

## Standards and Ethics Committee

Wednesday, 23 July 2014, 10.00 am, County Hall, Worcester,

<b>Present:</b>	<b>Minutes</b>  Mrs A T Hingley (Chairman), Mr R C Adams, Mr A P Miller, Mr S R Peters, and Dr K A Pollock.  Independent Members (non-voting) Dr M Mylechreest and Dr P Whiteman.
<b>Also attended:</b>	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 held on 30 April 2014 (previously circulated).
<b>235 Apologies and Named Substitutes (Agenda item 1)</b>	Apologies were received from Mr J Baker, Ms P A Hill and Mr D W Prodger.
<b>236 Declarations of Interest (Agenda item 2)</b>	None.
<b>237 Public Participation (Agenda item 3)</b>	None.
<b>238 Confirmation of Minutes (Agenda item 4)</b>	<b>RESOLVED</b> that the Minutes of the meeting held on 30 April 2014 be confirmed as a correct record and signed by the Chairman.
<b>239 Member conduct during meetings (Agenda item 5)</b>	The Committee considered a report on Member conduct during meetings.  Following the discussion at the Committee meeting on 30 April, the Head of Legal and Democratic Services had prepared a draft guidance note for all councillors on their proper conduct in meetings. It had been drafted in the light of the comments at the previous Committee meeting and in consultation with the Chairman and Vice-

Chairman of his Committee and the Chairman of the Members' Advisory Group, Mrs L Hodgson.

Two of the prime roles of this Committee were to promote and maintain high standards of conduct by County Councillors, and assist Members to observe the Code of Conduct and relevant protocols in place from time to time. It was open to the Committee to issue general guidance to Members as part of this role. Such guidance would help Members ensure their proper conduct, and allow the public to understand the expectations of Members.

The Secretary of State had issued draft Openness of Local Government Bodies Regulations 2014 to enhance the transparency of local government. If approved by Parliament, these would require councils to provide reasonable facilities (so far as was practicable) to those attending a meeting for the purpose of reporting on it. This would enable members of the public and press to report meetings via social media, filming, recording or taking photographs during a public meeting.

The Government's draft guidance stated that council permission would not be required for such activities, but reporters should not disrupt the meeting eg through excessive noise, or the use of flash photography. Standing Orders would need updating once the Regulations were in force. The Council supported democratic transparency, and many of the Council's formal meetings had been webcast for a number of years, and reporters had been able to tweet and blog as they wished. However, the Regulations would allow members to be filmed by observers throughout the meeting, not just when speaking. This just underlined the need for good conduct throughout meetings.

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

- In setting the tone of the meeting, the Chairman should make particular reference as necessary to not using social media during exempt agenda decision items
- The Chairman should advise Members and members of the public/press that all electronic devices such as mobile phones, laptops and pagers must be switched to silent or vibrate to avoid disrupting the meeting
- It was appropriate to permit members to access electronic information which was relevant to the

meeting given the possible move in the future to agendas being published in electronic form only. The Head of Legal and Democratic Services commented that some councillors were already accessing agendas at meetings in electronic form

- Members should ensure that that they were not distracted "or distracting" from decision items requiring their full attention by the use of social media
- There was a danger that a Member could tweet comments during a meeting about his/her dissatisfaction with a decision in such a manner that could lead to a breach of the Code of Conduct. The Head of Legal and Democratic Services confirmed that the content of a tweet made by a Member at a meeting would be subject to the Code of Conduct. A member tweeting using a private account could still breach the Code if it was evident that he/she was tweeting in his/her role as a councillor
- In some organisations, attendees were asked to leave their mobile devices in a tray at the start of the meeting if it was felt that tweeting during the meeting would affect the decisions being made
- It was agreed that the process used elsewhere whereby councillors were able to send a note to the Chairman electronically was not something this Council would wish to adopt. It was felt that such a procedure was not an open and transparent process
- There were meetings where members attended out of interest as an observer and did not have any role in the decision-making process therefore the acknowledgement of this aspect in the guidance note was welcomed
- The Head of Legal and Democratic Services explained that the draft Openness of Local Government Bodies Regulations 2014 required positive affirmation by Parliament before their introduction. As soon as it was passed by Parliament, it would be in force. Members needed to be aware that their behaviour could be captured on film at any time. Ideally, it would be a matter of courtesy for anyone attending and wishing to film to notify the Council in advance but there was no such stipulation in the draft regulations
- The use of recordings at meetings could lead to challenges about the behaviour of members during the decision-making process. For example, images could be taken and used to imply that that a Member was not paying proper attention during

a debate

- It was for the Chairman of the meeting to determine whether the filming of the meeting by a member of the press/public was disruptive having regard to the Regulations and Government Guidance. However, with the technical ability of cameras and mobile devices, filming could be done from a static position and therefore it was unlikely that any disruption needed to be caused. The Head of Legal and Democratic Services advised that the draft Regulations stipulated that councils should provide adequate facilities for the press and public and therefore it would be considered disruptive if attempts were made to film the meeting outside the designated area. He would draft an appropriate protocol to reflect the Regulations and Government Guidance
- There was a danger that these draft regulations could impact on the quality of the debate as Members could become less inclined to speak for fear of being quoted out of context. The Head of Legal and Democratic Services stated that the advantage of the webcast was that it provided a recording of the debate in its entirety. Any other form of recording could be edited out of context but the Regulations did not prohibit this
- During a debate, it was possible that members could be contacted through email/social media to encourage them to vote a certain way and unease was expressed about this
- The Head of Legal and Democratic Services would update the guidance note and copy the updated version to the Chairman and Vice-Chairman for final approval. It would then be circulated to all members of the Council. This Committee had delegated authority to approve the guidance note without referral to Council but a copy would be attached to the information report to the next meeting of Council.

