



## Standards Committee

Date: 10 October 2017  
Time: 6.15 pm  
Venue: Committee Room 1  
District Council Offices, Queen Victoria Road, High Wycombe Bucks

### Membership

Chairman Councillor C Etholen  
Vice Chairman Councillor M Clarke

Councillors: K Ahmed, D J Carroll, A R Green, R Newman, S Saddique and J A Savage

Independent Persons (Observers): G Houalla and M Pearce

Parish Council Observers: Parish Councillor Mr A Cobden

### Standing Deputies

Councillors: A D Collingwood, H L McCarthy, R Raja and R J Scott

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## Agenda

Item		Page
1	<b>Apologies for Absence</b> To receive any apologies for absence.	-
2	<b>Declarations of Interest</b> To receive any disclosure of any pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible, he or she is asked if possible to contact the District Solicitor prior to the meeting.	-

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	Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.
3	<b>Minutes of Previous Meeting</b> 1 - 2
	To confirm the minutes of the previous meeting held on 11 July 2017.
4	<b>Selection and appointment of Co-opted Members of Standards Committee</b> 3 - 6
5	<b>Adoption of Guidance on use of Social Media by Members</b> 7 - 16
6	<b>Adoption of Guidance on Acceptance for Gifts and Hospitality</b> 17 - 24
7	<b>Annual Standards report to Council</b> 25 - 26
8	<b>Quarterly Complaints Update</b> 27 - 29
9	<b>Supplementary items (If Any)</b> -
	If circulated in accordance with the five clear days' notice provision.
10	<b>Urgent Items (If Any)</b> -
	Any urgent items of business as agreed by the Chairman.

**For further information, please contact Tanya Brown (01494 421455)**  
[committeeservices@wycombe.gov.uk](mailto:committeeservices@wycombe.gov.uk)

## Standards Committee Minutes

Date: 11 July 2017

Time: 6.15 - 6.35 pm

**PRESENT:** Councillor C Etholen (in the Chair)

Councillor K Ahmed, Councillor D J Carroll, Councillor M Clarke, Councillor R Newman and Councillor A D Collingwood

Independent Member: Mr G Houalla and Mr M Pearce

Parish Council Member: Parish Councillor Mr A Cobden

### **20 MINUTE'S SILENCE**

A 1 minute silence was observed to pay respects to Parish Councillor Brian Swain, a Co-opted Parish Member, who had sadly passed away.

### **21 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Green and Councillor Savage.

### **22 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **23 MINUTES OF PREVIOUS MEETING**

**RESOLVED:** That the minutes of the meeting held on 8 February 2017 be confirmed as a correct record and signed by the Chairman.

### **24 REVIEW OF INDEPENDENT PERSON TRAINING**

The Committee received a report which informed Members about training which had been attended by Mr Houalla, Independent Person.

Mr Houalla reported that the training had provided information on legislation, process and the role of the Independent Person. It included anonymised case studies and information from experienced Independent Persons. Mr Houalla noted that the training demonstrated that Wycombe District Council was following best practice guidance and that he had been surprised to note that many Councils had only the minimum of one Independent Person.

In response to a question it was noted that the Council could choose to appoint more than two Independent Persons. However, after a discussion it was accepted

that the current two Independent Persons provided enough resilience and expertise required in relation to the number of cases presented for review.

It was reported that Independent Persons and Councillors were invited to attend the same training.

**RESOLVED:** That the report be noted.

## **25 QUARTERLY COMPLAINTS UPDATE**

A report was submitted which provided an overview of recent complaint cases regarding Member conduct since February 2017.

It was reported that since the last meeting four new complaints had been submitted with two concluded at Stage 1. Regarding the other two complaints, one was at Stage 2, and the other one had been completed since the report had been compiled. Progress would be reported at the next meeting.

In response to a question it was noted that if no response was received from a complainant then it was considered that they were not dissatisfied with the Member's response and the complaint would not progress further.

It was noted that the continuing small number of complaints suggest that ethical standards continue to be respected by local Councillors.

**RESOLVED:** That the report be noted.

## **26 SUPPLEMENTARY ITEMS (IF ANY)**

There were no supplementary items.

## **27 URGENT ITEMS (IF ANY)**

There were no urgent items.

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Chairman

### **The following officers were in attendance at the meeting:**

Julie Openshaw - District Solicitor  
Jemma Durkan - Senior Democratic Services Officer

# Agenda Item 4

Standards Committee 10 October 2017

## **SELECTION AND APPOINTMENT OF CO-OPTED MEMBERS OF STANDARDS COMMITTEE**

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer 01494 421252 [julie.openshaw@wycombe.gov.uk](mailto:julie.openshaw@wycombe.gov.uk)

Wards affected: All

### ***PROPOSED DECISION***

To co-opt the two Town/Parish Councillors whose names will be provided at the meeting onto the Standards Committee to fill the two existing vacancies for Parish/Town Council Co-opted members (not-voting) on Standards Committee.

