

# **Agenda**

## **Standards and Ethics Committee**

**Wednesday, 23 October 2019, 10.00 am**  
**County Hall, Worcester**

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## DISCLOSING INTERESTS

There are now 2 types of interests:  
**'Disclosable pecuniary interests'** and **'other disclosable interests'**

### WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3<sup>rd</sup> party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

**NB Your DPIs include the interests of your spouse/partner as well as you**

### WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
  - you must **not participate** and you **must withdraw**.

**NB It is a criminal offence to participate in matters in which you have a DPI**

### WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:  
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

### WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

### DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** OR relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

### DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
  - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

**Standards and Ethics Committee**  
**Wednesday, 23 October 2019, 10.00 am, County Hall, Worcester**

**Membership:** Mr S J Mackay (Chairman), Mr R C Adams, Mr R M Bennett, Ms P A Hill, Dr A J Hopkins, Dr K A Pollock, Mr R P Tomlinson and Mr R M Udall

Independent Members (Non-voting): Dr M Mylechreest, Mr C Slade and Dr P Whiteman

**Agenda**

<b>Item No</b>	<b>Subject</b>	<b>Page No</b>
1	<b>Apologies and Named Substitutes</b>	
2	<b>Declarations of Interest</b>	
3	<b>Public Participation</b> Members of the public wishing to take part should notify the Head of Legal Democratic Services in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 22 October 2019). Enquiries about this can be made through the telephone number/e-mail address listed below.	
4	<b>Confirmation of Minutes</b> To confirm the Minutes of the meeting held on 10 April 2019. (previously circulated – pink pages)	
5	<b>Local Government Ethical Standards - Updated Pan-Worcestershire Code of Conduct for Members</b>	1 - 18
6	<b>Code of Conduct - Complaints Update</b>	19 - 22

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All the above reports and supporting information can be accessed via the Council's website at <http://www.worcestershire.gov.uk/cms/democratic-services/minutes-and-agenda.aspx>

Date of Issue: Friday, 11 October 2019

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## **STANDARDS AND ETHICS COMMITTEE**

### **23 OCTOBER 2019**

# **LOCAL GOVERNMENT ETHICAL STANDARDS – UPDATED PAN-WORCESTERSHIRE CODE OF CONDUCT FOR MEMBERS**

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#### **Recommendation**

- 1. The Head of Legal and Democratic Services recommends that the Committee:**
  - (a) notes the discussions which have taken place between the Monitoring Officers of the principal authorities within Worcestershire in response to the report published by the National Committee on Standards in Public Life (the Nolan Committee) on standards in local government;**
  - (b) endorses the principle of a pan-Worcestershire Code of Conduct for members, and**
  - (c) endorses the draft Code of Conduct set out at the Appendix and recommends that Council adopts it.**

#### **Summary**

2. The Committee received a report at its April 2019 meeting on the Nolan Committee recommendations in relation to local government standards in relation to the legislative regime, and best practice recommendations to local government.
3. Legislation is naturally a matter for Government and Parliament, but the Committee asked the Monitoring Officer to discuss implications for the pan-Worcestershire Code of Conduct with his colleague Monitoring Officers, having regard to the initial views of the Committee, and receive a further report. Those discussions have taken place, and a consensus formed on updating the Code.

#### **Background information**

4. The Committee will recall from previous reports that the National Committee on Standards and Public Life (often called the "Nolan Committee") visited the Council in September 2018 as part of its gathering of comments and evidence of good practice in local government – the Council was the only county council visited. Following the visit, the Chairman of the Committee was invited to attend the formal launch of the report at the end of January 2019.
5. The Nolan Committee was kind enough to write and say its delegation was impressed by the leadership demonstrated by senior officers and members of the Council, which has allowed the Council to cultivate a culture of high standards and a civil approach to politics. They considered it particularly insightful to see how proper governance structures have a substantial influence on the way in which ethical standards operate at the Council. There are clearly issues elsewhere in the country

which have informed the recommendations and which do not exist here, so we need to be mindful of that context and the need for a proportionate response to the Best Practice recommendations.

## Summary

6. There remained a consensus that a pan-Worcestershire Code remains the best approach for the benefit of the public, members, and good governance.

7. The Monitoring Officers shared the Committee's view that the current Code was fit for purpose, but would benefit from a few relatively small amendments flowing from some of the Nolan Best Practice (BP) recommendations relevant to the Code and as discussed by the Committee:

**BP1 – the Code of Conduct should include prohibitions on bullying and harassment, with definitions and examples.** Our current Code prohibits bullying but gives no definitions or examples. Members supported the principle and asked the Monitoring Officer to seek to agree a definition with his MO colleagues. This has been done and included in the new draft Code.

