

Open

# Ethics and Standards Committee

## Agenda

5pm  
Thursday, 21st January 2016  
Stourport-on-Severn Room/Bewdley Room  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Ethics and Standards

### Members of Committee:

Chairman: Councillor J D Smith

Vice-Chairman: Councillor J R Desmond

Councillor H E Dyke

Councillor I Hardiman

Councillor N Knowles

Councillor J Phillips

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

Parish Council Representative: R Hobson, L Green, C Edginton-White

### 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, Principal Committee and Member Services Officer, Wyre Forest House, Finpoint Way, Kidderminster, DY11 7WF. Telephone: 01562 722763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)

Wyre Forest District Council

Ethics and Standards Committee

Thursday, 21st January 2016

Stourport-on-Severn Room/Bewdley Room, Wyre Forest House, Finepoint Way,  
Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  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.	<b>Declarations of Interests by Members</b>  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.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 11 <sup>th</sup> February 2015.	5
5.	<b>Breach of Members Code of Conduct</b>  To receive a report from the Monitoring Officer which asks Members to consider a report from the Independent Person following two complaints received relating to the conduct of a Member.	7
6.	<b>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.</b>	

7.	<p><b>Exclusion of the Press and Public</b></p> <p>To consider passing the following resolution:</p> <p>“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”.</p>	
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Part 2

Not open to the Press and Public

8.	<p><b>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.</b></p>	
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WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

11TH FEBRUARY 2015 (5.30PM)

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**Present:**

Councillors: D R Godwin (Chairman), J Aston (Vice-Chairman), A R Clent, B T Glass, N Knowles and T L Onslow.

**Co-opted Members:** Rev J A Cox.

**Parish Council Representative:** Councillor R Hobson.

**Observers:**

Councillor M J Hart.

**ES.1 Apologies for Absence**

There were no apologies for absence.

**ES.2 Appointment of Substitutes**

No substitutes were appointed.

**ES.3 Declarations of Interests by Members**

No declarations of interest were made.

**ES.4 Minutes**

**Decision: The minutes of the meeting held on 21<sup>st</sup> March 2013 be confirmed as a correct record and signed by the Chairman subject to the following:**

Rev J A Cox was not present at the meeting.

**ES.5 Members Code of Conduct**

The Committee received a report from the Monitoring Officer which asked Members to consider the approval of the introduction of arrangements for Councillors who use inappropriate language on social media.

The Monitoring Officer led Members through the report and advised that the Authority had a legal obligation to promote and maintain the high ethical standards that were required of Councillors, which applied to all forms of communication, including social media.

Councillor M J Hart entered the meeting at this point, (5.38pm).

A discussion ensued and a Member felt that the Code of Conduct which all Elected Members sign should be enough and any breaches of the code be referred to the Ethics and Standards Committee.

The Monitoring Officer emphasised the importance of having an arrangement in place as it was an immediate and effective way of dealing with Members misusing social media. The inappropriate post could be removed immediately to minimise the risk of dissemination.

The Leader of the Council advised that Group Leaders had supported the principle of having arrangements in place to address the use of inappropriate language on social media, at their meeting in January 2015.

An amendment to remove the last 2 paragraphs from the document set out at appendix 1 on page 9 of the report to the Committee was proposed and seconded. Following a show of hands the amendment was lost.

A proposal to insert the following wording below the final paragraph of the document was seconded:

**If a Member makes 3 inappropriate posts the matter shall be referred to the Ethics and Standards Committee.**

Upon a show of hands the substantive motion was passed with the amendment.

**Agreed:**

**Pursuant to Schedule 4 of the Localism Act 2011 which places a duty on Principal Councils to promote and maintain high standards of conduct (s27), the introduction of the arrangements as detailed in the Appendix (as amended), for Members who use inappropriate language on social media be approved.**

There being no further business, the meeting ended at 6.04 pm.

**WYRE FOREST DISTRICT COUNCIL**

**ETHICS AND STANDARDS COMMITTEE**

**21<sup>ST</sup> JANUARY 2016**

**Breach of Members Code of Conduct**

<b>OPEN</b>	
<b>SOLICITOR TO THE COUNCIL</b>	Monitoring Officer
<b>CONTACT OFFICER:</b>	Caroline Newlands, Ext. 2715
<b>APPENDICES</b>	Appendix 1 – Social Media Protocol Appendix 2 – Extract from Social Media Appendix 3 – Report from Independent Person Appendix 4 – The Ten General Principles of Public Life

**1. PURPOSE**

- 1.1 To consider a report from the Independent Person following two complaints received relating to the conduct of a Member.