### ***Reason for Decision***

There are three co-opted member places (non-voting) on Standards Committee; at present, only one place is filled, by Parish Cllr Andy Cobden. The Wycombe District Association of Local Councils (WDALC) has previously advanced candidate names to WDC for acceptance after undertaking a screening process but on this occasion WDALC has been unable to do so. Following an approach direct to the Clerks, three candidates applied for the two roles and after interview by the Monitoring Officer and Independent Persons the two candidates above are recommended to be co-opted onto the Committee. Appointing to the two remaining places will mean that there will no longer be any vacancies.

### **Corporate Implications**

1. Section 27 of the Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct by members and co-opted members, and WDC has chosen to set up its Standards Committee as part of its arrangements to discharge this duty. When Council set up the Committee in 2012, it was resolved that it would be comprised of of eight WDC members (voting), its two Independent Persons (non-voting) and three co-opted members (non-voting) selected from the parish and town councils in the district.

### **Executive Summary**

2. It is recommended that the two proposed candidates are co-opted onto the Standards Committee in order to ensure that all places on the Committee are now filled.

### **Sustainable Community Strategy/Council Priorities - Implications**

3. Having a robust Standards Committee with all places filled, including its co-opted places, supports the Council's priorities in its Corporate Plan by helping to ensure that its business is conducted in accordance with the law and proper standards, and principles of good governance.

## Background and Issues

4. When the Standards Committee in its current format was set up in 2012, as the Localism Act 2011 came into force, the Council resolved to form the Committee of 8 WDC members (voting, and politically balanced) its two duly appointed Independent Persons (non-voting) and three parish council co-optees (non-voting). For current purposes, parish councillors also includes town councillors. All Parish and Town Council members are already bound by the terms of their Councils' own Codes of Conduct. These may differ slightly from the WDC Member Code of Conduct, as from 2012 there is no longer a national model Code, but all will be based on similar principles as set out by the Localism Act 2011 and the "Nolan principles" on conduct in public life.
5. Whilst there is no "job description" as such for co-opted members, their overall function is to broadly to bring additional views from a local level to the Committee's meetings and work, to provide a degree of scrutiny to its work and decisions, and to help support its objectives by bringing their experience and diversity to the table.
6. The law does not set out any general qualifications for co-opted members, but in practice, from a Standards point of view, and whilst there is no longer any strict statutory requirement as to the specific composition of a Standards Committee, WDC's practices are in keeping with the approach taken by most District Councils, and co-optees generally are intended to give undertake the functions outlined above, helping the Standards Committee to uphold high ethical standards.
7. On 12 November 2012 the Standards Committee resolved that Parish Councillors D Banfield, J Sherlock and Mrs V Smith be co-opted onto it. All had been promoted by WDALC and as full Council had resolved on 31 July 2012 that the Parish Councils be invited to nominate up to three names, there was no need to refer back to full Council for approval. Following periodic resignations, Cllr Andy Cobden was put forward by WDALC and co-opted onto the Committee in 2015.
8. Cllr Smith resigned in 2015. The recent death of Parish Councillor Brian Swain meant that there were now two out of three co-opted member vacancies. Unfortunately due to its lack of a current Chair and Clerk, WDALC was unable to put forward candidates for WDC's approval. Accordingly, in an effort to seek candidates, a direct approach was made to the clerks of all the parish and town councils in the district. This resulted in a total of five names being put forward as candidates. Two candidates withdrew prior to applying, so three candidates remained for two places. In place of any screening or selection process previously carried out by WDALC, an interview process similar to the one undertaken by North Hertfordshire District Council has been followed. Interviews were conducted by a panel comprised of the Monitoring Officer and Independent Persons. Appendix 1 to this report shows the selection criteria adopted. At interview, the recommended candidates were considered to show the most appropriate experience, interest and aptitude for the roles. Character references were also sought for all candidates.

9. Whilst the decision on composition of the Committee was for full Council to make, the Standards Committee can itself determine the individuals to fill the co-opted vacancies.

### **Options**

10. The option is to fill the roles, or not to fill them. The latter option would mean that the Committee would continue to operate with an incomplete quantity of co-opted members, and consequently would have less opportunity to benefit from the input, scrutiny and views of members at parish and town level on standards and ethics issues. A different selection could be made, but though all candidates possessed strong characteristics fitting them for the role, the two recommended are considered to be overall the most fitted for it and the Independent Persons have had an input into the process. It is therefore recommended that the roles be filled by the two recommended candidates.

