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# Monitoring Officer's Annual Report 25/26 and Governance Statement

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	16 July 2026
<b>Portfolio Member:</b>	Portfolio Holder: Strategy and Governance, Commercialisation and Disabled Community Liaison
<b>Report Author:</b>	Nicola Thomas

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## 1 Purpose of the Report

To provide the annual report on matters relating to the standards and conduct and to bring to the attention of Members a summary of complaints or other issues within West Berkshire. The report highlights that standard of conduct by councillors in West Berkshire remains high. Also, to summarise the activities of the Governance Committee for the municipal year prior to its dissolution.

## 2 Recommendation

Members are to be informed of the contents of the report which will also be circulated to all Parish/ Town Councils in the District for information.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	There are no financial issues arising from this report. However, the costs associated with external investigations may lead to a budget pressure.
<b>Human Resource:</b>	None
<b>Legal:</b>	There are no legal issues arising from this report. The matters covered by this report are generally requirements of the Local Government Act 2000 in so far as appropriate and the Localism Act 2011 and its supporting regulations.

<b>Risk Management:</b>	The benefits of this process are the maintenance of the Council's credibility and good governance by a high standard of ethical behaviour. The threats are the loss of credibility of the Council if standards fall. Adherence to the requirements of the Code of Conduct also reduce the risk of the Council's decisions being subject to legal challenge.			
<b>Property:</b>	None			
<b>Policy:</b>	None			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
<b>Environmental Impact:</b>		x		
<b>Health Impact:</b>		x		
<b>ICT Impact:</b>		x		
<b>Digital Services Impact:</b>		x		

<b>Council Strategy Priorities:</b>		x		
<b>Core Business:</b>		x		
<b>Data Impact:</b>		x		
<b>Consultation and Engagement:</b>	Audit and Risk Committee Martyn Sargeant, Service Director (Strategy and Governance) Sarah Clarke, Executive Director (Resources) Cllr Vicky Poole			

## 4 Executive Summary

- 4.1 This report is the Monitoring Officer's annual report for the Governance Committee, which will be presented to Full Council on 17 July. The report will also be circulated to all Town and Parish Councils.
- 4.2 The key findings of the report are:
- (a) Standards of ethical conduct across the district remain good;
  - (b) The number of gifts and hospitality declared by officers was 51 and the number of gifts declared by Members was three.
- 4.3 This report is an annual summary of the activities of the Governance Committee for 2025-26. The report is for Full Council to provide a summary of key areas that the Committee has considered during the last municipal year as well as some of the actions and changes that have occurred due to the Committee's activities prior to a separating the functions to Audit and Risk Committee and Personnel and Standards Committee.

## 5 Supporting Information

### Introduction

- 5.1 The Localism Act 2011 made fundamental changes to the system of regulation of the standards of conduct for elected and co-opted members of Councils and Parish Councils.
- 5.2 In order to ensure that the process was working effectively locally, Council agreed that the Monitoring Officer should produce an annual report which would be presented to Council and the Governance Committee. The report would set out the number and nature of complaints received and inform Members of any other activity that was taking place around the Code of Conduct regime. With the changes in Committees, this report

will now be considered at Audit and Risk Committee, but this reports on the previous year activity.

## **Background**

- 5.3 During the Municipal Year 2025/26, the Governance Committee was comprised of eleven members (nine District Councillors appointed on a proportional basis and two co-opted non-voting Parish/ Town Councillors, plus one independent member)
- 5.4 The Members Code of Conduct governs the standards of conduct expected of elected Councillors, and this is supported by a number of documents including:
- (a) Gifts and Hospitality Protocol;
  - (b) Complaints procedures for breaches of the Code of Conduct;
  - (c) Dispensations procedure;
  - (d) Social Media Protocol.

