

**COUNCIL**  
**12 MAY 2016****REPORTS OF COMMITTEES****(d) SUMMARY OF DECISIONS TAKEN BY THE STANDARDS  
AND ETHICS COMMITTEE**

---

**Co-option of Independent Member of the Standards and Ethics Committee**

1. There were a number of applications received from members of the public interested in the role of Independent Member on the Standards and Ethics Committee. The applications were carefully assessed by the Chairman and Vice-Chairman of the Committee in conjunction with the Head of Legal and Democratic Services and the Committee has confirmed the co-option of Mr Cliff Slade as an Independent Member of the Standards and Ethics Committee.

**Guidance for complaints against members – assessment criteria**

2. The Council does not receive large numbers of complaints about the conduct of its members. On average the Council receives 1-2 formal member conduct complaints per year. The outcome of those complaints are reported to the Committee. There have been no formal complaints since the last report to Council in July 2015.

3. The previous criteria for assessment of formal complaints were updated and endorsed by the Standards and Ethics Committee on 28 March 2013. They have continued to be used in relation to all formal complaints and appear to the Monitoring Officer to remain valid and balanced.

4. The Committee has considered the need for continued guidance and filtering of complaints that members have breached their Code of Conduct, and authorised the Head of Legal and Democratic Services to continue using the previously adopted assessment criteria.

**Conduct of members – Defamation issues**

5. The Committee has the role of promoting and maintaining high standards of conduct by County Councillors and assisting them to observe their Code of Conduct through advice or training as needed.

6. The Members' Code of Conduct applies when acting as a member or representative of the Council. This requires members to treat others with respect and also avoid any conduct which brings the office or councillor or the Council into disrepute.

7. A recent national case has underlined the need for members to ensure that comments they make do not breach the Code and are not defamatory.
8. The law has been codified and updated in the Defamation Act 2013. A statement - which has a wide definition and can be either verbal or in writing, and would cover texts and other social media comments - can be considered defamatory if its publication has caused or is likely to cause serious harm to a reputation (serious financial loss if relating to a trading body). There are statutory defences available.
9. A number of councillors across the nation have been found liable to pay damages for making defamatory statements including by using social media.
10. The Committee has agreed that all members of the Council be reminded through this report of the Protocol for the use of Social Media in Formal meetings which is available on the Member Handbook page on the Council's web site.

### **Standards case law update**

11. A recent case relating to Wiltshire Council led to a Planning Committee decision being quashed. The grant of Planning Permission for a Residential Development including affordable housing had to be quashed as it was tainted by 'apparent bias'. One of the Councillors who had voted in favour of the development was a Director of the Housing Association likely to be awarded the contract to provide the affordable housing by the applicant developer.
12. The case is a useful reminder of how participation by Councillors in matters they should steer clear of can invalidate the decision. The case was not about the local Code of Conduct but the administrative law principles of bias, but there is a clear cross-over with Code issues. Although it was not a Disclosable Pecuniary Interest, under the Worcestershire Code, the member would have been required to withdraw. The Committee has noted the recent case law.

**Mr S R Peters**  
**Vice-Chairman**

### **Contact Points**

#### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

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

#### Specific Contact Points for this report

Simon Lewis, Committee Officer

Tel: 01905 846621

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

### **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the Standards and Ethics Committee held on 27 April 2016.