### **Conclusions**

11. Approving the co-opted members as recommended will mean that moving forward the Committee will have a full complement of membership to strengthen its resilience and inform its decision making.

### **Next Steps**

12. The recommended candidates will be invited to the meeting, and following approval will take their places as non-voting co-opted members.

### **Background Papers**

None.

# Agenda Item 4

## **APPENDIX 1**

### **CO-OPTED PARISH MEMBER TO THE WDC STANDARDS COMMITTEE**

#### **SELECTION CRITERIA**

##### **SKILLS AND COMPETENCIES**

The Co-Opted Parish Member will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- leadership qualities, particularly in respect of exercising sound judgement.

##### **Essential criteria**

The Co-opted Parish Member will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviour.

##### **Desirable additional criteria are:**

The Co-opted Parish Member may have:

- working knowledge and/or experience of local government or other public service and/or of large complex organisations.
- experience or knowledge of public sector governance.
- an understanding of the pressures and constraints on elected or co-opted Members operating in a democratically accountable public body.

You should demonstrate in your application how you meet the essential and any desirable criteria as this will assist the short-listing process.

Candidates' suitability for appointment will be assessed from the application form and interview.

##### **Eligibility for Appointment**

Candidates must be serving Members of a Parish Council within Wycombe District.

# Agenda Item 5

Standards Committee 10 October 2017

## **ADOPTION OF GUIDANCE ON USE OF SOCIAL MEDIA BY MEMBERS**

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer 01494 421252 [julie.openshaw@wycombe.gov.uk](mailto:julie.openshaw@wycombe.gov.uk)

Wards affected: All.

### **PROPOSED DECISION**

To approve the Social Media Guidance for Members at Appendix 1 to this report.

### **RECOMMENDATION TO COUNCIL**

To recommend to Council that the Social Media Guidance for Members be adopted as an Appendix to the Member Code of Conduct within the Constitution.

#### ***Reason for Decision***

To provide additional guidance for Members on the benefits and risks of the use of social media.

#### **Corporate Implications**

1. Sections 26-37 of the Localism Act 2011 set out the current legislative framework relating to standards of conduct for elected members. The Council adopted its Code of Conduct in July 2012 and has since made amendments to it with the aim of strengthening it.
2. In recent years, the use of social media by people in their private capacities and public roles has increased greatly and continues to be ever more popular. As with all forms of communication, there are benefits to be gained as well as areas of risk, and elements of behaviour which should be avoided, as well as ways in which social media can be usefully deployed. The proposed guidance, based on that in place at another Council, whilst it cannot cover all possible situations (in which more specific advice may be required) seeks to provide Members with a practical framework within which to consider their behaviour in the use of social media.

#### **Executive Summary**

3. It is recommended that additional guidance around the use of social media is adopted, to provide a sensible and legally compliant basis to guide Member behaviour in this area.

## **Sustainable Community Strategy/Council Priorities - Implications**

4. Providing additional guidance on a key aspect of the Code of Conduct for Members helps to support the Council's commitment to good governance as set out in the Corporate Plan.

### **Background and Issues**

5. The current Code of Conduct for Members was adopted by the Council in July 2012 and reviewed and amended in 2015. In recent years, the general use of social media has become extremely popular and is used by people both in the personal lives and their professional or public capacity. Anecdotal and published stories and articles around the use of social media have highlighted that it can be seen as a "double edged sword", having significant communication and community benefits if used properly and wisely, but also various risks and disadvantages if used unwisely or without a reasonable understanding of how it operates, or a lack of caution of the way it can be viewed and used by others.
6. Training has been provided to Members on the Code of Conduct and has included some broad guidance on the use of social media. Some broad guidance was adopted in 2012 when the use of social media was not quite as advanced as is now the case, and that guidance now requires review. It is suggested that some more detailed written guidance, specific to Members' use of social media, would now be of assistance to Members, and this is attached at Appendix 1. It has been based upon guidance recently issued by the London Borough of Newham to its elected members and appended to its own Code of Conduct. By appending it directly to the Member Code of Conduct, it will be easily available to members and the public. Members continue to be very much encouraged to seek specific advice from the Monitoring Officer, Deputy Monitoring Officer, or the Communications team where this is required.
7. It should be noted that other aspects of social media training and development are currently being promoted corporately including training on the Regulation of Investigatory Powers Act 2000 ("RIPA") including its social media implications, and the launch of a new WDC Facebook page.