**BP2 – Code should require councillors to comply with formal standards investigations, and prohibit trivial or malicious allegations by councillors.** The Council has very few formal investigations and no history of councillors obstructing them. The best way of dealing with trivial or malicious allegations is through robust filtering right at the start of the process, and avoid tit for tat complaints. The consensus amongst the MOs was that a simple obligation to co-operate with any standards investigations would suffice.

**BP5 – In line with proposed new legislation, authorities should update a Gifts and Hospitality Register at least quarterly.** The Committee agreed that such a Register was expected by the public and should be re-introduced ahead of any legislation. In discussion, the MOs considered that £15 was a suitable value threshold for such registration to meet the purpose of transparency but not worry about trivial items.

The amendments to the Code were supported by all the MOs and the proposed redraft is attached as an Appendix. The 7 Nolan Principles have also been updated to 10. The Committee is asked to review the amended Code and consider recommending it to full Council for formal adoption.

## Supporting Information

Appendix – draft Code of Conduct

## Contact Points

### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

### Specific Contact Points for this report

Simon Mallinson, Head of Legal and Democratic Services and Monitoring Officer

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Email: [smallinson@worcestershire.gov.uk](mailto:smallinson@worcestershire.gov.uk)

## **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the background papers relating to the subject matter of this report are the agenda papers for the meeting of the Standards and Ethics Committee on 10 April 2019.

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# CODE OF CONDUCT

## Part 1

### General provisions

#### **Introduction and interpretation**

1. (1) This Code applies to **you** as a member or co-opted member
- (2) You should read this Code together with the Ten Principles of Public Life (also known as the Nolan Principles) which are set out in Appendix 1.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
  - "meeting" means any meeting of
    - (a) the authority (Worcestershire County Council);
    - (b) any of the authority's committees, sub-committees, joint committees, joint sub-committees, or area committees;
    - (c) the executive (Cabinet) of the authority or its committees;
    - (d) an external body upon which the member sits as a representative of the authority;
  - "Monitoring Officer" means the Monitoring Officer for the authority;
  - "bullying and harassment includes;
    - oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine his/her self-confidence and cause him/her to suffer stress."

Examples are set out at Appendix 3 to this Code.

## Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## General obligations

3. (1) You must treat others with respect in accordance with the Nolan Principles.
- (2) You must co-operate with any standards investigations
- (3) You must not:
  - (a) do anything which may cause your authority to breach any of the equality enactments;
  - (b) bully or harass any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. You must not:
- (a) do anything that is likely to cause your authority to breach Data Protection law;
  - (b) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is:
      - (aa) reasonable and in the public interest; and
      - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
  - (c) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You:
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
    - (i) act in accordance with the authority's reasonable requirements including in relation to the use of authority stationery and official logos and branding;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:

(a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority

8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties, and must comply with the authority's guidance on gifts and hospitality (attached as Appendix 4)

## **Part 2**

### **Interests**

#### **Disclosable Pecuniary Interests ("DPI")**

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-

(a) such interest meets the definition prescribed by the DPI regulations as amended from time to time and set out in Appendix 2 to this Code; and

(b) it is either an interest of yourself; or it is an interest of :-

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife: or

(iii) a person with whom you are living as if you were civil partners;

and you are aware that the other person has the interest.

## **Registration of DPIs**

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given.
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs, notify the Monitoring Officer in writing of the detail.

## **Other Disclosable Interests (ODI)**

- 11.(1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
  - (a) pecuniary interest in the matter under discussion which is not de minimis; or
  - (b) a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

## **Disclosure of Interests**

### **12.(1) Formal Meetings**

#### **Disclosable Pecuniary Interest (DPI)**

If you are present at a Meeting and you have a DPI then you must:

- (a) disclose the nature and existence of the interest;
- (b) leave the meeting (including the meeting room and public gallery) and take no part in the discussion; and

- (c) If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

### **Other Disclosable Interest (ODI)**

If you are present at a Meeting and you have an ODI then you must:

- (a) disclose the nature and existence of the interest; and
- (b) if the interest;
  - (i) affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
  - (ii) is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the Meeting (including the meeting room and public gallery) and take no part in the discussion.

## **(2) Informal meetings and correspondence**

### **Disclosable Pecuniary Interest (DPI)**

If you have a DPI in the matter you must not participate in informal meetings, briefings or site visits, and must disclose the DPI in any correspondence with the authority.

### **Other Disclosable Interest (ODI)**

If you have an ODI in the matter, then you must disclose the existence and nature of that interest at informal meetings, briefings or site visits, and must disclose the ODI in any correspondence with the authority.