**2. RECOMMENDATION**

- 2.1 **That the Ethics and Standards Committee considers the report from the Independent Person and agrees an appropriate course of action.**

**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.
- 3.2 At its meeting on 11<sup>th</sup> February 2015, the Ethics and Standards Committee approved the introduction of a protocol for Members who use inappropriate language on social media (attached at Appendix 1).

**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.

## WYRE FOREST DISTRICT COUNCIL

### 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.

If a Member makes 3 inappropriate posts the matter shall be referred to the Ethics and Standards Committee.



👍 Like

💬 Comment

➦ Share



### "we love stourport-on-severn" past and present day

2 hrs · 🌐

Fran Oborski said.....

This must be Stourport's most inconsiderate business!

7.30 this morning hair appointment at Eric John in Parkes Passage.

Parked in their car park and just as I was walking past Gingers, cafe next to Eric On the moronic idiots who run that establishment decided to lower their canopy. I was half way along their shop front... [More](#)

14 Likes · 58 Comments · 1 Share

👍 Like

💬 Comment

➦ Share



### "we love stourport-on-severn" past and present day shared Alex Titley's photo.

3 hrs · 🌐

<https://www.facebook.com/photo.php?fbid=10205102825838789&set=o.162591650459696&type=3&theater>



### Alex Titley ▶ "we love stourport-on-severn" past and present day

8 hrs · 🌐



2%



18:44

Agenda Item No. 5  
Appendix 2



**Scottie Be**

What a shame....surprised she never took a picture with her I-pad....oh sorry that's for candy crush....she'll probably put the dry cleaning on her exspenses too....

Like · 12 · Reply · More · 1 hour ago



**Mark Bywater**

Should watch where u are walking instead of playing candy burst on phone lol concentrate on your surroundings n not you mobile...mind not first time you been told that lmao

Like · 7 · Reply · More · 1 hour ago



**Laura Hale**

Least it wasn't AFTER you paid to have your hair done.....

Edited · Like · 1 · Reply · More · 1 hour ago



**Rachelle Hornby**

Was it accidently on purpose do you think?

Like · 2 · Reply · More · 1 hour ago



**Fran Oborski**

Some people on here are so pathetic Shows just what an ignorant shower you are! I'm so glad Kidder folk are more grown up!

Like · 1 · Reply · More · 1 hour ago

13 replies



**Nick Broome**

Shut up woman

Like · 10 · Reply · More · 1 hour ago



Comment on "we love stourport-on-severn" past and present day's post

Liking and commenting as:



**Jason Ian Smart**

Unfortunately she walked around the corner as the canopy was taken down by my partner, it wasn't done intentionally. The campy is very heavy when full of water and once you start to release it you can't stop it. And as I've said it was on way down before you walked under it. We are sorry for any inconvenience this has caused.

Like · 56 · More · 28 November at 17:08



**Ash Round**

Ive had an experience with the lady that posted this whilst working for the housing association a few years ago, she was very rude then, so I would say karma has come back around haha!

Like · 1 · More · 28 November at 17:20



**Emma Whitefoot**

Don't apologise to that waste of space ...

Like · 3 · More · 28 November at 17:28



**Robert Parker**

May have to test out your establishment soon. X

Like · 2 · More · 28 November at 17:39



**Ian Woolley**

You are forgiven..... as long as you let us know when you plan to do it again. 😎

Unlike · 3 · More · 28 November at 17:46





Comment on "we love stourport-on-severn" past and present day's post

Liking and commenting as:  ▼



**Fran Oborski**

Some people on here are so pathetic Shows just what an ignorant shower you are! I'm so glad Kidder folk are more grown up!

Like ·  3 · More · 28 November at 16:53



**TeeJay Mac**

Spoken like a true politician.. 😂

Like ·  8 · More · 28 November at 16:58



**Rachel-Cliff Clarke**

What a rude woman you are

Like ·  14 · More · 28 November at 17:10



**Sharon Sheppard**

If Kidder so great what she slumming it in Stourport

Like ·  6 · More · 28 November at 17:27



**Linda Evans**

Seriously you need to grow up. Do you actually know how pathetic you sound?