### **Options**

8. It is not obligatory to have any additional guidance available to Members on the use of social media, so continuing to rely solely upon the contents of the Member Code of Conduct and existing guidance, coupled with the expectation that Members should seek specific advice when required is an option. In any event, specific guidance will continue to be available and should be sought where necessary, whether or not specific broad guidance is approved. However, in light of the increasing use of social media, it is good practice to have such guidance, to help Members understand how it can be used sensitively and positively, and understand some of the more obvious potential pitfalls.

## **Conclusions**

9. It is recommended that the broad guidance be adopted.

## **Next Steps**

10. Full Council will be invited to agree to the guidance being adopted as an Appendix to the Member Code of Conduct.

## **Background Papers**

None.

## **Social Media Guidelines for Members**

## **Social media guidelines for members**

The Council encourages Members' use of new technology, including social media. This guidance is intended to help you to use social media in a way that avoids legal and reputational risk.

This guidance sets out what is and is not acceptable usage of social media at Wycombe District Council and complements the general rules under the Code of Conduct for Members.

The Monitoring Officer and the Communications team are happy to help Members by providing additional advice and guidance as appropriate. Training is also available to individual Members or Groups through social media surgery sessions arranged through the Communications team.

### **What is social media?**

- Social media describes a range of website and online tools which allow people to interact. This includes blogs and postings on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Instagram and Snapchat.
- Social media is all about sharing information and people use social media platforms to give opinions, create interest groups and build online communities and networks which encourage participation and engagement.

### **Social Media and Members**

It is not a requirement for Members to have a Facebook or Twitter account or to use other forms of social media to fulfil their role as a councillor. Social media can help you to:

- increase your local profile as an active and engaged councillor
- perform better as a community leader by reaching out to local residents
- keep in touch with or obtain local views and opinions
- be more approachable
- campaign on local issues

A useful rule of thumb when using social media is that if you would not give out a piece of information or make a comment to a room full of people, then don't say it on social media.

- Remember that, whenever you act or appear to act in your official capacity on social media, you must comply with the Wycombe District Council Members' Code of Conduct. The overarching rules are that you should not bring Wycombe District Council into disrepute, and must respect confidentiality.

If you have any questions or concerns you should speak to the Communications team in the first instance.

### Things to bear in mind

- Any communication is capable of being misinterpreted and this includes social media. There is something about the immediacy of social media and the lack of face to face contact which seems to magnify the problem;
- Things happen quickly on social media and sometimes people express emotional reactions in a knee jerk way. Comments can be misinterpreted or misrepresented particularly with regard to something that might be perceived as being more controversial than it was expected to be;
- Remember that information and comments that you and others make can be broadcast to a large number of people more quickly than other media, which is a double edged sword;
- Even if you withdraw a comment, someone may have taken a screenshot;
- The same rules apply to social media that govern the rest of your behaviour as a councillor – but you need to take extra care given their immediacy and ease of dissemination on social media;
- Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you've said on the web is recorded and it is permanent so make sure that your online content and comment is accurate, informative and thought through. Think of it as speaking in public. Think before you commit each word;
- This doesn't mean that Members cannot, in the appropriate context, communicate politically but you should be careful not to say anything that you wouldn't be prepared to stand by under scrutiny or that you would not feel comfortable repeating or justifying, for example, at a public meeting;
- Be clear if you are expressing personal views. Consider adding this in your profile description.

### Some legal issues:

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on your website; you know about it and don't take swift action to remove it. A successful legal claim could result in the award of damages against you.
- **Copyright** – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore, don't publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.
- **Data Protection** – Do not publish the personal data of individuals unless you have their express permission. Personal information in an

email or personal exchange should not be presumed to imply any consent to pass it on to others. If you place personal information on a public forum you should expect it to be published by others.

- **Bias and Predetermination** – if you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence, and were genuinely persuadable to a different view, otherwise the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the Council for damages.
- **RIPA (Regulation of Investigatory Powers Act 2000)** - where social media sites (SMS) are used for investigatory purposes anyone investigating on behalf of a Council should be mindful of Guidance issued by the OSC (Office of Surveillance Commissioners - the regulator of RIPA) in 2014. Usually investigations will be carried out by Council officers, but Members also need to be aware of legal restrictions in this area in case they are inclined to try to find online information which might be relevant to the Council's investigatory work. In particular, where access controls are applied to data, the author is deemed to have a reasonable expectation of privacy. Where data is "open source", repeated viewing may still constitute directed surveillance which could lead to a risk of a claim under the Human Rights Act 1998, and this should be borne in mind. In addition, a formal authorisation for the use and conduct of a Covert Human Intelligence Source is necessary if a relationship is established or maintained by a public authority or someone acting on its behalf (i.e. the activity is more than mere reading the site's content). A member (or officer) of the Council should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorization, and without the consent (explicit) of the person whose identity is used, and without considering the protection of that person. If advice is needed please consult Legal Services.

