

Standards and Ethics Committee

Wednesday, 1 July 2015, County Hall, Worceste - 10.00 am

		Minutes
Present:		Mrs A T Hingley (Chairman), Mr S R Peters (Vice Chairman), Mr J Baker, Mr PJ Bridle and Mr D W Prodger MBE
		Independent Members (non-voting) Dr M Mylechreest and Dr P Whiteman
Available papers		The members had before them: <ul style="list-style-type: none">A. The Agenda papers (circulated at the meeting);B. A draft job description for the post of Independent Member of the Standards and Ethics Committee (circulated at the meeting);C. A press cutting from the Bournemouth Daily Echo newspaper dated 30 March 2015 (circulated at the meeting); andD. The Minutes of the meeting held on 23 July 2014 (previously circulated).
		A copy of documents A-C will be attached to the signed minutes.
240	Apologies and Named Substitutes (Agenda item 1)	Apologies were received from Mr R C Adams, Ms P A Hill, Mr A P Miller, and Dr K A Pollock.
241	Declarations of Interest (Agenda item 2)	None.
242	Public Participation (Agenda item 3)	None.
243	Confirmation of Minutes (Agenda item 4)	RESOLVED that the Minutes of the meeting held on 23 July 2014 be confirmed as a correct record and signed by the Chairman.

**244 Code of
Conduct update
(Agenda item 5)**

The Committee received an update on Code of Conduct issues.

The report set out details of a Disclosable Pecuniary Interest (DPI) conviction in Dorset and of recent complaints made about members.

The Head of Legal and Democratic Services introduced the report and made the following points:

- Various breaches of the DPI provisions introduced under the Localism Act 2011 were now criminal offences as well as potential breaches of the Code. In what was believed to be a first, a senior councillor in Dorset had been prosecuted and found guilty of a breach of the DPI provisions. He received a 6 month conditional discharge and had costs awarded against him. The courts now had the power to disqualify councillors upon conviction of the DPI offences, but did not do so in this case
- The councillor in question received an annual allowance for the work he did as a non-executive director on behalf of a housing charity and had registered this as a DPI. The housing charity had land which was affected by the Waste Core Strategy and the DPI was relevant to the item. The Monitoring Officer referred the matter to the police who decided to pursue the matter as being in the public interest. As he had a DPI in the matter, he should not have participated in the debate, but did so. As he had no reasonable excuse, he was convicted
- Since the last report to the Committee in July 2014, the Council had received 5 formal complaints that a County Councillor had breached the Members' Code of Conduct. No complaints had been received connected with the recent elections.

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

- Members did not always appreciate the importance of all aspects of the Code of Conduct in their role and it was therefore important to remind them of their duty to declare DPIs
- Was it the member's responsibility to leave the meeting if a DPI was declared and could a declaration be made at any time during the meeting? The Head of Legal and Democratic Services advised that it was

the member's responsibility to withdraw from the consideration of the whole of that particular item. It was good practice for a member to declare a DPI at the start of the meeting but could be later as long as the member withdrew from an item in which he or she had a DPI

- Presumably it was not merely that the membership of an organisation that would mean that a DPI should be declared? The Head of Legal and Democratic Services agreed and stated that it was employment for profit or gain that would need to be registered and declared for that particular category of DPI
- It was important for members who had been appointed to serve on a number of different organisations to fully understand the relevance of the Code to their activities and the possible ramifications. If in doubt, members should seek advice or declare an Other Interest for transparency
- It was important that new members of the Council received training on the disclosure of interests. The Head of Legal and Democratic Services stated that Council had made it mandatory for all councillors to receive training on the Code of Conduct (whether by the county or district council)
- Members should have a full understanding of the implications of the Code. The Head of Legal and Democratic Services advised that the training sessions included practical scenarios to help members understand how the Code impacted on their role
- It was clear that the councillor in the Dorset case had not considered matters fully with unfortunate consequences. All members should be made aware of this case by email and attention brought to it at a meeting of the County Council. The Head of Legal and Democratic Services stated that reference would be included in this Committee's formal report to the next meeting of the Council. In addition he reminded members that advice on the disclosure of interests was included in every agenda produced by the Council
- The outcome of the investigation of the complaint against a member of the Council regarding the Divisional Fund scheme that there was no Code breach in a polite refusal to fund a request was

reassuring to members who were often faced with conflicting requests for funding under the scheme.

