and has considered a range of issues including:

- Regular updates on complaints and feedback – to provide Members with feedback on the operation of the Member complaints process, the outcome of individual cases and any learning points arising.
- Voting rights for Town and Parish Council representatives – the Committee were advised that the relevant legislation meant that Town and Parish Councillors could only attend in a non-voting capacity. The Committee noted the legal position and highlighted the positive contribution made by Town and Parish representatives to its work.
- Amendments to the Code of Conduct – the Committee considered a request to amend the Code of Conduct to ensure a consistent approach to the publication of information when Members breached the Code. Under the current provisions, breaches could be resolved “informally” without the relevant Member’s name being publicised. In contrast, where a Member was found to have breached the Code following a Hearings Panel details were published on the Council’s website. The Committee requested further guidance about best practice and suggested the production of guidelines to support the Monitoring Officer in the handling of complaints.

Training and support for Members was provided during the year, particularly with regard to the provision of practical advice around the declaration of interests.

## **7.0 Standards Committee – Future Action**

The Committee will continue to seek improvements to the Code of Conduct and supporting processes 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. It will also deliver further training and support, as necessary, to underpin high standards of ethical behaviour by elected Members and Officers across the Borough.