## **Social Media and the Code of Conduct for Members generally:**

- Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other communication you use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than as a private individual. (For example, if you want to make it clear that you are not expressing views in your capacity as a Member, you may choose to add phrases such as: “speaking entirely personally...” “the views expressed here are my personal views”).
- Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others, so to avoid doubt, it is better to spell out clearly whether you are stating personal, party or WDC corporate positions or views.
- One way of avoiding any confusion, and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in a personal capacity. You should include this information in your profile.
- This is an individual decision for each member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The council’s Communications Team can help you with more specific advice if needed.

## **Relevant Elements of the Members’ Code of Conduct:**

- **Treat others with respect** - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.
- **Comply with equality laws** – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.
- **Never bully or harass anyone** – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.
- **Do not bring the council into disrepute** – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of you or the Council.
- **Do not disclose confidential information** - you must not, in your use of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. Apply exactly the same standards to your social media communications as you would to statements made in a more formal context.

## Staying out of Trouble - Some Do's and Don'ts

### Do:

- set and check you have the appropriate privacy settings for your blog or networking site –especially if you have a private, non-political blog. Do you want anyone to see it, or selected people? Remember that sites like Facebook often change the parameters of settings.
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views. Be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network.
- consider keeping your personal and elected member profile on social networking sites separate.
- maintain appropriate professional boundaries.
- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as being made in your official capacity.
- be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.
- feel able to make political points, but be careful about being too specific or personal if referring to individuals. General comments about another party or comments on policy or position are less likely to be viewed as a personal attack.

**Don't:**

- post social media content in haste, particularly in circumstances where your judgement might be impaired; for example if you are angered by a comment, tired or have consumed alcohol.
- never post comments that you would not be prepared to make on paper or face to face.
- use council facilities for personal or political blogs.
- request or accept a Council employee or contractor providing services to the council as a “friend” on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn).
- use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the Council.
- publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends, contractors, council staff as well as council related information.
- represent your personal views, or those of any political party or interest group you belong to, as being those of the council, on any social medium.
- browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory.
- make conspicuous or excessive use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

# Agenda Item 6

Standards Committee 10 October 2017

## **ADOPTION OF GUIDANCE ON ACCEPTANCE OF GIFTS AND HOSPITALITY**

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer 01494 421252 [julie.openshaw@wycombe.gov.uk](mailto:julie.openshaw@wycombe.gov.uk)

Wards affected:

### **PROPOSED DECISION**

To approve the Guidance on Acceptance of Gifts and Hospitality at Appendix 1 to this report.

### **RECOMMENDATION TO COUNCIL**

To recommend to Council that the Guidance be adopted as an Appendix to the Member Code of Conduct.

### ***Reason for Decision***

To provide additional guidance for Members and Officers around the circumstances in which gifts and hospitality may be accepted, and when they should be declined.

### **Corporate Implications**

1. The Localism Act 2011 sets out the current requirements for standards arrangements for elected Members. WDC's Code of Conduct includes a provision requiring members to notify the Monitoring Officer, in writing, of any gift, benefit or hospitality with a value in excess of £50 which has been accepted from any person or body except the Council. Whilst there is no specific requirement for additional guidance on aspects of the Code, it can be of assistance to Members in their interpretation of their duties, and guidance has been adopted by a number of other authorities across the country. In particular, Chiltern DC and South Bucks DC have as an appendix to their Member Code a similar version of the guidance proposed.
2. The issue of acceptance of gifts and hospitality is an important one, since as well as the need to register those with a value of £50 or more, there is also an important need to first consider whether or not the offer should be accepted at all. Members are encouraged to seek advice in circumstances where they may be uncertain how to respond. Whilst it is not a requirement to have an appendix to the Code of Conduct providing guidance on gifts and hospitality, some other Councils do so, and it would be good practice and supportive of good governance to make such general guidance easily accessible in this way. Specific guidance of course remains available where required, and Members continue to be very much encouraged to seek it where needed, as general guidance cannot cover all eventualities.

## **Executive Summary**

3. The guidance on Gifts and Hospitality, as an appendix to the Members' Code of Conduct, will provide members with helpful guidance on the circumstances in which gifts and hospitality may be accepted, or should be declined.

## **Sustainable Community Strategy/Council Priorities - Implications**

4. The proposed guidance will support the Council's priorities in its Corporate Plan by helping to ensure its business is conducted in accordance with the law and proper standards, and principles of good governance.