If the ODI is such that you would be required to leave a formal Meeting as above, then you must not participate in the informal meeting.

## **(3) Single Member Decisions**

### **Disclosable Pecuniary Interest (DPI)**

If when participating in single member decision-making you have a DPI in the matter being decided, then you must take no steps in relation to the

decision other than asking for the matter to be decided in some other manner.

### **Other Disclosable Interest (ODI)**

If you have an ODI in the matter being decided, then you must disclose the existence and nature and record it on the record of decision.

If the ODI is such that you would be required to leave a formal Meeting as set out above, then you must take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

### **(4) Dispensations**

You may take part in the discussion of and any decision or vote on a matter in which you have been granted a formal dispensation.

### **Sensitive Information**

**13.** An interest will be a sensitive interest if the two following conditions apply:

- (a) that you have an interest (whether or not a DPI); and
- (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (c) where it is decided that an interest is a “sensitive interest” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (d) where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

### **APPENDIX 1**

The Ten Principles of Public Life

### **APPENDIX 2**

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

**APPENDIX 3**

Examples of bullying and harassment

**APPENDIX 4**

Gifts and hospitality



**MEMBERS CODE OF CONDUCT**

**THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE**

**Selflessness** – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and Integrity** – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgement** – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the Law** – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership** – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## DISCLOSABLE PECUNIARY INTERESTS

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

### 1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets

Act 2000() and other securities of any description, other than money deposited with a building society.

**EXAMPLES OF BULLYING AND HARRASSMENT**

Bullying and harassment may include:

- physical contact ranging from touching to assault
- verbal and written comments through jokes, offensive language, personal comments about appearance, size, clothing etc
- innuendo, gossip and letters etc.
- malicious rumours and allegations, including fabricating complaints from clients and other members of staff.
- open aggression, threats, shouting, abuse and obscenities, persistent negative attacks.
- constant humiliation, criticism and ridicule, belittling efforts and undervaluing contribution
- trolling behaviour.

Harassment is unwanted conduct on the grounds of any protected characteristic as defined by the Equality Act 2010, political or Trade Union affiliation, or take the form of victimisation, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

This is not exhaustive.

**GIFTS AND HOSPITALITY**

1. Minor gifts and hospitality are sometimes part of the normal courtesies of life: a resident may offer a modest gift as a token of appreciation and sometimes simple items such as diaries and pens are distributed as advertising matter. In dealing with a matter in your division you may be offered a cup of tea or light refreshments.
2. As a guideline, any gift or hospitality with a value of £15 or more is highly unlikely to be viewed as a 'token'. You must consider whether it is appropriate to accept even token gifts, especially where you are dealing with regulatory or procurement matters when it would usually be inappropriate to receive any gift from involved parties. In case of doubt you should consult the Monitoring Officer.
3. Offers of hospitality, even if seemingly minor in nature, must be treated with particular caution as they can leave individuals and the Council open to allegations of impropriety. The timing of offers of hospitality, for example in relation to the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. Accepting hospitality must be justified in the public interest, for example when there is a genuine need to represent the Council.
4. All offers and receipt of gifts and hospitality with a value of £15 or higher must be reported to the Monitoring Officer who will ensure it is recorded in the Council's register of gifts and hospitality, which will be published.

**STANDARDS AND ETHICS COMMITTEE**  
**23 OCTOBER 2019****CODE OF CONDUCT – COMPLAINTS UPDATE v2**

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**Recommendation**

1. **The Head of Legal and Democratic Services recommends that the Committee:**
  - (a) **notes the formal complaints that have been made about the conduct of County Councillors and their outcome; and**
  - (b) **considers what, if any, further action should be taken to ensure members are aware of and comply with their obligations under the Code of Conduct.**

**Summary**

2. This report is to update the Committee on formal complaints about the conduct of councillors which have been dealt with since the last report in April 2019. The Committee has delegated to the Monitoring Officer the responsibility of filtering complaints received, in consultation with the Chairman and/or Independent Person as may be appropriate, and so the MO then reports to the Committee on the decisions taken.

**Background**

3. The Council receives a relatively small number of formal complaints concerning the conduct of county councillors. None of these have recently progressed to formal investigation but have been resolved one way or the other through the facilitation of the Monitoring Officer or no further action where appropriate. Calendar year 2018 brought an unusually high number of formal complaints (9), and that is being repeated in 2019. There were 4 formal complaints in 2013, 3 in 2014, 2 in 2015, 2 in 2016, and 1 in 2017. There have been 6 so far in 2019.

