

Agenda

Standards and Ethics Committee

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

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বাংলা। আপনি যদি এই দপিলের বিষয়বস্তু বুঝতে না পারেন এবং আপনার জন্য অনুবাদ করার মত পরিচিত কেউ না থাকলে, অনুগ্রহ করে সাহায্যের জন্য 01905 765765 নম্বরে যোগাযোগ করুন। (Bengali)

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اردو۔ اگر آپ اس دستاویز کی مشمولات کو سمجھنے سے قاصر ہیں اور کسی ایسے شخص تک آپ کی رسائی نہیں ہے جو آپ کے لئے اس کا ترجمہ کرسکے تو، براہ کرم مدد کے لئے 01905 765765 پر رابطہ کریں۔ (Urdu)

(Kurdish) کوردی سۆزانی، نەگەر ناتوانی تێبگهی له ناوی ژۆکی نەم بێلگهیە و دەستت بە هیچ کەس ناکات کە وەبێگێڕێتووه بۆت، تەکنیە تەلەفۆن بەکە بۆ ژمارە 01905 765765 و داوای پێنوێنی بکە.

ਪੰਜਾਬੀ। ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮਸ਼ਹੂਨ ਸਮਝ ਨਹੀਂ ਸਕਦੇ ਅਤੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਤੱਕ ਪਹੁੰਚ ਨਹੀਂ ਹੈ, ਜੋ ਇਸਦਾ ਤੁਹਾਡੇ ਲਈ ਅਨੁਵਾਦ ਕਰ ਸਕੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਮਦਦ ਲਈ 01905 765765 'ਤੇ ਫ਼ੋਨ ਕਰੋ। (Punjabi)

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 3rd 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 July 2014, 10.00 am, County Hall, Worcester.

Membership: Mrs A T Hingley (Chairman), Mr S R Peters (Vice Chairman), Mr R C Adams, Mr J Baker, Ms P A Hill, Mr A P Miller, Dr K A Pollock, and Mr D W Prodger and vacancy.

Independent Members (Non-voting): Dr M Mylechreest, Dr P Whiteman and vacancy.

Agenda

Item No	Subject	Page No
1	Apologies and Named Substitutes	
2	Declarations of Interest	
3	Public Participation Members of the public wishing to take part should notify the Director of Resources 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 July 2014). Enquiries about this can be made through the telephone number/e-mail address listed below.	
4	Confirmation of Minutes To confirm the Minutes of the meeting held on 30 April 2014. (previously circulated – pink pages)	
5	Member conduct during meetings	1 - 8

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To obtain further information or a copy of this agenda contact Simon Lewis, Committee Officer on 01905 766621, slewis@worcestershire.gov.uk

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: Monday, 14 July 2014

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Standards and Ethics Committee
23 July 2014**5. MEMBER CONDUCT DURING MEETINGS****Recommendation**

1. The Head of Legal and Democratic Services recommends that the Committee:

- (a) considers the draft guidance (attached as Appendix 1) in relation to conduct expected of Members during meetings;
- (b) considers whether any further advice should be given to all Members to help them comply with the Code of Conduct; and
- (c) notes the draft Openness of Local Government Bodies Regulations 2014.

Summary

2. The Committee considered a report in April on Member conduct during meetings. There had been limited specific guidance to members on such conduct and the permissible use of electronic devices in meetings, and it was suggested that further guidance be given.

Background Information

3. 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, reported to the previous meeting. This takes a balanced view and accepts that Members may wish to use social media (eg 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. The Committee considered the issue as a whole and the principles involved, in order to give guidance to all Members to help them understand the Code's requirements and how their actions might appear to observers.

5. Following a very useful discussion, the Head of Legal and Democratic Services was asked to prepare a draft guidance note for all councillors on their proper conduct in meetings.

6. The draft guidance note is attached as Appendix 1 for the Committee to consider. It has been drafted in the light of

The draft Openness of Local Government Bodies Regulations 2014

Supporting Information

Contact Points

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. For convenience, the social media protocol reported to April Committee is attached as Appendix 2.

7. Two of the prime roles of this Committee are 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 is 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.

8. The Committee is therefore asked to consider the draft guidance and whether further advice should be given to Members.

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

10. The Government's draft guidance says council permission will 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 will need updating once the Regulations are in force. The Council supports democratic transparency, with many of the Council's formal meetings have been webcast for a number of years, and reporters have been able to tweet and blog as they wish. However, members should be aware that the Regulations would allow them to be filmed by observers throughout the meeting, not just when speaking. This just underlines the need for good conduct throughout meetings.

- Draft guidance note on member conduct in meetings (Appendix 1)
- Protocol on the use of Social Media (Appendix 2).

County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511 or Minicom: Worcester (01905) 766399

Specific Contact Points

Simon Mallinson, Head of Legal and Democratic Services

Background Papers

(Extn 6670)

Email: smallinson@worcestershire.gov.uk

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the agenda papers and minutes of the meeting of the Standards and Ethics Committee on 30 April 2014 are background papers relating to the subject matter of this report.

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GUIDANCE NOTE – CONDUCT OF MEMBERS DURING MEETINGS

draft v3

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 meetings

- 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.
- 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 behavior 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
- Members should not play electronic games, read a newspaper/book/magazine 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
- 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

- 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 from decision items requiring their full attention as appropriate to the meeting. Members should not disrupt the meeting with social media activities, which are not permissible during quasi-judicial or exempt agenda decision items. [The Protocol on use of social media is attached for information]
- [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. They 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 as an observer it would still be inappropriate to play games at any point 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.

SPM draft 3

Protocol on the use of Social Media in Formal meetings

In recognising the ongoing developments in technology, this protocol provides guidance to members of the public (including press) and Councillors on the use of Social Media in formal meetings of Worcestershire County Council, its Committees and Cabinet.

'Social Media' includes the use of web-based technologies to share information and interact within online communities eg blogs, Twitter, Facebook and other platforms for interaction and networking.

Already many of the Council's public meetings are webcast live and an archiving facility is available to view the broadcasts of previous meetings. Whilst filming, videoing, photographing or recording the meeting remains prohibited [without the express consent of the chairman of the meeting], the Council is content to encourage public democracy through the use of Social Media as set out in this protocol.

- The use of Social Media in formal meetings, whether by Councillors, members of the public or press, is permitted as long as this (in the view of the Chairman) does not undermine or disrupt the meeting.
- To avoid undermining the meeting, the full attention of Councillors who are involved in the decision-making will be required during any formal debate or vote on any item under their consideration. These Councillors must not be distracted by using Social Media or any mobile devices during the time that the debate and vote is underway.
- To minimise disruption or disturbance to others attending the meeting, **all attendees** are asked to ensure that their phones or other mobile devices are set on silent or vibrate mode during meetings.
- These concessions do not apply following a motion to exclude the press and public from any part of a meeting. No Councillor in attendance, whether as a decision-maker or observer, is permitted to use Social Media or mobile devices during an 'exempt' session or disclose in any way the content of the items under discussion.
- Councillors need to be aware that inappropriate comments made during a meeting, would (almost definitely) fall within the remit of the Code of Conduct. Any inappropriate comments made using Social Media (e.g tweets or blog posts) could open councillors to potential complaints and investigations.

Simon Mallinson
Head of Legal and Democratic Services

Final SC/SPM October 2011

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