## **Background and Issues**

5. The Code of Conduct for Members which has been adopted by the Council provides that if a gift or hospitality with a value of more than £50 is accepted, then there is an obligation to record this in a register. In practice, this forms part of the information which is published as part of Members' individual profiles within the modern.gov system, and viewable on the Council's website.
6. Since 2012, training has been provided to Members on the Code of Conduct including guidance for compliance, as part of induction and ad hoc training. So far however, there has been no specific written guidance on the area of gifts and hospitality, but as other councils across the country have this as part of their Codes, it would support good corporate governance principles for WDC to adopt similar guidance.

## **Options**

7. Supplementary guidance is not obligatory, and need not be adopted. Members are able to form their judgments based on the Member Code of Conduct itself, and their individual understanding of the legal requirements and public perception. However, as the Code of Conduct only currently deals with the requirement to register gifts and hospitality valued at over £50, but does not deal with what considerations should be taken into account in deciding whether or not to accept a gift or hospitality when proffered, whatever its value, the guidance will support members in ensuring that their behaviour complies with the wider requirements of the Code.

## **Conclusions**

8. Following approval by Full Council, the guidance will be included as an appendix to the Member Code of Conduct.

## **Next Steps**

9. Full Council will be recommended to adopt the guidance.

## **Background Papers**

None.

**Guidance for Members Relating to Gifts and Hospitality**

## **1. INTRODUCTION**

- 1.1 The acceptance and recording receipt of gifts and hospitality by Councillors is not simply an administrative issue. It reflects directly upon the perception of Councillors and of the Council as acting in the public interest and not for personal advantage. The principles of conduct in public life require all Councillors to act with openness, integrity and honesty. Paragraph 2.6 of Wycombe District Council's Code of Conduct for Members contains an obligation to "use your position as a member in the public interest and not for personal advantage".
- 1.2 "Gift or hospitality" includes:
- (i) the free gift of any goods or services;
  - (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public, irrespective of the terms;
  - (iii) the opportunity to obtain any goods or services which are not available to the general public;
  - (iv) the offer of food, drink, accommodation or entertainment, and
  - (v) the opportunity to attend any cultural, sporting or entertainment event.
- 1.3 A requirement to register details of gifts and/or hospitality received which have an estimated value of £50 or more is also set out at Paragraph 5 of the Council's Code of Conduct for Members. Failure to declare such details is a breach of the Code of Conduct and could lead to a formal complaint being made against the Councillor concerned.
- 1.4 The Bribery Act 2010 also makes it a criminal offence to bribe or attempt to bribe another person, or to request, agree to receive or accept a bribe. It defines corruption as the dishonest influencing of actions or decisions. The corrupt acceptance of a gift or hospitality can lead to an unlimited fine or up to 10 years' imprisonment.

## **2. AIMS AND LIMITS OF THE GUIDANCE**

- 2.1 This Guidance sets out the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality. It does not apply to the acceptance of any facilities or hospitality which may be provided to you by the Council.

## **3. CONSEQUENCE OF BREACHING THE GUIDANCE**

- 3.1 If you do not abide by this Guidance, you may put yourself at risk of a complaint being made against you or in extreme cases, criminal action.
- 3.2 If you have any doubts about the application of this Guidance to your own circumstances you should seek advice from the Monitoring Officer or Deputy Monitoring Officer.

#### 4. GENERAL PRINCIPLES

- 4.1 In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles.

**Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor**

- 4.2 As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.
- 4.3 The Bribery Act 2010 provides that if you request, agree to receive or accept a financial or other advantage intending that, in consequence, a function of a public nature should be performed improperly (whether by you or another person), you commit a criminal offence carrying a maximum term of imprisonment of 10 years. The Act defines improper performance as acting in breach of trust or failing to act either in good faith or impartially.
- 4.4 The Council's Code of Conduct for Members also provides that you must act in the public interest and not for personal advantage and must not conduct yourself in a manner which is likely to bring the Council into disrepute.

**You should only accept a gift or hospitality if there is a commensurate benefit to the Council.**

- 4.5 The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Council which would not have been available but for the acceptance of that gift or hospitality.
- 4.6 Acceptance of hospitality can confer an advantage on the Council, such as an opportunity to progress the business of the Council expeditiously through a working lunch, or to canvass the interests of the Council and the district at a meeting. Acceptance of a gift is much less likely to confer such an advantage. Therefore, unless the benefit to the Council is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit. In that case it should be declined.
- 4.7 As set out above, the Council's Code of Conduct for Members provides that you must not use your position for your own personal advantage or that of a family member or close associate, which would include acceptance as a Councillor of a gift or hospitality for your own or their benefit or advantage, rather than for the benefit of the Council.

