

# Agenda

## Standards and Ethics Committee

**Wednesday, 20 January 2021, 10.00 am**  
**Online only**

**Notes:**

Due to the current Covid-19 pandemic Worcestershire County Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to: Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Please note that this is a public meeting, conducting remotely by videoconferencing between invited participants and live streamed for general access via a link on the Council's website to the Council's Youtube [channel](#).

The Agenda papers and background papers can be accessed electronically on the Council's website. Members of the public and press are permitted to report on the proceedings.

This document can be made available in other formats (large print, audio tape, computer disk and Braille) on request from Democratic Services on telephone number 01905 846621 or by emailing [democraticServices@worcestershire.gov.uk](mailto:democraticServices@worcestershire.gov.uk)

## 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, 20 January 2021, 10.00 am, Online**

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

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 Assistant Director for Legal and Governance 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 19 January 2020). 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 21 October 2020. (previously circulated)	
5	<b>Local Government Association Member Code of Conduct</b>	1 - 2
6	<b>Code of Conduct - Complaints Update</b>	3 - 4

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## **STANDARDS AND ETHICS COMMITTEE 20 JANUARY 2021**

### **LOCAL GOVERNMENT ASSOCIATION MEMBER CODE OF CONDUCT**

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#### **Recommendation**

- 1. The Assistant Director for Legal and Governance recommends that:**
  - (a) The update about the LGA member Code of Conduct be considered and the Committee advises whether or not it recommends adopting the LGA Code, or if it recommends any changes to the pan-Worcestershire Code arising from this review; and**
  - (b) Having heard the feedback from the Committee, the Monitoring Officer be asked to liaise with colleagues from the District Councils in Worcestershire to consider feedback from all Councils and to bring forward any revisions to the Worcestershire Code for consideration.**

#### **Background**

2. 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.
3. Having considered the Nolan Committee's report, the Committee asked the Monitoring Officer to discuss changes to the pan Worcestershire Code with the District Council Monitoring Officers across the county. An updated version of the Code of Conduct was agreed by the Committee in October 2019. This took into account certain best practice recommendations from the Nolan Committee and was subsequently agreed by the County and District Councils.
4. In December 2020 the Local Government Association (LGA) published a model Code of Conduct as part of its work in supporting the sector to continue to aspire to high standards of leadership and performance. A copy of this is attached at Appendix 1. This is offered as a template for councils to adopt as a whole and/or with local amendments.
5. Having participated in consultation about content, at its last meeting the Committee agreed to consider the Code once published.
6. The content of the LGA Code is generally similar to the Worcestershire Code. The main areas where it differs are:

- The LGA Code includes detailed guidance to explain the reasons for obligations and how they should be followed
- It includes a statement about a right to respectful behaviour from the public which is not referred to in the Worcestershire Code
- It includes an obligation to undertake Code of Conduct training provided by the local authority
- The value for registering gifts and hospitality is £50 compared to £15 in the Worcestershire Code
- There is more detail in the LGA Code about registering and declaring **Other** Interests. The LGA Code states (in table 2) that Councillors have a personal interest in any business where it relates to or affects any body of which a Councillor is in general control or management and to which they are nominated or appointed by the Council. This is in direct contrast to the current situation in the Worcestershire Code where appointment to an outside body by the Council does not automatically mean that an Other Interest should be declared.

### **Supporting Information**

- Appendix 1 –Member Code of Conduct published by the LGA  
<https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>
- Appendix 2 – Worcestershire County Council Code of Conduct  
[https://www.worcestershire.gov.uk/info/20013/councillors/108/complaints\\_about\\_conduct\\_of\\_councillors](https://www.worcestershire.gov.uk/info/20013/councillors/108/complaints_about_conduct_of_councillors)

### **Contact Points**

County Council Contact Points  
County Council: 01905 763763

Specific Contact Points for this report  
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Email: [aezekiel@worcestershire.gov.uk](mailto:aezekiel@worcestershire.gov.uk)

### **Background Papers**

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) there are no background papers relating to the subject matter of this report.

## **STANDARDS AND ETHICS COMMITTEE 20 JANUARY 2021**

### **CODE OF CONDUCT – COMPLAINTS UPDATE**

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#### **Recommendation**

- 1. The Assistant Director for Legal and Governance recommends that:**
  - (a) the formal complaints that have been made about the conduct of County Councillors and their outcome be noted; and**
  - (b) the Committee 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 October 2020. 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. There were 4 formal complaints in calendar year 2013, 3 in 2014, 2 in 2015, 2 in 2016, 1 in 2017 and 7 in 2019. There were 5 in 2020.

#### **Complaint 04/2020**

5. This complaint suggested that a councillor used inappropriate language in a letter to a newspaper in relation to a national issue which had been reported locally.

6. The complainant also complained to the District Council as the member concerned was a Councillor for both authorities and I liaised with the Monitoring Officer of the District Council about the response.

7. The conclusion was that no action should be taken. There was no evidence that the Councillor had breached the Code of Conduct. Whilst they had expressed strong opinions they were entitled to do so. As the letter was signed by the Councillor using their title, they were reminded about being clear when expressing their own opinions to avoid perception that they were representing the authorities' views.

## **Complaint 05/2020**

8. This was a similar complaint in that a member of the public suggested that a Councillor had been quoted in the local paper using language that demonstrated a breach of the principles of public life, as set out in the Code of Conduct.

9. The precise allegation of breach was unclear but on review the language used was not considered to breach the Code of Conduct.

## **Elections 2021**

10. The County Council elections are due to be held on 6 May 2021 and we are preparing for these with our elections officer colleagues in the District Councils. The guidance on the pre-election period ('purdah') is also being updated as a reminder to current Councillors.

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