Further details can be found in the Constitution at: [Part 13 Codes and Protocols](#)

## **Independent Persons Proposals**

- 5.5 Under Section 28 of the Localism Act 2011 the Council has a duty to ensure that it has appointed at least one Independent Person who is consulted before it makes a decision on an allegation it has determined to investigate. It was agreed by Council that the Independent Person may be consulted directly either by the person who has made the complaint or the person the complaint has been made about. Three Independent Persons have therefore been appointed in order to ensure that a conflict situation does not arise.
- 5.6 A person is not considered to be "independent" if:-
- (a) They are or have been, within the last five years, an elected or co-opted Member or officer of the Council or of any Parish Councils within this area. This also applies to committees or sub-committees of the various Councils.
  - (b) They are a relative or close friend of a current elected, or co-opted, Member or officer of the Council or any Parish Council within its area, or any elected or co-opted member of any committee or sub-committee.
  - (c) The definition of relative includes the candidate's spouse, civil partner, grandparent, child etc.
- 5.7 Council appointed Mike Wall MBE, Alan Penrith and Lindsey Appleton as the Council's Independent Persons for the 2025/26 Municipal Year. All three Independent Persons have agreed to remain as Independent Persons for the 2026/27 Municipal Year.
- 5.8 The Council is asked to recognise the significant contribution of the Independent Persons and thank them for their ongoing contributions.

### Governance Committee

5.9 The overall purpose of the Governance Committee is to provide effective challenge across the Council and independent assurance on the risk management and governance framework and associated internal control environment to members and the public, independently of the Executive. The Governance Committee is also responsible for receiving the annual Audit Letter and for signing off the Council's final accounts.

5.10 The summary below highlights the key items that have come to the Governance Committee over the previous year and what action was taken as a result of these.

	AREAS OF FOCUS			
	Audit	Finance	Governance	Risk
29 July	Internal audit assurance report	Annual treasury management report;  Financial statement and going concern assessment	Annual governance statement	
30 Sept	Internal audit update Q1			Risk register Q4
18 Nov			Constitution updates	
27 Jan	Draft external audit annual report;  Internal audit update Q2	Treasury management mid-year review;  Financial year end 2025/26		Risk register Q1/2
28 Apr	Internal update Q3		Proposal for an Audit and Risk Committee	Risk register Q3

5.11 The information below sets out briefly some areas of discussion and focus considered by the Committee:

**Internal audit:**

- (a) Fraud and whistleblowing
- (b) Senior management vacancies
- (c) Financial management systems
- (d) Housing systems and rent backlog
- (e) Software integration
- (f) Home to school transport
- (g) Social care models
- (h) School reserves and rising education costs

**External audit:**

- (a) Dedicated schools grant
- (b) Transformation programme
- (c) Debt and reserves
- (d) Control deficiencies

**Treasury Management**

- (a) Borrowing arrangements and requirements
- (b) Property portfolio
- (c) Grant income
- (d) Borrowing costs

**Risk**

- (a) Review of specific risks
- (b) Mitigation assurance
- (c) Risk appetite

**Finance**

- (a) Exceptional financial support
- (b) Fair funding review and business rates
- (c) Pension fund commitments

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- (d) Impact of schools' deficits
- (e) 2025/26 accounts

### Governance

- (a) Annual Governance statement
- (b) Review of contract rules (following implementation of Procurement Act 2023)

5.12 The Committee is also charged with promoting and maintaining high standards of conduct throughout the Council. They promote, educate and support Councillors (both District and Parish) in following the highest standards of conduct and ensuring that those standards are fully owned locally. The roles and functions of the Governance Committee are set out in the Constitution (Part 2 Articles of the Constitution).

5.13 The Governance Committee has a special responsibility regarding the 55 Town and Parish Councils within the District. It is responsible for ensuring that high standards of conduct are met within the parishes and that all Parish and Town Councillors are aware of their responsibilities under their Codes of Conduct.

5.14 The District Councillors are therefore supported on the Governance Committee by up to two co-opted Parish Councillors who are appointed in a non-voting capacity, along with substitute councillors. During 2025/26 the Governance Committee included the following Parish Councillors:

- David Southgate (coopted non-voting Parish Councillor)
- Anne Budd (substitute co-opted non-voting Parish Councillor)

5.15 In order to support the effective work of the Committee and provide independent input into meetings, the Governance Committee is entitled to also appoint up to two co-opted but non-voting Independent Members (Audit). In 2025/26, the Independent Member (Audit) was performed by Simon Carey.

