

**15 May 2014**

## **14. REPORTS OF COMMITTEES**

### **(c) SUMMARY OF DECISIONS TAKEN BY THE STANDARDS AND ETHICS COMMITTEE**

#### **Member conduct during meetings**

1. A Code of Conduct complaint had been received from a member of the public following reports in the media that County Councillor Mrs Oborski had allegedly played an electronic card game on an iPad during a Full Council meeting.

2. The Head of Legal and Democratic Services consulted the Chairman and Vice-Chairman of Standards and Ethics Committee and decided that the complaint raised a matter of public concern which should be pursued. It was agreed to do this through a public meeting of the Committee to consider the issue of member conduct at meetings as a whole and the principles involved, rather than an investigation into whether there had been a Code breach in the specific circumstances alleged. The Committee's role includes promoting high standards of member conduct and providing general guidance, and it could then give guidance as appropriate to all Members to help them understand the Code's requirements and how their actions might appear to observers.

3. Members are clearly subject to the Members' Code of Conduct whilst attending meetings of the Council, Cabinet, Committees etc. The Code provides general guidance on what is acceptable and unacceptable conduct but the Council has provided little express guidance to Councillors on specific behaviour such as the level of attention/courtesy to be paid during meetings. The closest guidance is the protocol on the use of social media. This takes a balanced view and accepts that Members may wish to use social media (e.g. comments on Twitter or Facebook) during meetings as part of engaging democratically with the public, but exhorts Members to pay attention during decision-making debates.

4. Members may leave the Council Chamber for a

variety of reasons during relatively lengthy Council meetings. This tended not to happen at other member meetings. For quasi-judicial meetings such as Planning and Regulatory Committee, and Appointments etc Panel, the Member is required as a matter of law to be present for the whole of the discussion before voting. With regard to other meetings, the law permits some more flexibility and it is possible that (as in Parliament) Members may not be present for the entirety of all agenda items. There are also some items (eg Formal Question Time in full Council) in which a particular Member may not be directly involved.

5. The Committee agreed that more specific guidance was appropriate. This would underline that Members of a meeting were carrying out democratic business requiring respect for the public as well as other members. Public perception was an important factor in avoiding conduct bringing the Council into disrepute. It was not acceptable to play electronic or other games in formal meetings. The Committee has authorised the Head of Legal and Democratic Services to prepare guidelines for all councillors on their proper conduct in meetings, for consideration at the next meeting of the Standards and Ethics Committee, and to seek the views of the Member Advisory Group.

## **Use of Social Media**

6. The Protocol on the use of Social Media provides guidance to members and others on the use of social media in formal meetings of the County Council, its Committees and Cabinet.

7. In support of the Protocol and to provide more general advice/guidance to members with regard to the use of social media, a social media guidelines document has been created for members. Both documents were annexed to the report.

8. The Committee has agreed that the guidelines and Protocol were useful, and asked that a seminar be arranged for all councillors to provide guidance on the use of social media and legal pitfalls, which would help clarify if the existing guidance needed amending or expanding .

## **Pre-election periods**

9. The periods leading up to elections are times of heightened political sensitivity. There are specific prohibitions on the Council in the period between the Notice of Election being published and the election itself (traditionally called the 'purdah period'). These are contained in the 2011 Code of Recommended Practice

on Publicity issued by the Secretary of State, which has the status of statutory guidance.

10. There is no requirement that the Council ceases to operate at all during the pre-election period, and this would be unrealistic, but great care has to be taken over publicity to ensure as far as possible that no candidate or political party is given an unfair advantage 'on the rates'.

11. The situation becomes even more nuanced if it is other bodies which are holding elections (such as district, Parliamentary, European or Police and Crime Commissioner elections) rather than the Council. The work of the County Council cannot come to a halt and there is some more flexibility as set out in the guidance.

12. A guidance note entitled "Managing the pre-election period" (often called the 'traffic light guidance') had been produced by the Head of Legal and Democratic Services. This guidance is aimed largely at officers to ensure the political neutrality of the Council. It was clarified at the Committee that the guidance did not govern the actions of candidates (which were governed by electoral law) or those acting in a private capacity, but related primarily to Council publicity.

13. The Committee has requested that the 'traffic light guidance' be circulated to all councillors as a guidance note for members on managing the pre-election period.

**Mrs A T Hingley**  
**Chairman**

## Contact Points

### County Council Contact Points

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## Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the Standards and  
Ethics Committee held on 30 April 2014