RESOLVED that:

- a) **the criminal conviction (in Dorset) for member breach of the Disclosable Pecuniary Interest provisions be noted;**
- b) **the outcome of recent formal complaints about member conduct be noted; and**
- c) **the Head of Legal and Democratic Services be requested to send details of the Dorset case electronically to all members of the Council to highlight the need for members to give prior thought to potential conflict of interests, take advice where necessary, and avoid even inadvertent breaches of the DPI provisions.**

245 Independent Member appointment (Agenda item 6)

The Committee considered how the recruitment and appointment process for a further Independent Member should be pursued.

The Head of Legal and Democratic Services introduced the report and commented that the Committee was constitutionally required to have 3 non-voting independent members serving on it. There was currently a vacant Independent Member position. The law was silent as to how members should be co-opted onto the Committee and he was therefore seeking this Committee's views on the matter. He had drawn up a draft job description for members' comments. It would be beneficial to have a pool of volunteers to recruit from and therefore he suggested that either adverts be placed in local newspapers (which could be costly) or a press release be issued which would allow the local newspapers to run a story.

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

- District Councils should be contacted to see if they had any parties who might be interested in serving as Independent Members
- The vacancy should be drawn to the attention of all councillors to see if they were aware of anybody who might want to serve as an Independent Member
- Other external bodies without a political allegiance

could be contacted for example Rotary Clubs, masonic lodges. The Head of Legal and Democratic Services advised that the Council did not have access to a list of these types of organisation

- What was the time-frame for filling the vacancy? The Head of Legal and Democratic Services stated that there was no formal deadline for the appointment process
- It would not be easy to attract people to the post given the limited number of Committee meetings that were held and it was important not to raise applicant's expectations of the role
- It was suggested that Independent Members should reside or work in the county and the Head of Legal and Democratic Services agreed to amend the job description accordingly
- In response to a query, the Head of Legal and Democratic Services stated that the appointment process was a matter for the Committee to determine. It could delegate responsibility for the procedural arrangements to himself and the Chairman and Vice-Chairman and the Committee would then formally co-opt
- The Head of Legal and Democratic Services should be requested to follow a simplified process for seeking an independent member for co-option by the Committee
- Concern was expressed that the Independent Member job description included a requirement that an applicant must not be an active member of any political party. It was queried whether the definition of an active member should be more specific and instead refer to a paid up member. It was likely that the public would perceive membership of a political party as not representing an independent stance and this was a key argument for the inclusion of this requirement. In response, it was argued that this requirement was unnecessary because there was no suggestion that being an active or paid up member would mean bias and an inability to act independently. Following a vote, it was agreed that the Independent Member must not be a paid up member of any political party.

RESOLVED that:

- a) the Head of Legal and Democratic Services be requested to follow a simplified process for seeking an independent member for co-option by the Committee;
- b) The Head of Legal and Democratic Services be authorised to contact district council colleagues, create a press release and make Group Leaders aware of the vacant position.
- c) the job description for the independent member be agreed subject to an amendment that applicants must not be a paid-up member of any political party (as set out in the Appendix to the Minutes);
- d) the Head of Legal and Democratic Services be authorised in consultation with the Chairman and Vice-Chairman to finalise the detailed arrangements for the appointment of the independent member by the Committee.

The meeting ended at 11.00am.

Chairman

Independent Member of the Standards and Ethics Committee - Job Description

JOB PURPOSE

Members of the Standards and Ethics Committee promote and maintain high standards of conduct by councillors and co-opted members of the Council and its Committees.

This includes assisting members to observe the Code of Conduct and relevant protocols, to monitor the operation of the Code, and to advise and train members.

REQUIREMENTS

The Council values the involvement and input of persons who are independent of the Council and local government to provide a non-political perspective on standards matters. The post is non-voting but is expected to play a full role in expressing views and questioning.

Independent members must:

- reside or work in Worcestershire
- be fair and able to take an objective and practical view of sometimes emotive situations
- be able to act with independence and tenacity
- be able to exercise sound judgement, and to consider complex situations
- be able to express their ideas and point of view effectively
- not be an employee, or a Councillor, of any Council
- not be a paid-up member of any political party.

ACTIVITY

The Committee sits between 1 and 4 times a year.

Committee members may also sit (infrequently) to determine whether or not members have breached the Code of Conduct and determine the appropriate response in the event of a breach.

The appointment is unpaid but travel expenses are claimable.

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