

## Standards and Ethics Committee

Wednesday, 30 April 2014, County Hall, Worcester (10.00am)

		Minutes
<b>Present:</b>		Mrs A T Hingley (Chairman), Mr S R Peters, Mr R C Adams, Mr J Baker, Ms P A Hill, Dr K A Pollock and Mr D W Prodger.
<b>Also attended:</b>		Independent Member (non-voting): Dr M Mylechreest.  Mr R Needham, an Independent Person was also in attendance.
<b>Available papers</b>		The members had before them:  A. The Agenda papers (previously circulated); and  B. The Minutes of the meeting of the Standards and Ethics Committee held on 24 July 2013 (previously circulated).
<b>228</b>	<b>Apologies and Named Substitutes (Agenda item 1)</b>	Apologies were received from Mr A Miller and Dr P Whiteman.
<b>229</b>	<b>Declarations of Interest (Agenda item 2)</b>	None.
<b>230</b>	<b>Public Participation (Agenda item 3)</b>	None.
<b>231</b>	<b>Confirmation of Minutes (Agenda item 4)</b>	<b>RESOLVED</b> that the Minutes of the meeting held on 24 July 2013 be confirmed as a correct record and signed by the Chairman.
<b>232</b>	<b>Member conduct during meetings (Agenda 5)</b>	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.  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 included 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.

The Code provided general guidance on what was 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 was the protocol on the use of social media which took a balanced view and accepted that Members might wish to use social media (eg comments on Twitter or Facebook) during meetings as part of engaging democratically with the public, but exhorted Members to pay attention during decision-making debates.

Members might 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 was 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 was possible that (as in Parliament) Members might not be present for the entirety of all agenda items. There were also some items (eg Formal Question Time in full Council) in which a particular Member might not be directly involved.

In the ensuing debate, the following principal points were raised:

- (a) The Head of Legal and Democratic Services commented that both Mrs Oborski and the complainant had been informed of the approach taken with regard to the complaint made
- (b) Members needed to consider whether more prescriptive guidance was required for the conduct of Members at meetings for a variety of reasons. In

particular, although standards of conduct were the same for each meeting, such guidance could focus on behaviour at meetings of full Council given the length and amount of 'toing and froing' which took place. Members might also wish to consider whether more breaks should be taken during the course of a Council meeting for health reasons

- (c) Although the use of electronic games during council meetings was unacceptable, it must be acknowledged that members increasingly accessed information electronically during meetings. The Chairman had an important role in setting the tone of the meeting with respect to the legitimate use of electronic or social media
- (d) It was not acceptable for someone serving a customer in a local supermarket to play electronic games and it was no different for members attending a meeting, who should be concentrating on the business in hand. It was acknowledged that members could be legitimately accessing electronic or social media sites and therefore it would be beneficial for members to receive further guidance about what behaviour is appropriate during meetings
- (e) It was important that members listened to the debate and were not distracted by other non-work related activities. This was particularly applicable to quasi-judicial meetings where the Council could be left open to challenge
- (f) The public perception was that Members had been elected to carry out their duties on behalf of their constituents. If it was felt that Members were not giving their full attention to the business in hand then there were implications for the reputation of the Council
- (g) Members should be particularly respectful during the public participation agenda item. Public participants had taken the time and effort to attend the meeting to raise their concerns and Members should respectfully listen to their concerns without being distracted by electronic communication in any form
- (h) The majority of decisions taken by elected members were of a non-controversial nature therefore the implications of a Member being distracted during a debate was likely to have a minimal impact on the business of the Council

- (i) It was discourteous for members of scrutiny panels not to give their full attention to the views of external parties (invited to address the panel) during the debate
- (j) Observing Members attending a meeting should not be held to the same standards of attention as the voting members. The Head of Legal and Democratic Services acknowledged that there was a distinction between the two roles at Cabinet meetings. Non-Cabinet Members were essentially observers and therefore had greater flexibility in relation to their attention at Cabinet meetings
- (k) There was a consensus that it was not acceptable for Members to be playing games whether a meeting was webcast or not. The public were encouraged to attend council meetings and view them on the webcast. Members should be aware of the public perception of their actions as an individual and for the Council as a whole
- (l) The Head of Legal and Democratic Services should be authorised to prepare a guidance note for all councillors on the proper conduct of members in meetings for consideration at the next meeting of the Standards and Ethics Committee, and to consult the Member Advisory Group.

