

Open

Ethics and Standards Committee

Agenda

5.30pm
Wednesday, 11th February 2015
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Ethics and Standards Committee

Members of Committee:

Chairman: Councillor D R Godwin

Vice-Chairman: Councillor J Aston

Councillor A R Clent

Councillor B T Glass

Councillor N Knowles

Councillor T L Onslow

Co-opted Members: Reverend J Cox and Mr R Reynolds.

Parish Council Representative: Councillor R Hobson.

Information for Members of the Public:

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

There are particular circumstances when the Ethics and Standards Committee may exclude the public, which are in addition to those available at meetings of the Council, its Cabinet and Committees etc. These apply when the Ethics and Standards Committee considers the following:

Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.

Information which is subject to any obligation of confidentiality.

Information which relates in any way to matters concerning national security.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of the Council's constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732762 or email louisa.bright@wyreforestdc.gov.uk

Wyre Forest District Council

Ethics and Standards Committee

Wednesday, 11th February 2015

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1 - Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 21 st March 2013.	5
5.	Members Code of Conduct To receive a report from the Monitoring Officer to approve the introduction of arrangements for Members who use inappropriate language on social media.	7
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
7.	Exclusion of the Press and Public To consider passing the following resolution: "That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "exempt information" as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act".	

Part 2 - Not open to the Press and Public

8.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
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WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

21ST MARCH 2013 (6.00PM)

Present:

Councillors: D R Godwin (Chairman), G W Ballinger, M J Hart, N Knowles, and T L Onslow.

Co-opted Members:

Rev J A Cox, T J Hipkiss, R Reynolds and Councillor Hobson.

Observers:

There were no members present as observers.

ES.43 Apologies for Absence

Apologies for absence were received from Councillor H E Dyke (Vice-Chairman) and Mrs C A Noons.

ES.44 Appointment of Substitutes

No substitutes were appointed.

ES.45 Declarations of Interests by Members

No declarations of interest were made.

ES.46 Minutes

Decision: The minutes of the meeting held on 20th September 2012 and the special meeting held on 12th November 2012 be confirmed as a correct record and signed by the Chairman.

ES.47 Pre Election Period

The Committee received an oral update from the Monitoring Officer on the pre election period 'Purdah'. Members were advised that it applied even though it was the County Council election. Moreover, it was applicable to all mediums including all social media. Members discussed different scenarios when 'Purdah' would apply and the consequences of not observing it.

Decision: That the monitoring Officer would send a reminder to all Members on their obligations under 'Purdah'.

ES.48 Procedure for allegations of Code of conduct Breaches

Members of the Committee received a report from the monitoring officer on the guidance for filtering complaints. Members were advised of the new process that would be followed including the flow chart that was appended to the report and the role of the independent Person in judging the seriousness of an allegation. Moreover that the code applied to Members only whilst they were Councillors.

Decision:

- 1. The guidance on filtering complaints be noted; and**
- 2. The director of Community Assets and Localism be authorised to continue to use the previously adopted assessment criteria (updated to reflect the new regime) as summarised in the report to the Ethics and Standards Committee.**

ES.49 Annual Councillor Reports

Members received a report that detailed the proposed revisions to the annual councillor report. The content of the report was outlined together with the rationale for the changes. It was agreed that alongside the attendance and percentage figures another table should be included to show if Members were absent for an extended period, i.e. sickness or maternity leave. It was agreed that the form would be updated to include that revision.

Decision:

- 1. The Annual report be amended to include a record of extended absence if applicable.**
- 2. All Wyre Forest District councillors be required to complete the revised Annual Report template as attached at appendix B of the report to the Ethics and Standards committee.**

ES. 50 Member complaint Updates

The Monitoring Officer gave a verbal update on this agenda item and was pleased to advise the Committee that there had been no formal investigations and she thanked the Members for adhering to the code.

In response to a question regarding frivolous complaints Members were advised that under the new system the Independent Person was able to intervene if the complaint was frivolous or vexatious.

Decision: The verbal update be noted.

The meeting ended at 6.32 pm.

WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS COMMITTEE

11TH FEBRUARY 2015

Members Code of Conduct

OPEN	
SOLICITOR TO THE COUNCIL	Monitoring Officer
CONTACT OFFICER:	Caroline Newlands, Ext. 2715
APPENDICES	Report to Group Leaders meeting

1. PURPOSE

- 1.1 To approve the introduction of arrangements for Members who use inappropriate language on social media.

2. RECOMMENDATION

- 2.1 Pursuant to Schedule 4 of the Localism Act 2011 which places a duty on Principal Councils to promote and maintain high standards of conduct (s 27) ,The Ethics and Standards approve the introduction of the arrangements as detailed in the Appendix, for Members who use inappropriate language on social media.

3. KEY ISSUES

- 3.1 This Authority has a legal obligation to promote and maintain the high ethical standards that are required of Councillors and this applies to all forms of communication, including social media. We will shortly be approaching a General election in May 2015 and also full Council elections for the District. This combination will undoubtedly heighten political tension in the spoken and written word. In anticipation of this, the meeting of Group Leaders in January supported the principle of having arrangements to address the use of inappropriate language on Social Media.
- 3.2 Group Leaders recognised that bad language, “bullying” type behaviour or general abuse can reflect not only on the Member, but on the Council as a whole.
- 3.3 It was proposed to Group Leaders that during the 6 month lead-in to the elections, that all Members consider carefully the language used in their social media contributions to ensure they are not abusive, offensive or rude.
- 3.4 To this end, there was support for a censure arrangement similar to the way mobile phones disturbing meetings trigger a donation to the Chairman’s charity. This would mean that if a member includes any inappropriate language in a social media post or places any offensive material on social media, a £10 donation should be paid to the Chairman’s charity and the social media post removed.
- 3.5 The arbiter of what is deemed to be offensive would be the Independent Person (previously appointed by the Council).

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications to this report.

5. LEGAL AND POLICY IMPLICATIONS

5.1 The District Council has a statutory duty to promote and maintain high standards of Member Conduct.

6. CONCLUSION

6.1 It is important that we do whatever we can to maintain the high ethical standards that are expected of Councillors, in particular in public communications and an agreed protocol relating to abusive social media posts is an appropriate way of promoting high standards for Councillors when using Social Media.

WYRE FOREST DISTRICT COUNCIL

Note to group Leaders in January 2015 - SOCIAL MEDIA AND THE MEMBERS' CODE OF CONDUCT

Members will be aware that The Code of Conduct applies to Members using Social Media if you can be identified as a Councillor when using social media, either by the account name or how you as the account holder describe yourself or by what is commented upon (e.g. a Council decision or policy).

Councillors have the same legal duties online as anyone else, but failure to comply with the law may have more serious consequences. The pitfalls of using social media can be avoided if your online content is **objective, balanced, informative and accurate**.

In the same way that councillors are required to act in Council meetings, or in your communities, you should:

- **Show respect for others - do not use social media to be rude or disrespectful**
- In particular disparaging or offensive remarks about elected members, employees or service users should not be posted on any social media sites including making derogatory comments relating to sex, gender reassignment, race (including nationality) disability sexual orientation, religion or belief or age; using social media to bully another individual or posting images that are discriminatory or offensive (or links to such content).

To this end it has been proposed that, in a similar way to mobile phones disturbing meetings triggering a donation, if a member includes any inappropriate language in a social media post or places any offensive material on social media, a £10 donation should be paid to the Chairman's charity. It is proposed to Group Leaders that during the 6 month lead-in to the elections, that all Members consider carefully the language used in their social media contributions to ensure they are not abusive, offensive or rude. This reflects badly not only on the member but also on the Council itself.

The arbiter of what is deemed to be offensive would be the Independent Person and whilst payments would be voluntary it is hoped that members would respect the principle and pay the donation as well as removing the post. It is important that we do whatever we can to maintain the high ethical standards that are expected of Councillors, in particular in public communications .

Caroline Newlands
Solicitor to the Council
January 2015