



Telford & Wrekin
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

STANDARDS COMMITTEE

Date **Tuesday, 25th April 2017** Time **6.00pm**
Venue **Meeting Room G3-G4, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT**

Enquiries Regarding this Agenda:

Democratic Services	Jayne Clarke	01952 383205
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Lead Officer	Jonathan Eatough, Assistant Director: Governance, Procurement & Commissioning	01952 383200

Committee Membership: Councillors **K S Sahota (Chair), M J Smith (Vice Chair)**, J C Ashford, S Barnes, A R H England, N A M England, R T Kiernan, R J Sloan and Vacancy.

AGENDA

- 1. Apologies for Absence**
- 2. Declarations of Interest**
- 3. Minutes** **Appendix A**
To confirm the minutes of the meeting of the Standards Committee held on 5th July 2016 **Page No. 2**
- 4. Standards Update from the Monitoring Officer** **Appendix B**
The report of the Assistant Director: Governance, Procurement & Commissioning **Page No. 4**
- 5. Review of the Protocol for the use of Social Media** **Appendix C**
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STANDARDS COMMITTEE

A

Minutes of a meeting of the Standards Committee held on Tuesday, 5 July, 2016 at 6pm in Meeting Room G3-G4, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT

Present: Councillors K S Sahota (Chair), M J Smith (Vice Chair), S Barnes, N A M England, R T Kiernan, C P R Mollett, P J Scott

In Attendance: Matthew Cumberbatch (Legal Services Manager and Deputy Monitoring Officer)

ST-10 Apologies for Absence

Councillor R J Sloan

ST-11 Declarations of Interest

None

ST-12 Minutes

It was noted that there was on-going work to develop guidance for Members on the use of social media. This was being taken forward by the Member Development Group which was due to meet early July.

Resolved – that the minutes of the meeting of the Standards Committee held on 9 February 2016 be confirmed and signed by the Chairman.

ST-13 STANDARDS UPDATE FROM THE MONITORING OFFICER AND REVIEW OF THE TERMS OF REFERENCE

The Committee received the report of the Monitoring Officer, presented by the Democratic and Legal Services Manager and Deputy Monitoring Officer. The report provided an update on work undertaken in relation to the ethical framework since the last meeting. The Committee noted the following points:

- Advice and information on the Code of Conduct continued to be provided to elected members, members of the public and officers from Borough and Parish Councils. It was reported that a downward trend in the number of complaints had started to emerge; no complaints had been received since the last meeting. It was felt that the pragmatic approach currently being taken brought about proportionality in terms of considering when complaints required further action and the type of action which was taken. The Committee was reassured of the current process and approach, and noted the opportunity available to the Chair to take a closer look at the process if desired/ necessary.
- Training on the Code of Conduct had successfully been delivered to Parish Councils and a request for further training sessions had been received from SALC. The

Deputy Monitoring Officer had agreed to continue to provide training, subject to the Committee's endorsement.

- The responsibility for the dismissal of senior officers had now been included in the remit of the Independent Person in dealing with the oversight of the Council's ethical governance. Training on the 'Role of the Independent Person' incorporating this element had been provided to one of the Independent Persons on 9th February.

The Committee discussed training for elected members. It was acknowledged that training requirements needed to be proportionate, particularly with regard to the members' full workloads and busy schedules. It was agreed that it would be preferable to ensure as far as possible, widespread familiarity with the Code of Conduct including regular communications to remind members. It was agreed that a training opportunity should be available to all councillors and various options were discussed including whether training could be fitted in with full Council meetings.

Terms of Reference

The Committee received the draft terms of reference at Appendix 1 of the report and noted the additional amendments tabled at the meeting in relation to powers and functions delegated to the Monitoring Officer. It was acknowledged that these did not constitute new delegations but merely set out what had been in place for some time..

The functions, powers and duties of the terms of reference were reviewed as drafted for the new constitution which would be placed for consideration by the full Council on 14th July. It was noted that there were no material changes to the previous terms of reference.

It was also noted that in the new constitution, delegations from Chief Officers would be set out in a separate document. The Committee acknowledged that this was a more straightforward process as changes to the delegation of powers did not require full Council ratification. Officer delegations would take effect following full Council and the Committee was reassured that measures were in place for committees that did not have meetings scheduled soon after July's Council meeting to confirm new delegations in due course.

Resolved

- a) That the contents of the report are noted**

- b) The terms of reference as attached to this report are recommended for approval by full Council as drafted when the revised Constitution is considered.**

- c) Training on the Code of Conduct and new social media guidance (currently under development) be delivered to Councillors**

The meeting ended at 6.23pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL**STANDARDS COMMITTEE – 25 April 2017****STANDARDS UPDATE FROM THE MONITORING OFFICER****REPORT OF ASSISTANT DIRECTOR: GOVERNANCE, PROCUREMENT
AND COMMISSIONING****1. PURPOSE**

- 1.1 To update the Committee on matters relating to the ethical framework since the last Standards Committee meeting.