5.16 The Council is asked to recognise the contribution of the Parish Councillors and the Independent Member (Audit) and thank them for their contributions.

5.17 The function of the Governance Committee shall, in future, be moved to the new Audit and Risk Committee and Personnel and Standards Committee as agreed at Council on 14 May 2026. Independent members are to be appointed to the Audit and Risk Committee going forward.

### The Monitoring Officer

5.18 The Monitoring Officer is a statutory post and in West Berkshire rests with the Executive Director (Resources). The Monitoring Officer (Sarah Clarke) in 2025/265 was supported by two deputies (Nicola Thomas, and Sharon Armour). The Monitoring Officer has a key role in promoting and maintaining standards of conduct. The Monitoring Officer also has a statutory responsibility to establish and maintain a register of interests for members and co-opted members of the authority. The Monitoring Officer acts as legal adviser to the Governance Committee.

5.19 The Monitoring Officer, under delegated authority, granted a dispensation to all West Berkshire Councillors in 2024/25 to speak and vote on any items pertaining to Council Tax.

**Local Assessment of Complaints against Councillors**

5.20 Quarter 1 – 2025/26

During this period, three complaints resulted in no further action being taken and one complaint resulting in an informal resolution through the sending of an apology letter

5.21 Quarter 2 – 2025/26

During this period, three complaints resulted in no further action being taken and four other complaints resulted in an informal resolution being sought, including through the sending of an apology letter and the provision of guidance by the Monitoring Officer.

5.22 Quarter 3 - 2024/25

During this period, three complaints resulted in no further action being taken and one resulted in an informal resolution being sought.

5.23 Quarter 4 - 2024/25

During this period, all five complaints received resulted in no further action being taken.

5.24 Year on Year Comparison of Complaints

Table 1 –The Number of District and Parish Council Complaints received 2018/19 – 2025/26

<b>Table 1</b>	<b>18/19</b>	<b>19/20</b>	<b>20/21</b>	<b>21/22</b>	<b>22/23</b>	<b>23/24</b>	<b>24/25</b>	<b>25/26</b>
<b>District Councillors</b>	1	9	12	20	16	6	9	7
<b>Parish Councillors</b>	20	5	21	12	6	6	5	10
<b>Co-Optees</b>	1	0	0	0	0	0	0	0
<b>Total</b>	22	14	33	32	22	12	14	17

Table 2 - Action Taken on Complaints received 2018/19 to 2025/26

	<b>18/19</b>	<b>19/20</b>	<b>20/21</b>	<b>21/22</b>	<b>22/23</b>	<b>23/24</b>	<b>24/25</b>	<b>25/26</b>
<b>Withdrawn/not progressed</b>	4	5	7	0	2	0	2	0
<b>No Further Action</b>	14	7	24	28	16	8	10	9
<b>Other Action</b>	2	2	2	1	2	3	2	4
<b>Investigation</b>	2	0	0	3	2	1	0	3
<b>Outcome Awaited</b>	0	0	0	0	0	0	0	1
<b>Total</b>	22	14	33	32	22	12	14	17

## Learning Points Arising from Complaints

- 5.25 The number of complaints has increased in the past year in relation to the standards of Parish Councillors. Whilst the large majority are resolved with no further or other action, there are a higher number of standards complaints that have needed an investigation than in previous years.
- 5.26 The complaints received arose from different circumstances, although many complaints alleged a lack of respect from the subject member. Although the complaints have not yet been upheld, this is a helpful reminder of the need to be respectful when communicating with others and refresher training will be offered.

## Register of Interests

- 5.27 Following the election in May 2023 all elected Members of West Berkshire Council completed and submitted their Register of Interest forms, and updates have been received to a number of these since that time. These forms have been published on the Council's website. A number of interests that have been declared by Members have been withheld from publication where the Monitoring Officer has been satisfied that the interest is a sensitive interest in accordance with the provisions of section 32 of the Localism Act 2011.
- 5.28 District Councillors are reminded to review their interests on a regular basis and to notify the Democratic Services Manager of any amendments.
- 5.29 Parish Councils are reminded via their Clerks to complete and return Declarations of Interest forms to the Monitoring Officer in order that compliance with the Localism Act 2011 is maintained.

