



WOKINGHAM BOROUGH COUNCIL

Standards Committee

Annual Report

2021/22

Submitted to the Council – July 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.

7.0 LGA Model Code of Conduct

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. The recommendations were subsequently approved by Council.

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.