



WOKINGHAM BOROUGH COUNCIL

Standards Committee

Annual Report

2020/21

Submitted to the Council – March 2021

Introduction by John Kaiser, Vice-Chairman of the Standards Committee

I am pleased to present the Annual Report of the Standards Committee for 2020/21.

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.

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 also carried out a public consultation exercise relating to potential changes to the Code of Conduct and considered the Local Government Association new Model Code of Conduct. The Committee also considered social media guidance. The Committee is especially keen to ensure that newly elected Members are aware of their responsibilities and the standards of behaviour expected of them.

During 2020, the Covid-19 pandemic resulted in the introduction of virtual meetings and much greater on-line activity for Members. 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 2020/21 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.

**John Kaiser
March 2021**

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.

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. John Halsall was Chairman of the Committee until January 2021. A new Chairman will be appointed at Annual Council in May 2021.

The Committee also includes three, non-voting, Town and Parish Council representatives. The 2020/21 membership of the Committee was:

- John Halsall (Chairman) – until January 2021.
- John Kaiser (Vice-Chairman)
- Prue Bray
- Gary Cowan
- Graham Howe
- Abdul Loyes – from January 2021.
- Daniel Sargeant – from January 2021.
- Imogen Shepherd-Dubey
- Wayne Smith – until January 2021.

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

Steps are being taken to fill the vacancy for a Town/Parish representative.

At the Committee meeting on 11 January 2021, a question was raised regarding the composition of the membership of the Committee. As a result of the point raised, the meeting was adjourned to allow the matter to be reviewed. A review was undertaken, which included obtaining legal advice on the issue, and the Chief Executive summarised the position in a letter to all Members. It was acknowledged that the appointments did depart from the Council's locally agreed rules. However, the appointments had been made by full Council and, therefore, the Committee members had been properly appointed. It was determined that the Committee's composition and any decisions made by the Committee were not unconstitutional or unlawful. However, immediate action had already been taken following the meeting on 11 January in which two Members stepped down from their membership of the Committee with immediate effect and were subsequently replaced by two new Members, as detailed above.

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 2020/21**

During the 2020/21 Municipal Year eight 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 breach of social distancing rules relating to Covid-19;
- the inappropriate use of social media by Members;
- the conduct and behaviour of a Member at a Council meeting;
- the wording of a Council press release.

The complaints were considered initially by the Monitoring Officer in consultation with the Chairman/Vice-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.

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 2020/21 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.

As mentioned earlier, the Committee carried out a public consultation exercise relating to potential changes to the Code of Conduct. The proposed changes included:

- Inclusion of guidance on use and misuse of social media within the Code of Conduct;
- Increasing the value of declarable gifts;
- Publishing the outcome of all complaints – including complaints resolved informally;
- Strengthening the process for supporting Town/Parish Council Clerks in submitting complaints.

The Committee considered the LGA's Model Code of Conduct in addition to feedback from the public consultation at its meeting on 8 March 2021.

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, as outlined above, the Standards Committee reviewed the existing WBC Code of Conduct against the best practice principles set out in the CSPL report at its meetings in 2020/21. In line with CSPL guidance, a public consultation was held on proposed changes to the WBC Code of Conduct.

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. As outlined in the report, in 2021/22 the Committee will focus on guidance relating to the use and misuse of social media and other impacts relating to the Covid-19 pandemic. 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. Following the public consultation on proposed changes to the WBC Code, the Committee will make recommendations for improvement to the Council during 2021/22. 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.