

STANDARDS COMMITTEE

7th July 2022

Present: Councillor Mel Allcott in the Chair

Councillors Desayrah, Lamb, Laurenson,
Roberts (Vice-Chair) and Stanley

Also in Attendance:

Mr Dave Carney, Warndon Parish Councillor

Officers: Sian Stroud, Corporate Director, Planning
and Governance and Monitoring Officer

19 Appointment of Substitutes

None.

20 Declarations of Interest

None.

21 Public Participation

None.

22 Minutes

RESOLVED: That the minutes of the meeting held on 17th November 2021 be approved as a correct record and signed by the Chair.

23 Annual Report of the Standards Committee 2021/22

The Committee considered the draft Annual Report of the Standards Committee for the Municipal Year 2021/22. The Monitoring Officer highlighted some of the main points, including investigations into complaints submitted under the Members' Code of Conduct, Ombudsman Complaints received, the Local Government and Social Care Ombudsman's Annual Review Letter, and the adoption of a revised Code of Conduct for Members. It was noted that Member training on Ethical Standards had been undertaken for newly-elected Councillors.

The Chair thanked current and former Committee Members, co-opted Members and Officers for their contribution during the past year.

RESOLVED: That the Committee approve the draft Annual Report for the Municipal Year 2021/22.

24 Update Report - Local Government and Social Care Ombudsman Complaints

The Committee were informed that no reports had been received from the Ombudsman since the last meeting of the Committee. The Monitoring Officer had checked with the Ombudsman's office and had established that there were no outstanding complaints remaining from 2021/22.

RESOLVED: That the Committee note the report.

25 Complaints Made Under the Members' Code of Conduct

The Committee considered a report on complaints made under the Members' Code of Conduct. The Monitoring Officer presented the report and explained that, since the last meeting of the Committee in November 2021, 3 complaints have been received.

Informal action had been taken in respect of one of these complaints, whilst the other two were under assessment. It was anticipated that both assessments would be completed shortly.

Meanwhile, one complaint from the previous period was referred to a Hearing Sub-Committee. The meeting took place in private on 8 March 2022. The Sub-Committee considered a complaint made against a Councillor in respect of an alleged breach of the Code of Conduct for Members. The case was investigated by an Independent Investigator and the Sub-Committee were presented with a comprehensive report. Having considered all the circumstances, the Sub-Committee decided that no breach of the Code had occurred and no further action should be taken.

RESOLVED: That the Committee note the report.

26 Update Report - Worcestershire-Wide Code of Conduct

The Committee considered a report on work undertaken since the last meeting to prepare a new draft of a pan-Worcestershire Code of Conduct, based on the Local Government Association's Model Code of Conduct. The Monitoring Officer presented the report and explained that the Monitoring Officers from the Worcestershire Councils and Fire Authority had prepared a draft Code, based on the LGA Code, for consideration.

Where local conventions or requirements were recommended for retention by the Monitoring Officers, these were highlighted in the draft. The Monitoring Officer explained the rationale for each at the Committee's meeting.

Redditch Borough Council's standards committee had approved the draft Code subject to the following words being inserted by way of an amendment to the drafting of Section 1 (Respect):

"Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not however, subject individuals, groups of people or organisations to personal attack."

"As strategic leaders and employers, it is expected that councillors will set a positive example to staff by treating them with politeness and courtesy at all times. Councillors have the right to criticise reports, or the actions taken by officers, but they should always be constructive, relate to the subject matter of the report and should not be personal."

Worcestershire County Council's committee debated a number of points on the draft Code and while supportive overall of the general approach, resolved to defer a decision on the Code until feedback from all of the other local authorities was understood.

The draft recommended by the Monitoring Officer for adoption was set out in Appendix 1. The amendment proposed by Redditch Borough Council could be accommodated if Members were supportive of it.

If the Committee were supportive, the draft Code would be referred to full Council for adoption. In view of the fact that the Code is still progressing through iterations of governance at other local authorities, delegated authority was sought to make any minor (i.e. non-material) changes that might be required to ensure that a version of the Code can be accepted by all the Worcestershire local authorities. This should help retain the important opportunity to have one Code applicable to all local authority elected members in the county. If adopted, the new Code would be also be recommended to all the Parish Councils in Worcestershire.

Committee Members proceeded to debate the draft. A request was made to include an example of a sensitive interest. The Monitoring officer suggested that some text could be provided in the Code of Conduct section of the Council's website to cover this point.

Reference was made to freedom of speech and how any changes in case law might conflict with other rights which are protected, for example under the Equalities Act. The Monitoring Officer acknowledged this point and advised that Members will be kept up-to-date on any relevant changes which might impact on the Code. It is planned to offer training to Members on the Equalities Act.

In conclusion, Committee Members took the view that a balanced approach has to be maintained and that the Code should be adopted, as set out in Appendix 1.

RESOLVED: That the Committee agree to recommend to Council the adoption of the revised Member Code of Conduct set out in Appendix 1, with delegated authority to the Monitoring Officer, in consultation with the Chair and Vice-Chair of the Standards Committee, to make any minor changes in order to finalise a version which is capable of being adopted on a pan-Worcestershire basis.

27 Registers of Members' and Officers' Gifts and Hospitality and Register of Interests

The Committee were given the opportunity to review the registers of Members' and Officers' gifts and hospitality and register of interests.

28 Any Other Business

None.

Duration of the meeting: 7.00p.m. – 7.35p.m.

Chair at the meeting on
16th November 2022