**RESOLVED that the Head of Legal and Democratic Services be authorised to prepare a guidance note for all councillors on the proper conduct of members in meetings for consideration at the next meeting of the Standards and Ethics Committee and to consult the Member Advisory Group.**

**233 Use of Social Media (Agenda item 6)**

The Head of Legal and Democratic Services circulated a copy of the Protocol on the use of Social Media in formal meetings to all councillors as requested at the Committee meeting on 24 July 2013. The Protocol provided guidance to members and others on the use of social media in formal meetings of the County Council, its Committees and Cabinet.

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 had been created for members.

Members were asked whether there were any other

matters with regard to the use of social media that they would wish to include in either the Protocol on the use of social media or the social media guidelines document.

In the ensuing debate, the following principal points were raised:

- (a) The Principal Marketing and Communications Officer explained that the Council had corporate accounts for the Twitter/Facebook social media sites which members of the public used to obtain information about the Council. Social media was a very useful means of communication for the Council. Members were encouraged to participate in social media because it allowed them to communicate with particular groups of residents who were IT literate. Members of the Communications Unit were available to help set up accounts and provide general advice and guidance to Members on the use of social media
- (b) Concerns had been raised at a recent meeting of the Members Advisory Group about pop-up advertisements that appeared on screen whilst members accessed social media sites. The Principal Marketing and Communications Officer explained that advertisements on social media sites were generated by general activity of all users on these sites. They did not reflect the personal use of the member and it was not an issue that members should be concerned about. The Communications unit monitored advertisements on these sites and could provide screenshots for Members to show examples of the type of advertisements that might be expected
- (c) Members should use their common sense when communicating on social media sites bearing in mind that such sites were open to public scrutiny. Members should always be careful not to cause any offence. The Head of Legal and Democratic Services added that Members should also be aware of the risk from publicising defamatory statements through social media as they were in the public domain
- (d) In relation to the Twitter site in particular, Members should be aware that any comments made could be 'retweeted' to other people. There had been recent national high profile examples which highlighted the dangers of doing so
- (e) It would be beneficial for members to receive a

seminar on the use of social media. The Communication Unit would drive this but the Head of Legal Services would be invited to attend to provide a legal and Code of Conduct context

- (f) Following the Arrow Valley East by-election, the newly elected councillor should receive guidance on the use of social media as part of his/her induction programme

**RESOLVED that a seminar be arranged for all councillors to provide guidance on the use of social media.**

**234 Pre-Election periods (Agenda item 7)**

There were 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 were contained in the 2011 Code of Recommended Practice on Publicity issued by the Secretary of State, which had the status of statutory guidance.

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

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

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 was aimed largely at officers to ensure the political neutrality of the Council.

In the ensuing debate, the following principal points were raised:

- (a) Did the pre-election period guidance prevent Members from booking rooms in schools for political purposes? The Head of Legal and Democratic Services advised that the guidance was not meant to prevent members hiring rooms in such

circumstances in a private capacity just as anyone else could. The Head of Legal and Democratic Services commented 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 and the role of the members acting as Councillors. The guidance was aimed at preventing the use of council facilities or resources during the pre-election period for personal political publicity

- (b) A councillor related that whilst serving as Chairman of the Council, to avoid the risk of breaching the Code of Conduct, he had declined invitations to attend ceremonial engagements in his own Division during the pre-election period. In response to a query, the Head of Legal and Democratic Services added that the Chairman of the Council would remain in post after the elections until a replacement was appointed
- (c) It would be helpful if the 'traffic light guidance' document was circulated to all councillors as a guidance note for members on managing the pre-election period.

**RESOLVED that the 'traffic light guidance' document be circulated to all councillors as a guidance note for members on managing the pre-election period.**

The meeting ended at 11.10am.

Chairman .....