2 RECOMMENDATIONS

- 2.1 That the Committee note the contents of the report and provides guidance to the Monitoring Officer in relation to any further work that the Committee considers appropriate to promote good governance and the ethical framework in relation to the matters highlighted in the report.

3. SUMMARY

- 3.1 The Monitoring Officer provides an update to the Committee on work undertaken in relation to the ethical framework and particularly issues relating to; updates to the register of disclosable pecuniary interests, complaints received, training and the introduction of a social media protocol.

4. PREVIOUS MINUTES

- 4.1 Standards Committee – 20th January 2015, 7th July 2015, 9th February 2016, 5th July 2016

5. INFORMATION

- 5.1 The Monitoring Officer provides updates on the following matters since the last meeting of this Committee on 5th July 2016.

5.2 The Register of Interests

It is a statutory requirement that the Monitoring Officer must establish and maintain a register of interests for members and co-opted members of the Council. A similar register must be established and

maintained for all the Parishes Councils within the Borough. The registers are reviewed from time to time and reminders are sent out to Parish Councils to remind their members of their statutory duty to notify the Monitoring Officer of any disclosable pecuniary interests.

- 5.3 (This declaration of disclosable pecuniary interests must be done within 28 days of them becoming a member of the Council or them declaring an interest not currently on the register which arises as a result of a meeting agenda item being considered by the Council that they are a Councillor of.)
- 5.4 Despite the reminders our records show that many register entries have not been amended for a long time and some have not been even been submitted for the first time. Whilst it is possible that the interests have not changed and therefore there would be no amendments or updates for a lot of members it is an offence not to comply with the initial registration requirements and so this is a matter of concern for the Monitoring Officer that this remains the situation, in some cases, since the election in 2015. To correct this situation the Monitoring Officer is writing to the Clerks of all the Parish Councils to ask them to remind their members of their responsibilities under the Localism Act 2011, as described above. A reminder will also be sent to all members of the Borough Council. In respect of the Borough Council the Monitoring Officer can confirm that there is an entry into the register of members' interests for every member and co-opted member of the Council so the reminder will be about reviewing interests only.
- 5.5 We have also implemented a process where a reminder will be sent out along similar lines in June and December each year. If the situation is not remedied before the next Standards Committee it is proposed that the Monitoring Officer will report back to the next Standards Committee detailing those Parish and Town Councillors who have not yet disclosed any pecuniary interests.

5.6 Complaints

There has been 1 formal complaint received since the last meeting on 5 July 2016.

Ref.	Date	Council	Referral	Details	Current status
1	Dec 16	T&W	No	Allegations of breach of code - planning related. Discussed with IP.	Completed February 2017
2	Jan 17	Parish Council	No	Comments made on social media. Resolved locally.	Completed January 2017
3	Feb 17	Parish Council	Not yet determined	Comments made on social media.	On -going

4	Feb 17	T&W	No	Allegations against the Councillor in personal life. Discussed with IP.	Completed February 2017
5	Feb 17	T&W	No	Complaints made on social media. Discussed with IP.	Completed March 2017
6	Mar 17	Parish Council	Dealt with locally	Allegations about behaviour.	On-going
7	Mar 17	Parish Council	Dealt with locally	Allegations about behaviour.	On-going
8	Mar 17	T&W	No	Comments made on social media	Completed April 2017
9	Mar 17	T&W	No	Comments made on social media	Completed April 2017
10	Mar 17	T&W	Not yet determined	Comments made on social media	On-going
11	Mar 17	T&W	No	Comments made on social media	Completed April 2017

5.7 The Monitoring Officer and Deputy Monitoring Officers continue to give advice and information to elected members, members of the public and officers from both the Borough and Parish Councils on Code of Conduct matters. A small number of issues have been resolved without the need to progress to formal complaint. There is an emerging theme about complaints, namely the use of social media, and this is the subject of a separate report on this agenda.

5.8 Members are asked to note that Suzanne Dodd has joined the Council in February as the new Legal Services Manager and Deputy Monitoring Officer. Thanks should be recorded for Matthew Cumberbatch, the previous Legal Services Manager who has left recently to take a new role at Warrington Borough Council.

5.9 Training

As the result of a further request for training, the Deputy Monitoring Officer provided further Code of Conduct training to Parish Councillors and Clerks on 12th September 2016 at Lilleshall Memorial Hall. Ten people were in attendance including 7 Parish Councillors and 3 clerks or other officers from Parish Councils. Accordingly during 2016 two Code of Conduct training sessions have taken place for Parish Councillors and Clerks in different venues with a total attendance of 22 people; 15 Councillors and 7 Parish Council staff.

