



# **WOKINGHAM BOROUGH COUNCIL**

## **Standards Committee**

### **Annual Report**

**2019/20**

Submitted to the Council – March 2020

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

I am pleased to present the Annual Report of the Standards Committee for 2019/20.

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 twice 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 submitted evidence to the Committee on Standards in Public Life (CSPL) in 2018, in relation to its review of ethical standards in local government. Following the publication of the CSPL's report, in 2019, the Committee reviewed the Council's Code of Conduct against best practice principles. I am pleased to confirm that the Council's Code is largely consistent with best practice and that minor changes will be made to ensure greater alignment and transparency.

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 2019/20 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.

**John Halsall  
March 2020**

## 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 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 current Chairman is Councillor John Halsall.

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

The 2019/20 membership of the Committee was:

- John Halsall (Chairman)
- John Kaiser (Vice-Chairman)
- Prue Bray
- Gary Cowan
- Graham Howe
- Imogen Shepherd-Dubey
- Wayne Smith
  
- 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;
- Jennifer Lee, Senior Solicitor and Deputy Monitoring Officer;
- Neil Carr, Democratic and Electoral Services Specialist.

## 6.0 **Standards Committee Activity in 2019/20**

During the 2019/20 Municipal Year nine 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 alleged disclosure of confidential information;
- the use of social media by two elected Members;
- the conduct and behaviour of a Member at a Council meeting;
- an allegation of disrespect and bullying of a member of the public;
- the conduct of a Member at a meeting of the Planning Committee;
- two instances of failure to declare an interest in the Member Register;
- the handling of a service request by a Member;
- alleged use of inappropriate language in a local media report.

Action was taken in relation to four of these complaints as it was concluded, in each case, that there had been a breach of the Code of Conduct. These conclusions were supported by the Chairman/Vice-Chairman of the Standards Committee, the Independent Person and the Monitoring Officer. No action was taken in relation to one case, where it was concluded that there had not been a breach of the Code of Conduct. At the time of writing, four complaints were still under consideration.

In order to improve transparency, the Committee agreed previously 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 2019/20 was low, the Committee continues to recognise the importance of dealing with every complaint seriously and expeditiously.

## 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 CSPL 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 supported the implementation of high ethical standards. Key recommendations in the CSPL report included:

- A new power for local authorities to suspend Members without allowances for up to six months;
- Revised rules on the declaration of interests, gifts and hospitality;
- Local authorities to manage their own Codes of Conduct;
- A right of appeal for suspended Members to the Local Government Ombudsman;
- A strengthened role for the Independent Person;
- Greater transparency about the number and nature of Code of Conduct complaints.

The CSPL also 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 the CSPL's recommendations would require changes to primary and secondary legislation and the Local Government Transparency Code. In the meantime, the Standards Committee reviewed the existing Code of Conduct against the best practice principles set out in the CSPL report at its meeting in March 2020.

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

The Standards Committee will continue to make further 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 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.

An assessment of the best practice recommendations in the CSPL report indicates that the Council is already broadly in line. The Standards Committee will carry out public consultation in relation to proposed changes to the Code of Conduct agreed at its meeting in March 2020. It will also monitor progress relating to the Government's response the CSPL report and consider any implications for the Borough.

Finally, the Committee will endeavour to fill the existing vacancy for a Town/Parish representative on the Committee.