## Gifts and Hospitality

- 5.30 The Gifts and Hospitality Protocol is incorporated into the Members Code of Conduct within Part 13 of the Constitution (Codes and Protocols).
- 5.31 Officers are also subject to restrictions on those Gifts and Hospitality that are deemed to be acceptable under the Officers' Code of Conduct, which is set out in Part 13 of the Constitution. Like Members, Officers are required to declare gifts or hospitality received.
- 5.32 The intention of the rules governing Gifts and Hospitality is to ensure that the Council can demonstrate that no undue influence has been applied or could be said to have been applied by any service user, supplier or anyone else dealing with the Council and its stewardship of public funds. The rules therefore set out the obligations imposed on Members and Officers to declare relevant gifts and hospitality which have been offered to or received by them.
- 5.33 It should be noted that in addition to the risk that there could be a perception of impropriety, the acceptance of a gift or hospitality could amount to an offence under the Bribery Act 2010.
- 5.34 The Bribery Act 2010 creates a number of offences where a gift or other benefit is given or offered, which may amount to an offence of bribing another person, and/or of being bribed. Therefore, if Members or Officers are offered a 'gift' or other benefit by a third

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party, this could amount to an offence not just by the person offering the gift, but also by the Member or Officer concerned and by the Council. It is important to note that offences under this legislation can be committed by a person offering a gift or reward, even if the gift is not accepted.

- 5.35 In view of the above, it is very important that both Officers and Members understand the potentially serious implications of accepting gifts when it is not appropriate to do so.
- 5.36 There were 3 declarations of gifts or hospitality received by Members during the year 2025/26. This represents a decrease on the previous year, although it should be noted that declarations are frequently made of gifts or hospitality received that is below the value that requires that to be declared (i.e. £25). Staff and Members have been reminded of the need to declare any gifts or hospitality received in accordance with the Gifts and Hospitality Protocol. This information is published on the Council website.
- 5.37 There was also an increase in the number of gifts and hospitality declared by officers with 51 declarations made during 2025/26, which is a modest increase from the 47 declared in the previous year, The vast majority of gifts received were small token gifts with the total value of gifts declared being £738.30, and the average value being £14.48.
- 5.38 The number of gifts or hospitality received by each directorate, and the number refused can be summarised as follows:

<b>Directorate</b>	<b>Number of Declarations</b>	<b>Number refused</b>
CEO	29	20
People - Adults	2	0
People - Children	1	0
Place	17	1
Resources	2	0
<b>TOTAL</b>	<b>51</b>	<b>1</b>

- 5.39 In the last municipal year, the majority of gifts and hospitality declared was in the Place Directorate.

### Proposals

- 5.40 Members are informed of the content of the report.
- 5.41 It is proposed that this report also be circulated to all Town and Parish Councils for information.
- 5.42 The Governance Committee considered a proposal for its dissolution, with a new Audit and Risk Committee to be set-up. This will have a narrower focus than the current terms of reference, meaning the standards responsibilities would be absorbed into the Personnel Committee's brief. Having a dedicated Audit and Risk Committee is in line with best practice and was a recommendation of the Local Government Association's peer review of West Berkshire Council in 2024. Council approved this implementation in May 2026 and therefore, the Governance Committee will cease to exist going forward.

## 6 Other options considered

Not to produce a report. There is no duty to publish this report. However, it is important that public trust and confidence is maintained in public authorities, and it is considered that this report provides transparency regarding standards and conduct.

## 7 Conclusion

- 7.1 There have been a number of training sessions on the Code of Conduct over the 2025/26 municipal year, and these have been well attended, with Members very engaged with the sessions. This is a positive step by Members and should continue.
- 7.2 There has been an increase in the number of complaints and these appear to be focused with Parish Councillors but these remain lower than previous years. Standards of District Councillors remain very good in West Berkshire. This is a credit to all councillors in the district.

## 8 Appendices

None

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**Subject to Call-In:** Yes:  No:

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input checked="" type="checkbox"/>

**Wards affected:** (All Wards);

### Officer details:

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