

Agenda

Standards and Ethics Committee

Wednesday, 20 October 2021, 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 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, 20 October 2021, 10.00 am, County Hall,
Worcester, WR5 2NP

Membership: Cllr Bob Brookes (Chairman), Cllr Dan Boatright, Cllr David Chambers, Cllr Laura Gretton, Cllr Steve Mackay, Cllr Dan Morehead, Cllr Mike Rouse and Cllr Tom Wells

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

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 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 Tuesday 19 October 2021). Enquiries about this can be made through the telephone number/e-mail address listed on the agenda.	
4	Confirmation of Minutes To confirm the Minutes of the meeting held on 20 January 2021 (previously circulated)	
5	Code of Conduct Complaints Update and Monitoring Officer Report	1 - 4
6	Local Government Association Member Code of Conduct	5 - 6

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To obtain further information or a copy of this agenda contact Simon Lewis, Committee Officer on 01905 846621, 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, 11 October 2021

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STANDARDS AND ETHICS COMMITTEE

20 OCTOBER 2021

CODE OF CONDUCT – COMPLAINTS UPDATE AND MONITORING OFFICER REPORT

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;**
 - (b) The induction process for new Councillors following the County Council elections be noted; and**
 - (c) 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 January 2021. 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 7 in 2019 and 5 in 2020. There have been 5 so far in 2021.

4. Of the 5 complaints, 2 have been resolved informally by the Monitoring Officer and the others are currently being dealt with.

5. The 2 resolved were:

- a) a complex case based around a dispute with the County Council, about which the Councillor commented in the press. The MO sought an external view about the complaint which substantiated his view that the Councillor was entitled to express their view about a matter of public interest and no breach of the Code had occurred; and

- b) a complaint that a Councillor had breached data protection requirements in an e-mail. The Councillor confirmed they had done this in error and apologised to the complainant. They also attended the GDPR training run as part of induction following the elections. This was offered as a 'local resolution' to the complaint.

6. In addition to these complaints 3 others were received which did not concern Councillor conduct.

7. In January I reported that the Coronavirus outbreak had an impact on workloads in the Department and on how quickly we were able to deal with complaints. This intensified during the election and immediate post-election period. Initial assessment is carried out promptly in case a referral to an Independent Person is appropriate, but in some cases responses to the complainant have been delayed. We are now catching up with the outstanding complaints.

Elections

8. County Council elections were held in May 2021 and as advised in January a reminder to all Councillors was issued by the Monitoring Officer about the pre-election period which lasts from the date the notice of election is published until election day. During that time no publicity should be issued which could be perceived as supporting any candidate/political party using the resources of the County Council.

9. Two referrals were made to the Monitoring Officer during the pre-election period, both involving use of social media to publicise specific initiatives. One involved County Council resources, the other the resources of another public sector body. Both were removed – the Monitoring Officer contacted the other public sector body about the overall publicity requirement, and they dealt with the matter. Similarly, the post referring to the County Council initiative was removed as soon as the Monitoring Officer contacted the Councillor concerned.

Induction of new Councillors

10. 31 out of 57 Councillors were new to the County Council following the May elections. Preparation for the elections, the elections themselves and the immediate post-election induction were run in accordance with strict Covid security arrangements.

11. A candidates' event was run prior to the elections to run through the functions and role of the County Council, as well as an outline of the Code of Conduct. This event was held on-line and was recorded so that those unable to attend could view it at their convenience. A Candidates' pack placed on the website also included a copy of the Councillor Code of Conduct.

12. Following the elections all Councillors new to the County Council were invited to County Hall for a specially arranged socially distanced welcome event. Here they made their declaration of acceptance of office, met the Monitoring Officer, and were provided with a welcome pack and Council IT equipment. Returning Councillors made their declarations of acceptance of office in the following week, so that all were entitled to act as Councillors by the time of the Annual meeting of the Council.

13. The induction programme had been publicised on the website prior to the elections so that those standing for election could note important dates in advance. Training on

the Code of Conduct and Equalities was provided on-line and attended by 14 new Councillors, 6 re-elected Councillors. Two sessions on GDPR were attended by a total of 17 new members and 10 re-elected Councillors.

14. Training has also been provided on specific meetings such as Planning and Audit and Governance, and a series on the roles and skills for Overview and Scrutiny. The majority of events have been recorded for Members to return to as necessary.

15. As well as seminars and training held on-line via Zoom or Teams, training on cyber-security has been made available as an on-line package for Councillors to access at their convenience.

16. We are currently reviewing the induction process so far and seeking feedback from Councillors about any repeat or new sessions that they would find helpful.

Contact Points

Specific Contact Points for this report

Abraham Ezekiel, Assistant Director for Legal and Governance

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Email: 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.

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STANDARDS AND ETHICS COMMITTEE

20 OCTOBER 2021

LOCAL GOVERNMENT ASSOCIATION MEMBER CODE OF CONDUCT

Recommendation

- 1. The Assistant Director for Legal and Governance recommends that the update about the LGA member Code of Conduct be noted.**

Background

2. In January 2021 I reported to the Committee about progress with the Local Government Association (LGA) model Code of Conduct which it had developed as part of its work in supporting the sector to continue to aspire to high standards of leadership and performance. This was offered as a template for councils to adopt as a whole and/or with local amendments.
3. Having participated in consultation about content, the Committee agreed to consider the Code once published.
4. The Committee agreed a number of recommendations in relation to the pan Worcestershire Code of Conduct, as follows:
 - a) a statement about a right to respectful behaviour from the public should be included;
 - b) an obligation to undertake Code of Conduct training by the local authority was not necessary aside from the Code of Conduct training session arranged for new councillors. However, this would be the subject of further review by the Monitoring Officer if district council partners were of the view that training should be mandatory for all councillors;
 - c) the value for registering gifts and hospitality should remain as £15;
 - d) the current situation in the Worcestershire Code where an appointment to an outside body by the Council did not automatically mean that an Other Interest should be declared should remain unchanged. However, this approach should be reviewed dependent on circumstances; and
 - e) Having heard the feedback from the Committee, the Monitoring Officer was 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.
5. Since this meeting the new Committee has met informally to consider the main points of the LGA Code. The Monitoring Officers from the District Councils and Fire Authority have also met to consider views from each Council, and is preparing a draft Code based on the LGA Code for consideration.

6. In the meantime, the LGA has updated its Code to correct minor errors and taking into account feedback from members since it was launched. The latest version is on its website: <https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>

7. The LGA gave a commitment to reviewing the Code on an annual basis. However, some of the views it has received indicate that it is too early to review the code this year for the following reasons:

- It has not yet been well embedded
- Some councils have only just considered it
- It would be better to review it shortly before the May 2022 London Local Government elections, so that it can be considered at the annual general meeting for adopted in full/part/not at all at the annual meeting of councils
- Wait for central government response to CoSPL recommendation if this is likely to be published by the end of 2021.

As a result, the LGA is proposing to recommend to the LGA board to delay the review to early next year.

Contact Points

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