



WOKINGHAM BOROUGH COUNCIL

Standards Committee

Annual Report

2018/19

Submitted to the Council – March 2019



Introduction by Ken Miall, Chairman of the Standards Committee

I am pleased to present the Annual Report of the Standards Committee for 2018/19.

The main aim of the Standards Committee is the promotion and maintenance of the highest standards of conduct by elected Members representing the Borough, Town and Parish Councils. 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.

During the year the Committee considered trends arising out of complaints data and arrangements to ensure that Members were aware of their responsibilities under the Code of Conduct. The Committee is especially keen to ensure that newly elected Members are aware of their responsibilities and the standards of behaviour expected of them.

The Committee also submitted evidence to the Committee on Standards in Public Life in relation to its review of ethical standards in local government. Members then considered the implications of the final report, published in January 2019.

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 2018/19 remained at a 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.

**Ken Miall
March 2019**

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. 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.

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 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.

3.0 **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 2018/2019 membership of the Committee was:

- Ken Miall, (Chairman)
- Parry Batth
- UllaKarin Clark
- Richard Dolinski
- Dianne King
- Imogen Shepherd-Dubey

- Sally Gurney (Wokingham Town Council)
- Roy Mantel (Twyford Parish Council)
- Vacancy

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 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. 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;
- Mary Severin, Borough Solicitor and Deputy Monitoring Officer;
- Neil Carr, Democratic and Electoral Services Specialist.

6.0 Standards Committee Activity in 2018/19

During the 2018/19 Municipal Year six 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:

- the response made by a Borough Councillor to a resident's complaint about the behaviour of a canvasser prior to the May elections;
- the behaviour of a Borough Councillor at a public meeting and actions relating to support for a resident;
- the behaviour of a Borough Councillor at the same public meeting;
- a post on social media made by a Town Councillor;
- a view that the above complaint against a Town Councillor was malicious;
- the behaviour of a Borough Councillor in relation to a planning matter.

No action was taken in relation to any of these complaints as it was concluded, in each case, that there had been no breach of the Code of Conduct. These conclusions were supported by the Chairman of the Standards Committee, the Independent Person and the Monitoring Officer.

In order to improve transparency, the Committee agreed that, in cases where no further action was taken, the complainant and other interested parties receive a more detailed explanation of the reasoning behind the decision.

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 Members of Town and Parish Councils across the Borough.

Whilst recognising that the level of complaint activity in 2018/19 was very low, the Committee continues to recognise the importance of dealing with every complaint seriously and expeditiously.

During the year, the Monitoring Officer and Borough Solicitor provided training and advice for Members on general Code of Conduct issues and specific training on the handling of planning issues.

7.0 Committee on Standards in Public Life

As mentioned earlier, during 2018/19 the Committee on Standards in Public Life (CSPL) carried out a review of ethical standards in local government. The Committee's final report was published in January 2019.

The CSPL concluded that the vast majority of Councillors and Officers wanted to maintain the highest standards of conduct in their own authority. However, nationally there were some examples of poor behaviour often relating to bullying or harassment and disruptive behaviour. The Committee also identified a number of risks around conflicts of interest, gifts and hospitality and the increasing complexity of local government decision making.

The CSPL felt that local control of the standards system should be retained, via a Standards Committee, but with more robust safeguards and guidance on developing an organisational culture which supports high ethical standards. The proposed safeguards include the introduction of a power of suspension (up to six months) to tackle more serious or repeated breaches of the Code of Conduct.

The CSPL also recommended measures to strengthen the role of the Independent Person and the introduction of a right of appeal to the Local Government Ombudsman for suspended Members in order to enhance the impartiality and fairness of the process.

The CSPL felt that the current criminal offences relating to Disclosable Pecuniary Interests were disproportionate in principle and ineffective in practice and, therefore, should be abolished.

In relation to organisational culture, the CSPL noted that an ethical culture required leadership from the Standards Committee, the political group leaders, the Mayor and the Chief Executive. It was recognised that there would always be robust disagreement in a political arena. However, the tone of engagement should be civil and constructive. Political Groups should set clear expectations of behaviour and senior Officers should work informally with the Groups to resolve standards issues where appropriate.

Implementation of some of the Committee's recommendations would require changes to primary and secondary legislation and the Local Government Transparency Code. In the meantime, the Standards Committee will review the Council's existing systems and practices against the report's best practice recommendations and consider amendments and improvements as necessary.

8.0 **Standards Committee – Future Actions**

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.

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

As outlined above, the Committee will also consider the report of the Committee for Standards in Public Life on ethical standards in local government and amend existing arrangements in line with the best practice recommendations, as necessary.

An initial assessment of the best practice recommendations indicates that the Council is already broadly in line. However, Members will continue to promote the high standards of conduct which protect the integrity of decision making, maintain public confidence and safeguard local democracy.