



WOKINGHAM BOROUGH COUNCIL

Standards Committee

Annual Report

2022/23

Submitted to the Council – May 2023

Introduction by Morag Malvern, Chair of the Standards Committee

I am pleased to present the Annual Report of the Standards Committee for 2022/23.

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 in elected Members and officers.

Lord Evans, Chair of the Committee on Standards in Public Life stated recently:

“Doing things in the right way and in the public interest is critical for public confidence in the bodies that operate on the public’s behalf and supports the delivery of public services. A robust ethical culture supports effective risk management – if people see thinking about ethical issues as part of their job and feel safe to speak up, this can pick up potential concerns before they escalate..... Our evidence shows that an ethical culture does not emerge by accident. It requires discussion and action”.

Members’ conduct should be underpinned by the ethical standards summarised in 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 Member Code of Conduct, were up-to-date, understood and underpinned by best practice. Bearing in mind the significant ongoing 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 2022/23 remained at a relatively low level compared to previous years.

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.

**Morag Malvern
March 2023**

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 elected Members, co-opted members and officers;
- b) assisting the elected Members and co-opted members to observe the Member Code of Conduct;
- c) advising the Council on the adoption or revision of its Member Code of Conduct;
- d) monitoring the operation of the Member Code of Conduct, the Officer Code of Conduct, the Council’s Whistleblowing Policy and any other appropriate codes of conduct and procedures;
- e) advising, training or arranging to train elected Members and co-opted members on matters relating to the Members’ Code of Conduct;
- f) the exercise of (a) to (e) above in relation to the Parish/Town Councils in the Borough and the members of those Parish/Town Councils;
- g) the presentation of an annual report by the Chair 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 elected Member:

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 elected Member.

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 2022/23 membership of the Committee was:

Wokingham Borough Council Representatives:

- Morag Malvern (Chair)
- Imogen Shepherd-Dubey (Vice-Chair)
- Sam Akhtar
- Graham Howe
- Chris Johnson
- John Kaiser
- Adrian Mather

Town and Parish Council Representatives

- Sally Gurney (Wokingham Town Council)
- Roy Mantel (Twyford Parish Council)
- Sheena Matthews (Earley Town Council)

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;
- Neil Carr, Democratic and Electoral Services Specialist.

6.0 Standards Committee Activity in 2022/23

During the 2022/23 Municipal Year 12 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 included:

- alleged disrespect by a Member in social media exchanges;
- two cases relating to the content of posts on social media;
- an allegation of bringing the office of elected Member into disrepute following comments made in a media interview;
- various breaches of the Code relating to correspondence;
- allegations about a letter circulated to residents prior to the May 2022 elections;
- alleged interference in the Planning process;
- failure to declare an interest at a Council meeting.

Of the 12 complaints received, no action was taken in eight, one was withdrawn and three are still under consideration by the Monitoring Officer in liaison with the Independent Person.

As agreed previously, in cases where no action was taken, the complainant and other interested parties received a 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 elected Members of Town and Parish Councils across the Borough. Whilst recognising that the level of complaint activity in 2022/23 was relatively low, the Committee continues to recognise the importance of dealing with every complaint seriously and expeditiously.

In addition to discussing complaints activity, the Committee also considered the following issues and updates:

- the Monitoring Officer met with the Town and Parish Clerks during the year to discuss measures to raise awareness about the Member Code of Conduct. It was agreed to provide further promotion and awareness training and to consider the development of an on-line training package.
- there was a recognition that the complaints about the use or misuse of social media were increasing. It was agreed that effective and safe use of social media would be the subject of additional training for Members.

- there was concern about the time taken to resolve a number of complaints. This was frequently due to the fact that Members complained against did not engage with the process. It was agreed that measures be considered to speed up the process in these circumstances, i.e. by setting clear deadlines.
- Members requested additional training on a number of issues, including greater understanding of the contents of the Member Code of Conduct, the process for handling complaints, the Member-Officer Protocol, the role of the Independent Person and the rules of natural justice. It was agreed that short training sessions be incorporated into meetings of the Committee.

7.0 **LGA Model Code of Conduct**

In December 2020, the Local Government Association (LGA) published a Model Code of Conduct. All councils were required to adopt a local Member Code of Conduct and the Model Code was 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. Council subsequently agreed to adopt the LGA Model Code with variations proposed by the Standards Committee.

8.0 **Review of Policies and Procedures**

In line with an independent review of the Council's policies and procedures, subsequently approved by Council, the following changes were implemented during the year in order to bring WBC into line with best practice nationally:

- the process for considering Code of Conduct Complaints was published on the WBC website.
- the internal timescale for acknowledgement of a complaint (three working days) was formalised.
- 15 working days for a Member to respond to a complaint was agreed, with discretion for the Monitoring Officer to extend this period depending on the relevant circumstances.
- in Parish or Town Council cases the process stated that the Monitoring Officer would seek the Clerk's views - this was confined to factual matters.
- initial assessment of complaints was undertaken by the Monitoring Officer in conjunction with the Independent Person - the Chair of the Standards Committee was no longer involved.
- in cases where informal resolution had been pursued but had not been successful, the option to refer the matter for formal investigation was established.
- in cases where informal resolution had followed an investigation and led to a finding of a breach of the Code of Conduct, the Subject Member's name was now disclosed publicly.

- as a decision-making body of the Council a Hearings Panel meeting was covered by the rules relating to access to information and political balance. It was recognised, therefore, that 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 decided that the Hearings Panel could meet in public but the Panel would retire to consider and make any decisions in private.
- political proportionality should apply to Hearings Panel meetings.

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. The Committee aims to ensure that the highest standards of behaviour are delivered and complaints are kept to a minimum. Any complaints received, however, will be investigated robustly and fairly.