5.10 As requested by this Committee, further Code of Conduct training for Borough Councillors took place on 20 October 2016. The training covered the Code of Conduct, DPI's, the complaints process and focused on the use of social media and recent conduct issues elsewhere and what lessons can be learnt. 7 Borough Councillors attended.

5.11 The Monitoring Officer seeks views from the Committee on the issue of training and whether any further work needs to be done. Again, specific training on the use of social media is addressed in the next report on this agenda.

5.12 Social Media Protocol

A report is to be considered on this on another agenda item at this meeting.

5.13 Equal Opportunities

No implications

5.14 Environmental Impact

None

5.15 Legal Comment

The statutory requirements for a Code of Conduct and ethical framework for Councillors is set out at part 1, chapter 7 of the Localism Act 2011.

It is a criminal offence for a member not to complete a register of disclosable pecuniary interests within a defined time frame, depending upon when the interest becomes apparent.

The record of complaints set out above relate to formal written complaints received by the Monitoring Officer on behalf of this Committee. Complaints are dealt with by the Monitoring Officer in accordance with his delegated powers.

Training for Councillors and the Independent Person(s) on the ethical framework is not compulsory but is recommended.

5.16 Links with Corporate Priorities

The work of the Committee contributes to the Council's co-operative values of openness and honesty, fairness and respect and ownership.

5.17 Opportunities and Risks

Risks relating to this particular report are low provided statutory provisions are followed.

5.18 Financial Implications

There are no financial implications arising directly from the recommendations of this report. If the Committee requires further work to be done to promote good governance and this gives rise to a need for resources then this will be considered as part of ongoing service management and dealt with in accordance with the Council's established constitutional rules on budget management.

The financial statements of the authority require disclosures on matters affecting the final accounts such as transactions with parties who are connected/have interests associated with the Council. These are requested annually as part of the process to prepare financial statements for publication.

6. WARD IMPLICATIONS

No ward specific implications

7. BACKGROUND PAPERS

The Localism Act 2011

**Report prepared by Jonathan Eatough, Monitoring Officer, telephone
01952 383200**

TELFORD & WREKIN COUNCIL**STANDARDS COMMITTEE – 25 April 2017****REVIEW OF PROTOCOL FOR THE USE OF SOCIAL MEDIA****REPORT OF ASSISTANT DIRECTOR: GOVERNANCE, PROCUREMENT
AND COMMISSIONING****1. PURPOSE**

- 1.1 For Members to consider whether or not the existing Social Media Protocol for Councillors needs to be reviewed.

2 RECOMMENDATIONS

- 2.1 **That the Committee considers the existing Protocol for the Use of Social Media by Councillors and any comments received from members and agrees that the final wording for any changes identified are delegated to the Monitoring Officer in consultation with the Chair of the Standards Committee.**
- 2.2 **That the Monitoring Officer provides training on the use of social media to include the legal ramifications of misusing social media.**

3. SUMMARY

- 3.1 The Members' Social Media Policy, attached at Appendix 1, was originally prepared by the Member Development Steering group as a result of comments by the Council's Independent Person and debate at this committee in February 2016. It was approved and endorsed by the Chairman of the Standards Committee and circulated to all members in October 2016.
- 3.2 The reason that it was produced was to provide some practical advice for members when using social media, and the Independent Person when being consulted on complaints.
- 3.3 Although it has only relatively recently been approved, the Chair of the Standards Committee has asked for it to come before the Committee for review in the light of recent experience to see if the Protocol needs to be amended/ updated.
- 3.4 At the meeting on 5th July 2016 it was recommended by this committee that the Speaker be approached to approve training wither before or

after a Council meeting. In the light of recent experience more detailed training is probably required that might be more appropriately delivered separately from a Council meeting