Like ·  7 · More · 28 November at 17:28



**Rob Bush**

Would you have named and shamed an independent business if this happened in your home town of Kidderminster. I think not.as for calling people of stourport pathetic,we still pay council tax and contribute to your expenses.DONT forget that

Like ·  18 · More · 28 November at 17:32



**Gregg Siwicki**

And she is one of the 'elected', paid to run local affairs. Embarrassing woman.

Like ·  3 · More · 28 November at 17:40



# "we love stourport-on-severn" past and present day

28 November at 16:30 · 🌐

Agenda Item No. 5  
Appendix 2

Fran Oborski said.....

This must be Stourport's most inconsiderate business!

7.30 this morning hair appointment at Eric John in Parkes Passage. Parked in their car park and just as I was walking past Gingers, cafe next to Eric On the moronic idiots who run that establishment decided to lower their canopy. I was half way along their shop front so a shouted "mind yourself" was hardly helpful!

I got soaked to the skin!!

If this is the gross discourtesy they show to people who are customers of their neighbour I dread to think what they do to their own!

I'll make a point of not going there!

Staff at Eric Jon were really good!



Like

Comment

Share

33 people like this.

[View previous comments...](#)



**Jon May**

Anyone got it on CCTV? We could get £500 from you been framed 😂😂😂 we do love a gingers bacon butty @ mooch 🙄

Like · 4 · Reply · More · 28 November at 18:43



**Suzanne Giles-pulley**

Well I can't believe a councillor would bad mouth a business and its customers in anyway. Surly they should be praising small business not slating them. Shame on her. I really hope she get her comeuppance.

Next all I can say is what great free publicity for a lovely little cafe with pleasant staff and nice food. A dignified apology from the cafe for a obvious accident shame she can't do the same. I foresee you being very popular unlike the joke of a councillor who posted this. Doesn't she know Stourport's Community spirit is sweeter than candy crush. Shame on her again

13

Edited · 11 · Reply · More · 28 November at 18:50

**RESPONSE/ RECOMMENDATION**

Having read the email from Ms Fiona Smith which was referred to the Monitoring Officer, by Mark Garnier M.P. and the email from Jason Smart of Ginger's Cafe, I feel that there has been a breach of the Code of Conduct by Councillor Fran Oborski in the following areas:-

- a) General Obligations 3.1 "You must treat others with respect."
- b) General Obligations 5 "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute ..."

I also feel there is a clear breach of the agenda Item 5 of the Ethics and Standards meeting of WFDC held on February 11th., 2015.

**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.**

I have found this case particularly difficult as it involves Councillor Oborski, yet again, in her use of social media i.e. Facebook. I acknowledge that the complaint is not pertinent to Councillor Oborski's role in an official capacity BUT as she is a well known and foremost District and County Councillor I do feel this case meets the requirements of Obligation 5. I accept that the phrase " could be reasonably regarded " is perhaps fundamental to these complaints and I do feel there is justification as her public persona does strongly satisfy the requirements of this Obligation.

Councillor Oborski made her first comment about the incident on Facebook on the 28th November, 2015, at 16:30 with comments which identify the business and include "the moronic idiots who run that business" and "I'll make a point of not going there" .

After this initial comment there followed many derogatory and offensive comments from people directed at Councillor Oborski.

At 16:53 Councillor Oborski made another comment on this site with reference to the comments. " Some people on here are so pathetic. Shows what an ignorant shower you are. I'm so glad Kidder folk are more grown up".

At 17:08 Jason Smart, manager of Gingers, posted an explanation of the incident and an apology.

These comments, made by Councillor Oborski, are disrespectful and are inappropriate. The comment re not visiting the cafe could be perceived as harmful to that business.

**continued**

**RECOMMENDATION**

In view of the language used and the decision by Councillor Oborski to follow up her initial derogatory post with another post, I take a serious view of this matter and believe that it brings the Council into disrepute. For this reason I would like this incident to be considered directly by the Standards Committee who have the ability to censure Councillors where their behaviour falls below the principles of public life contained in the Code Of Conduct.

The fact that she came back to the site to make more comments makes the issue more serious as does Councillor Oborski's many years in local and county politics, much at a senior level, I feel that this case should be referred to the appropriate Committee of the Wyre Forest District Council for action. I do feel there has been a breach of standards expected of a Councillor.

J.T. Hipkiss  
Independent Person  
Worcestershire C.C, H&W Fire and Rescue  
December 7th. 2015

**MEMBERS CODE OF CONDUCT**

**THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE**

**Selflessness** – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and Integrity** – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgement** – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the Law** – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership** – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.