**Never accept a gift or hospitality if acceptance might be open to misinterpretation.**

4.8 The appearance of impropriety can be just as damaging to the Council and to you as a Councillor as actual impropriety. The Council's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Council favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

4.9 Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- 1) occasions when the Council is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer;
- 2) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination;
- 3) funding decisions, when the Council is determining a grant application by any person or organisation.

**Never accept a gift or hospitality which puts you under an improper obligation.**

4.10 You should recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour, now or in the future. Also, if others believe that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.

**Never solicit a gift or hospitality.**

4.11. You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Protocol. You should also take care to avoid giving any indication that you might be open to such any improper offer.

**5. WHEN GIFTS AND HOSPITALITY MAY BE ACCEPTED**

For clarity, you may accept gifts and hospitality in the following circumstances:

- 1) civic hospitality below £25 in value provided by another public authority as part of your work as a Councillor;
- 2) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits;

- 3) tickets for sporting, cultural and entertainment events but only if these are sponsored by the Council;
- 4) small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise;
- 5) a modest alcoholic or soft drink on the occasion of an accidental social meeting with an employee of a contractor or party with whom you have done business on behalf of the Council. In such cases, you should make reasonable efforts to return the offer where this is practicable;
- 6) a modest working lunch not exceeding £15 per head in the course of a meeting in the offices of a party with whom the Council has an existing business connection and where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers should make it clear to the other party that such a lunch must not exceed a value of £15 per head;
- 7) modest souvenir gifts with a value below £25 from another public authority given on the occasion of a visit by or to that authority;
- 8) hospitality received in the course of an external visit or meeting which has been duly authorised by the Council. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers should make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit;
- 9) other unsolicited gifts, where it is impracticable to refuse or return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure:
  - (i) The Councillor must, as soon as practicable after the receipt of the gift, and in any event within 28 days pass it to the Monitoring Officer together with information as to why it was impracticable to refuse or return the gift;
  - (ii) The Monitoring Officer will write to the person or organisation making the gift thanking them on the Councillor's behalf and informing them that the gift has been donated to a Charity of the Councillor's choice on whose behalf it will be raffled or otherwise disposed of in due course.

## **6. DECLARATION OF GIFTS**

- 6.1 Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £50 or greater, regardless of whether you should accept such gift or hospitality in accordance with this Guidance, in order to comply with the Code of Conduct you must, as soon as possible after receipt of the gift or hospitality, and in any event within 28 days of receipt notify the Monitoring Officer and make the necessary addition to your Register of Interests in the modern.gov system including details of the person from whom the gift or hospitality was received. The Register of Interests is available on the Council's website.
- 6.2 Even if the value of the gift or hospitality is less than £50, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary disclosure in the same manner to ensure that there is nothing lacking transparency about the gift or hospitality.
- 6.3 If at any time you require further advice, you should consult the Monitoring Officer or Deputy Monitoring Officer.

# Agenda Item 7

Standards Committee 10 October 2017

## **PROPOSED ANNUAL REPORT OF STANDARDS COMMITTEE TO COUNCIL**

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer 01494 421252 [julie.openshaw@wycombe.gov.uk](mailto:julie.openshaw@wycombe.gov.uk)

Wards affected: All

### **PROPOSED DECISION**

To approve, within Standards Committee's work programme, the provision of an annual report from Standards Committee to full Council, each Spring, setting out the work of the Committee during the past year.

### **Reason for Decision**

To comply with best practice in terms of the Local Code of Governance and allow full Council an improved opportunity to note and review the Committee's work on an annual basis.

### **Corporate Implications**

1. The publishing of the Annual Governance Statement (AGS), in accordance with the Accounts and Audit Regulations 2015, is the formal reporting of the Council's governance arrangements; it is an opportunity to report on the quality of those arrangements and identify any actions to improve upon them. Regulation 6 imposes a requirement, each financial year, to prepare an Annual Governance Statement and to conduct a review of the effectiveness of the system of internal control required by Regulation 3. CIPFA/SOLACE issued new guidance for 2016/7 entitled "Delivering Good Governance in Local Government Framework 2016" and at its meeting on 15 June 2017 Audit Committee reviewed this, and recommended some areas for improvement. This report relates to the recommendation which is specific to Standards Committee.

### **Executive Summary**

2. The report recommends a new annual report to Council setting out the Committee's work over the past year, to strengthen overall governance arrangements.

### **Sustainable Community Strategy/Council Priorities – Implications**

3. The proposed decision supports the Council's overall governance arrangements, specifically the Local Code of Governance.