4. PREVIOUS MINUTES

- 4.1 Standards Committee – 9th February 2016, 5th July 2016

5. INFORMATION

- 5.1 The Protocol was developed by the Member Development Steering Group who drafted it in consultation with the political groups on the Council between February 2016 and September 2016 when the Group agreed that the document could be forwarded to the Chair of Standards Committee for his consideration and approval.
- 5.2 Since the approval of the Protocol there have been a number of complaints from members and members of the public about Councillor's use of social media. Without going into detail of individual cases the key areas where complaints have arisen is in relation to exchanges between Councillors and complaints from members of the public that have alleged overly personal attacks.
- 5.3 All the complaints have been discussed with the Council's Independent Person and, to date none of the complaints have been referred for investigation although one complaint is pending following suggested local resolution.
- 5.4 The use of social media is undoubtedly a useful tool for democratic engagement but can be controversial in respect of the tone of communication, its immediacy and its perceived transient nature.
- 5.5 In respect of the tone of the communication the approach taken by the Monitoring Officer, again agreed with the Independent Person, is that there is a spectrum depending upon the nature of the relationship. For example, there is a distinction between communication between a 2 Councillors debating with each other (1), a Councillor and a member of the public debating topical issues (2), and a Councillor and a member of the public who is approaching that Councillor for advice and support (3). The Monitoring Officer's approach is, subject of course to the particulars of the case, to accept more robust conversation in 1 and 2 than in 3.
- 5.6 Towards the end of last month the Chairman of the Standards Committee wrote to Group Leaders asking for their support in endorsing the Protocol and has since asked that all members be invited to attend the Standards Committee or submit comments about their experiences on social media to the committee for their consideration.

5.7 He has also written to all members asking them to contribute to this debate either in person or by providing written comments for consideration at this meeting. Any comments received will be provided for members' consideration either before the meeting or at the meeting depending upon the nature of the comments and when they are received.

5.8 The Monitoring Officer is planning training for members on the use of social media to update members on practical tips for effective use and the legal implications of going too far.

5.9 Equal Opportunities

Consideration of the Protocol enforces the Councils, and Councillors, leadership role in making sure that no-one is discriminated against.

5.10 Environmental Impact

None

5.11 Legal Comment

The statutory requirements for a Code of Conduct and ethical framework for Councillors is set out at part 1, chapter 7 of the Localism Act 2011.

Whilst not mandatory, the social media protocol will assist councillor's when carrying out Council business and will be taken into account in the event that code of conduct complaints are submitted that relate to social media matters.

5.12 Links with Corporate Priorities

The work of the Committee contributes to the Council's co-operative values of openness and honesty, fairness and respect and ownership and the provisions in the Code of Conduct relating to respect/selflessness.

5.13 Opportunities and Risks

There is a risk to the reputation of the Council as a whole and individual Councillors if the use of social media is not carried out appropriately.

5.14 Financial Implications

There will be a cost to the Council for the training proposed in this report but it will be covered from the existing Member Training budget.

6. **WARD IMPLICATIONS**

No ward specific implications

7. **BACKGROUND PAPERS**

The Localism Act 2011

**Report prepared by Jonathan Eatough, Monitoring Officer, telephone
01952 383200**

Telford and Wrekin Council Standards Committee

Protocol for the use of social media by Councillors

The Standards Committee recognise that the use of social networking and blogging are effective methods for councillors to interact with local people and engage with those who would not normally have access to local councillors and politics.

The Committee supports the use of such media but is also aware of the challenges that it brings. This protocol is intended to assist Councillors in thinking about how they can continue to make best use of social media whilst complying with the Code of Conduct.

THIS PROTOCOL IS IMPORTANT AND SHOULD BE CONSIDERED BY ALL COUNCILLORS USING SOCIAL MEDIA

The Committee suggests the following:

Think about whether you are acting in your official capacity as a councillor when posting messages or blogs. Be clear when you are making comments in a private capacity. Note that the higher your profile as a councillor, the more likely it is that you will be seen as acting in an official capacity when you post or blog

Set appropriate privacy settings for your social media accounts and blogs, especially if you have accounts which are private and non-political

Keep an eye out for defamatory or obscene posts from others on your social media accounts and remove them as soon as possible to avoid the perception that you condone such views. Also consider carefully what posts you decide to 'like' or retweet.

Ensure that you use council facilities appropriately; if you use Council social media or Council blogs/website you will be viewed as acting in your official capacity. You should not use council facilities for personal or political posts and blogs.

Think carefully before posting information about individuals or matters that may be commercially sensitive. Posting sensitive information could not only be a breach of the Code of Conduct but could also be a criminal offence or lead to litigation being brought against you and/or the Council. When posting any information that you have access to in your role as a Councillor you will be seen to be acting in your official capacity.

When making political points using social media be careful about specific views referring to individuals. A personal attack on an individual could be seen as disrespectful whereas general comments about an issue or policy is less likely to be viewed as a failure to show respect.

Don't post comments or blog in haste. If you are angry, tired or just in a bad mood stay away from your social media. Even if posts are removed quickly after, a screen shot can be taken of the post when it was on your account and this can form the basis of a complaint. Making comments in posts and blogs is just the same as making those comments in writing and/or in person to the individual concerned. Make sure that your own posts are truthful, factual and can be supported with evidence if challenged.

If you have any queries or concerns you are welcome to contact Jonathan Eatough on 01952 383200 or Jonathan.Eatough@telford.gov.uk