**RESOLVED that:**

- a) The Head of Legal and Democratic Services be authorised to finalise the guidance in relation to conduct expected of Members during meetings with the agreement of the Chairman and Vice-Chairman of the Committee (attached as an Appendix) and circulate it to all Members; and**
- b) The draft Openness of Local Government**

**Bodies Regulations 2014 be noted.**

The meeting ended at 11.10am

Chairman .....

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## **GUIDANCE NOTE – CONDUCT OF MEMBERS DURING MEETINGS**

### **Code of Conduct**

Members are clearly subject to the relevant provisions of the Members' Code of Conduct whilst attending meetings of the Council's member bodies:

- *"You must treat others with respect". This includes respect for other members, and members of the public*
- *"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."*
- *members "must, when using...the resources of, or under the control of, the authority act in accordance with the authority's reasonable requirements".*

This note provides some practical guidance on behavioural issues to help members observe the Code of Conduct, particularly in relation to electronic or social media.

### **General**

- The Chairman of the meeting has an important role in setting the tone of the meeting for the behaviour of members and the legitimate use of electronic or social media. In order to avoid disrupting the meeting it would be helpful for Chairmen to remind members that all electronic devices (such as mobile phones, laptops and pagers) must be switched to silent or vibrate during the meeting, and if there are exempt agenda items that the use of social media is not permitted during those items
- Strong public expectation is that members are elected to carry out their duties including concentrating on the business in hand at meetings. Members should themselves be businesslike and conduct themselves in an appropriate manner
- It is important that Members listen to the debate and comments and are not distracted by other non-work-related activities. Members need to be aware that they could be disrespecting others or bringing their office or authority into disrepute by their behaviour if they do not pay proper attention to the meeting
- Members should be particularly respectful to public participants who have taken the trouble to address the meeting. Their comments should be listened to by Members without being distracted by electronic communications or unrelated reading materials

- Similarly, members of Scrutiny (or other) bodies should give their full attention to the views being expressed by external parties who have been invited to address them
- Appropriate use of e-media is in line with the Council's general Digital Strategy and can be helpful for members to access electronic information relevant to particular meetings (including the agenda itself or background material). Members can (and are encouraged to) access electronic information which is relevant to the meeting to improve the democratic process but the meeting should not be disrupted nor the member distracted from the item in hand. Members should remember that tweeting as a Councillor will mean that the content is subject to the Code of Conduct
- Subject to the above point, Members should not play electronic games, nor read newspapers/books/magazines unconnected with the agenda at any point during any meeting, as this is disrespectful to other members/speakers at the meeting and to the public on whose behalf the decisions are being taken. This is the case whether or not the meeting itself is webcast
- Whilst the use of social media such as tweeting and blogging is permissible during most meeting items, it should relate to the matter in hand and Members should ensure they are not distracted nor distract others from decision items requiring their full attention as appropriate to the meeting. Members should not disrupt the meeting. Social media activities are not permissible during quasi-judicial or exempt agenda decision items.
- For uncontroversial information items not directly involving the member, the implications of being distracted from the item are less likely to have serious impact on the democratic process
- Expectations are more flexible for Members who attend a meeting merely as an observer. Such Members may have other matters to attend to whilst awaiting the items of particular interest to them and are entitled to make best use of their time and may not need to pay full attention to other items. However, even attending as an observer it would still be inappropriate for members to play games during the meeting due to poor public perception
- Members should not, of course, visit websites which are not suitable for work whilst at meetings, and must ensure screensavers are appropriate
- During longer meetings such as full Council, Members may need to leave the chamber for various reasons. Members are asked to reduce moving around to the necessary minimum to avoid disrupting the meeting, and to avoid disrupting the webcast of nearby speakers through their movement.

### **Quasi-judicial meetings**

- Expectations are stricter for quasi-judicial meetings such as Planning and Regulatory Committee, Appellate Panel, Appointments etc Panel, and Standards and Ethics hearings



- Unlike for other general meetings, Members **must be present** for the whole of the discussion before voting. Should they leave the meeting during the agenda item, they will not be able to vote on that item as they have not heard all the relevant information
- Members should pay full attention to all of the proceedings to ensure the fairness of the process. They may access the agenda documentation electronically, but should not be distracted by using social media or other mobile devices at all during the debate and vote.

## **Standards and Ethics Committee**

**SPM/ vf 4 August 2014**

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