**Complaint 01/19**

4. An outside body complained about the nature and tone of 2 emails received from a councillor concerning a Council nomination to that body, considering the tone was disrespectful, brought disrepute, intimidating, and that the councillor's own complaint which had been made about the body was bullying behaviour.

5. The Code clearly applied to the county councillor when involved in the business of a Council nominee as acting in an official capacity. Preliminary enquiries were made by the MO into the circumstances, including consultation with the Committee chairman, and talking to the complainant and the councillor. The Monitoring Officer considered the filtering guidelines set by the Committee and decided that the matter would not be further investigated as although the Code was engaged, the complaint did not disclose any potential breach. The most serious allegations of bullying or intimidation boiled

down to the councillor's own complaint about the complainant body and reference to taking legal advice.

6. The Code does not prevent councillors setting out their views robustly, even forcibly. The perceived lack of quality in the content of communications are not Code issues, which relate to conduct of councillors, not the quality of their performance. Councillors are not employees and their conduct is not judged as such. There was a margin of discretion for councillors in dealing with issues; tit-for-tat complaints would not generally disclose any breach. The Code was not breached just through comments which could have been better phrased but were not disrespectful in terms of the Code nor brought the office or Council into disrepute, and formal investigation was not justified. The complainant was notified of the final outcome 21 calendar days after the complaint was received.

7. However, there were clearly underlying issues behind the complaint. The MO attempted resolution of those issues by facilitating the outstanding nomination and making proposals to assist their working relationship.

### **Complaint 02/19**

8. A local resident complained that a local member had breached equalities provisions in relation to residents' parking in failing to contact all residents to ascertain their views but held 'preferential' meetings with several key residents without ascertaining all residents' views.

9. No potential breach was disclosed. Although the complainant considered that the councillor should have taken a particular course of action, it is a matter for councillors' discretion how they exercise their role as local members and approach particular issues. As a matter of general principle, differing from a resident's preferred course of action does not in itself disclose any potential breach of the Code of Conduct. As it happens, initial enquiries showed that Highways had sent a survey on behalf of the local councillor to all local residents.

10. The Code requires members not to do anything which may cause the Council to breach any of the Equality enactments, relating to unlawful discrimination on the basis of sex/race/religion etc. Nothing in the complaint disclosed any potential breach of the equality enactments. After initial enquiries and consultation with the Chairman, the complainant was informed that no further action would therefore be taken 3 calendar days after receipt of the complaint.

### **Complaint 03/19**

11. This was a further complaint from the same member of the public as 02/19, that the local councillor had 'warned off' a district councillor from getting involved in the highways matters of residents' parking.

12. After initial enquiries and consultation with the Chairman, no potential breach was disclosed by the complaint even if the alleged facts set out were to be proven. The county councillor would be entitled to inform a district councillor that highway parking was not a matter to get involved in with constituents as it was a county function. It is a matter for councillors' discretion how they exercise their role as local members and approach particular issues. As a matter of general principle, differing from a resident's



preferred course of action does not in itself disclose any potential breach of the Code of Conduct. The complainant was informed that no further action was to be taken on the complaint 13 calendar days after receipt.

### **Complaint 04/19**

13. This was a complaint that a county councillor had been improperly involved in persuading a district councillor to change political allegiance upon the district body. Following initial enquiries and consultation with an Independent Person, it was decided that no potential breach was disclosed. Any such alleged involvement was clearly a party political matter, not official business of the County Council and so the Code was not engaged in relation to the specific matters of complaint. Insofar as the Code was engaged in relation to comments made as a county councillor, those comments were uncontentious and disclosed no breach. The complainant was informed that no further action was to be taken on the complaint 11 calendar days after receipt.

### **Complaint 05/19**

14. This was a complaint from a member of the public that a councillor took a curt and rude tone in email exchanges. However, on initial assessment of the exchanges and consultation with the Chairman, the complainant's emails were themselves combative/offensive. They did not disclose a breach justify a complaint about tone of the councillor's response, which were within reasonable bounds in that context. No breach was disclosed, but the complaint was too minor/tit for tat in any event. Robust exchanges are not prohibited by the Code. The complainant was informed that no further action was to be taken on the complaint 12 calendar days after receipt.

### **Complaint 06/19**

15. This was a complaint from a former district councillor that a county councillor had been involved in district and party political matters to the complainant's detriment. The county's code was not engaged as it was not a county matter. The complainant was informed that no further action was to be taken on the complaint on the same day as receipt.

## **Contact Points**

### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

### Specific Contact Points for this report

Simon Mallinson, Head of Legal and Democratic Services

Tel: 01905 846670

Email: [smallinson@worcestershire.gov.uk](mailto:smallinson@worcestershire.gov.uk)

## **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report.

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