

ETHICS AND STANDARDS COMMITTEE 30th September 2021 DECISION NOTICE

The Council has a statutory duty to promote and maintain high standards of conduct amongst councillors.

1. Matters considered:

1.1 On 30th September 2021, following a formal complaint, the Ethics and Standards Committee (the Committee) considered the findings of an appointed Independent Person (present at the meeting) that District Councillor Fran Oborski had breached the Wyre Forest Members' Code of Conduct (the Code).

1.2 Full details of the alleged conduct of Councillor Oborski and the findings of the Independent Person are set out in the full report ("the Report") which is available on the Council's website at:

http://www.wyreforest.gov.uk/council/docs/doc56927_20210930_special_e_and_s_agenda.pdf

1.3 In summary the Independent Person's findings were that Councillor Oborski had breached the Code on multiple occasions via her published comments through a Facebook broadcast.

The members Code of Conduct and the General Principles of Public Life can be referred to here <https://www.wyreforestdc.gov.uk/your-council/councillors-committees-and-meetings/constitution/section-14-code-of-conduct/>

2. Representations of Councillor Oborski:

2.1 Councillor Oborski provided a written statement and presented the statement orally to the full Committee.

Councillor Oborski did not dispute the publication or existence of the various comments she had made; some having been made in respect of the Local Plan, particularly in relation to local residents' site concerns and her political group's position regarding the matter, others relating to other councillors and 3rd party service providers.

2.2 Councillor Oborski emphasised she had removed elements of the comments she had made on the Facebook page which referred to a Council staff member, and that she had apologised personally.

3. Committee Findings:

Taking account of all relevant circumstances (including relevant legislation) as well as representations made by Councillor Oborski, the Committee reached the following conclusions.

3.1 There was no dispute that the Independent Person's report pertained to a period of time when the Code would have been fully applicable. Thus, resulting in the findings that a breach of the Code had occurred.

3.2 In the absence of any substantive evidence to dispute the findings of fact, there was again no dispute among the Committee that the material facts set out in the Independent Person's report were accurate.

3.3 The Committee found that Councillor Oborski's comments, as set out in the Report, were disrespectful to officers, members and Partner bodies and contrary to the Code of Conduct as detailed in the Report.

The comments had the potential to undermine the good professional reputations of individuals and partners. All councillors should be respectful to others, even on the inevitable occasions when there is a difference of opinion, there should be no need to resort to offensive comments.

There was a reasonable expectation, as a well as a requirement in the Code, that all councillors should be respectful of the views or position of others. The Committee was satisfied that any reasonable and objective observer (being the relevant standard and test for breaches of the Code), would find the comments to be contrary to the requirement upon Councillor Oborski to behave in a respectful manner.

Her actions fell significantly below the standards which a reasonable and objective observer would expect of a councillor bringing herself and her office as councillor into disrepute.

4. Sanction:

4.1 After careful consideration, the Committee did not believe that Councillor Oborski would benefit from attending further training, at her own expense or otherwise. Training is provided to all members regularly regarding the Code, including Social Media Responsibilities Training which she attended earlier this year.

The Committee is very aware that its current powers in terms of sanctions is exceedingly limited. Council sanctions against members who breach the

Code of Conduct are the subject of national government review. In the meantime, the Committee has decided:

4.2 It is appropriate to publicly censure Councillor Oborski for the conduct which is detailed in the Report and which has been upheld by the Committee. Consequently, this full decision notice is to be published.

It was also requested that the Committee Chairman ask the Chairman of the Council to remind all members of the importance of maintaining high professional standards and to treat others with respect, making it clear that the Council will not tolerate disrespectful behaviour, directed towards third parties.

It be noted that, if the Committee had the power to suspend Councillor Oborski from sitting on committees, the Committee would have considered suspending Councillor Oborski for up to 6 months.

Statement from the Chairman of the Ethics and Standards Committee

The majority of our hard-working Councillors serve their constituents in an appropriate and respectful way, without the need to breach our Code of Conduct and bring ourselves and our office into disrepute. Councillor Oborski has been fully trained multiple times in terms of the Code of Conduct. She has a long history of service as both County and District Councillor, so it was extremely disappointing to be presented with a complaint and Independent Person's report which highlighted multiple breaches of the Code. Having heard from Councillor Oborski, and having had the opportunity to debate the matter and question the Independent Person, the Committee were in agreement that Councillor Oborski's actions and comments breached the Code, and the main frustration was the lack of available consequences.

The only sanction available to us is to censure the member. But I think there are questions that fall outside the powers of this Committee in terms of her position on upcoming discussions on the Local Plan and on future relevant Planning meetings.

Despite her probably good intentions I feel Councillor Oborski has become too used to being able to "play the system" and capitalises on the lack of meaningful sanctions. She is not completely alone in this, but hopefully we will begin to get the message out that change is coming, that the end does not always justify the means and that we are all accountable for our actions.