### **Background and Issues**

4. The Accounts and Audit Regulations require preparation of an Annual Governance Statement, which is underpinned by a Local Code of Governance setting out Wycombe District Council's corporate governance arrangements, and during the course of work carried out by the Audit Committee on 15 June 2017 to

comply with these requirements, in accordance with CIPFA/SOLACE guidance (Delivering Good Governance in Local Government Framework 2016), the Council's Local Code of Governance has been approved.

5. An Action Plan was also drawn up following review of the Council's governance arrangements for 2016/7. The Action Plan set out a number of areas for proposed improvement. One of these suggested areas is the introduction of an Annual Report from Standards Committee to full Council, outlining the work programme of the Standards Committee in the past year, including training provided, the number of member conduct complaint referrals and outcomes, and any outside assurance in relation to operational processes.
6. Standards Committee will be aware that whilst all of these areas are already covered in the work which it carries out, and the minutes of each meeting are reported to full Council, it has not so far prepared an annual report on its work. Doing so would mean that full Council would have the benefit of a composite annual overview of the Committee's work.

### **Options**

7. It is not obligatory to have an annual report to full Council. However, for the reasons outline above, it would help to strengthen the Council's governance arrangements.

### **Conclusions**

8. It is recommended that Standards Committee prepares and approves an annual report to full Council, to be approved by Standards Committee each Spring.

### **Next Steps**

9. Full Council will in future receive annual reports from Standards Committee.

### **Background Papers**

None.

# Agenda Item 8

Standards Committee 10 October 2017

## **QUARTERLY UPDATE ON STANDARDS COMPLAINTS**

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer 01494 421252 [julie.openshaw@wycombe.gov.uk](mailto:julie.openshaw@wycombe.gov.uk)

Wards affected: All

## **PROPOSED DECISION**

To note the report.

## **Reason for Decision**

To provide the Committee with an overview of complaints about Member conduct since July 2017.

### **Corporate Implications**

1. The Localism Act 2011, Sections 26-37 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the current legislative framework relating to standards of conduct for elected members and arrangements for handling standards complaints. The Member Code of Conduct and complaints procedure are included in Part 5 of the Council's published Constitution.
2. In order to enable Standards Committee to maintain an overview of complaints and any trends emerging, reports will be presented quarterly.

### **Executive Summary**

3. This report provides Standards Committee with an overview of recent Member conduct complaint cases.

### **Sustainable Community Strategy/Council Priorities - Implications**

4. None.

### **Background and Issues**

5. Standards Committee is presented with quarterly updates on member conduct complaints.
6. Since the report to Committee on 11 July 2017, at which time two completed complaints were reported with two remaining partially progressed, four further new complaints have been submitted. Of these six, three have since been concluded and are set out in Appendix 1. Of the remaining three, all are currently at Stage 1. On two complaints, the subject members' responses have been received and sent to the respective complainants. On the third, the subject member's response is awaited. If the complainants are satisfied with the Member responses, no further action will be taken. If they

are not satisfied, the Monitoring Officer will consult with an Independent Person to decide whether or not the complaint should be formally investigated. Further progress will be reported at the next meeting.

### **Options**

7. None, this report is for noting only.

### **Conclusions**

8. As with recent reports, there continues to be overall a relatively small number of complaints, and so far none have been referred for investigation. The involvement of the view of an Independent Person in each decision, as required by the legal framework, provides a valuable check and balance to the Monitoring Officer to ensure that decisions made at Stage 2, i.e. whether or not a formal investigation should be carried out into a complaint, are proportionate and reasonable. Whilst it is more difficult to judge the degree of public knowledge of, or confidence in, the member complaints system, the relatively small number continues to suggest that ethical standards are taken seriously by District and Parish members on the whole.

### **Next Steps**

9. Further quarterly updates will be provided.

### **Background Papers**

None.

## Standards Complaints

Complaints submitted under Localism Act procedure:

Ref No	Date Recd	Complainant	Subject Member:	Council	Outcome	Date completed
SC38	15/05/2017	Cllrs A Baughan, M Knight, J Wassell	Cllr B Pearce	Wycombe DC	Complaint not referred for investigation; alternative resolution suggested and agreed to by subject member.	04/08/17
SC39	18/05/2017	Cllr A Hill	Cllr B Pearce	Wycombe DC	Complaint not progressed to Stage 2; complainant did not wish to proceed further.	03/07/17
SC40	05/07/2017	Mrs L Cannon Clegg	Cllr D Johncock	Wycombe DC	Complaint not progressed to Stage 2; complainant did not wish to proceed further.	07/08/17