

# Agenda

## Standards and Ethics Committee

**Wednesday, 1 July 2015, 10.00 am**  
**County Hall, Worcester**

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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 کر سکے تو، براہ کرم مدد کے لئے 01905 765765 پر رابطہ کریں۔ (Urdu)

كوردی سۆزانی. ننگر ناتوانی تێبگدی له نامۆرۆکی ندم بێلگهیه و دهمستت به ههچ کهم ناگات که و بیهێگریتوه بۆت، تکایه تهلپۆن بکه بۆ ژمارهی 01905 765765 و داوای رهنۆینی بکه. (Kurdish)

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 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, 1 July 2015, 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, Mr PJ Bridle, Ms P A Hill, Mr A P Miller,  
Dr K A Pollock and Mr D W Prodger

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

### **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 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 30 June 2015). 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 23 July 2014. (previously circulated – pink pages)	
5	<b>Code of Conduct update</b>	1 - 4
6	<b>Independent Member appointment</b>	5 - 6

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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](mailto:slewis@worcestershire.gov.uk)

All the above reports and supporting information can be accessed via the Council's website

Date of Issue: Monday, 22 June 2015

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## Standards and Ethics Committee

### 1 July 2015

## 5. CODE OF CONDUCT UPDATE

<b>Recommendation</b>	<b>1. The Head of Legal and Democratic Services recommends that the Committee:</b>
	<b>(a) notes the criminal conviction (in Dorset) for member breach of the Disclosable Pecuniary Interest provisions;</b>
	<b>(b) notes the outcome of recent formal complaints about member conduct; and</b>
	<b>(c) considers whether any further guidance to members is needed in the light of the court case or the complaints.</b>

## Recent Member complaints

matters considered at the meeting, and it was not a reasonable excuse to fail to consider those matters within his knowledge. The councillor was under a positive duty not to participate and not to vote. Although his participation in the meeting could not lead to any direct benefit to him, the councillor failed to satisfy the court that he had a reasonable excuse for his actions.

6. Dorset Police stated that charging Mr Flower was in the public interest as it was important that the public have confidence in local representatives and local politics and can trust that due process takes place. A media report of the case is available here: [http://m.dorsetecho.co.uk/news/11888209.Former\\_council\\_leader\\_Spencer\\_Flower\\_found\\_guilty\\_of\\_voting\\_illegally/?ref=mr](http://m.dorsetecho.co.uk/news/11888209.Former_council_leader_Spencer_Flower_found_guilty_of_voting_illegally/?ref=mr)

7. The case underlines the need for members to give prior thought to potential conflict of interests, take advice where necessary, and avoid even inadvertent breach of the DPI provisions. Convictions of course create a criminal record, and the court can impose a disqualification from being a member.

8. The Committee is asked to consider whether this case should be brought to the attention of the wider membership, and if so, what would be the most effective method of doing so?

9. Since the last report to the Committee in July 2014, the Council has received 5 Formal complaints that a County Councillor has breached the Members' Code of Conduct. No complaints have been received connected with the recent elections.

### Complaint 1

10. A complaint was received by this Council concerning events at another authority. On this being explained by the Monitoring Officer, the complaint was withdrawn and no further action taken.

### Complaint 2

11. A complaint was received that a member had acted dishonestly in email exchanges. Preliminary enquiries by the Monitoring Officer disclosed no basis for the complaint, which was based on a misapprehension. The complainant was completely satisfied with the explanation and amicably withdrew the complaint with apologies, so no further action.

### Complaint 3

12. A complaint was received that a member had made inappropriate comments at a Council event. The matter was informally concluded through a letter of apology and development discussion. No formal investigation or further action was necessary.

#### Complaint 4

13. There were local concerns over alleged anti-social activities connected with a youth club. The councillor thought unfounded allegations victimised the young people in question and said he would refer matters to the police if they continued. The complainant believed this implied local residents were lying and the threat to involve the police was an attempt to intimidate residents from voicing concerns.

14. The Monitoring Officer considered that the complaint did not disclose a potential breach of the Code and no further action should be taken. It was difficult to see a potential referral of alleged criminal activity to the correct agency for investigating it (the police) amounting to a breach of the members' code.

15. There are some wider points worth drawing out. The complaints process is about the **conduct** of councillors, not the merits of a position taken, or whether one agrees or disagrees with comments made (which is more a matter for the ballot box).

16. It is perfectly possible for elected members and their constituents to exchange diametrically opposed points of view, even robustly, without crossing the line into unacceptable conduct. The elected member remains electorally accountable to constituents. This is an important point for freedom of speech and local democracy.

#### Complaint 5

17. A representative of a group seeking funding complained they had received a poor level of service and lack of information in relation to their request for funding from the Councillors' Divisional Fund. The Monitoring Officer made preliminary enquiries and concluded that the complaint did not disclose a breach of the Code and should not be formally investigated.

18. The Divisional Fund Scheme deliberately gives a lot of flexibility and discretion to local members, and the decision whether or not to allocate money to a particular 'good cause' is entirely down to them. It is local members to weigh up, as they think fit, the potential benefit for the well-being of their area against the cash available and any other possible recipients over the year – and to be accountable to the local community for those choices. There is, of course, no entitlement to funding just because a proposal potentially meets the basic criteria for funding – it remains for the local member to weigh up the community benefit for their own Division.

19. There was nothing in the refusal to fund which could amount to a breach of the Code and so no further action was appropriate.

#### Contact Points

#### County Council Contact Points

Simon Mallinson, Head of Legal and Democratic Services (01905 766670)

## **Background Papers**

Email: [smallinson@worcestershire.gov.uk](mailto:smallinson@worcestershire.gov.uk)

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report.



## Standards and Ethics Committee

### 1 July 2015

## 6. INDEPENDENT MEMBER APPOINTMENT

<b>Recommendation</b>	<b>1. The Head of Legal and Democratic Services recommends that the Committee considers the approach to be taken in seeking a further independent member of the Committee.</b>
<b>Background Information</b>	<p>2. The constitution sets out that the Committee should have 3 non-voting independent members upon it in addition to the elected members. The Committee currently has 2 such members and so there is a need to appoint a 3rd (who cannot be an elected member or an officer of the Council).</p> <p>3. There are no particular legal processes which need to be followed for the appointment of independent members, who are co-opted onto the Committee.</p> <p>4. The Committee is asked to consider how the recruitment and appointment process for a further independent member should be pursued.</p>
<b>Contact Points</b>	<b>County Council Contact Points</b> Simon Mallinson, Head of Legal and Democratic Services (01905 766670) Email: <a href="mailto:smallinson@worcestershire.gov.uk">smallinson@worcestershire.gov.uk</a>
<b>Background Papers</b>	In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report.

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