

STANDARDS & ETHICS COMMITTEE

6 OCTOBER 2021

Present: Independent Members: James Downe (Chair),
Hollie Edwards-Davies, Jason Bartlett, Chrissie Nicholls and
Arthur Hallett

Councillors Cunnah, Sandrey and Williams

Community Councillor Stuart Thomas

107 : APOLOGIES FOR ABSENCE

No apologies for absence were received.

108 : DECLARATIONS OF INTEREST

The following declaration of interest was received in accordance with the Members Code of Conduct:

| Councillor | Item | Nature of Interest |
|---------------|--------|--|
| Joel Williams | Item 6 | Personal Interest – involved in one of the complaints referred to in the report. |

109 : MINUTES

The minutes of the meeting on 7 July 2021 were approved as a correct record.

110 : SOCIAL MEDIA CODES

The Committee was advised that whilst the Elected Members' Code of Principles on Social Media Use could be enforced through the Members' Code of Conduct, however in relation to the Partner Organisations' Code, there could only be an aspiration that they would adhere to it.

The Council had consulted with outside bodies on the draft Codes as well as with Elected Members and Political Group leaders. Amendments have been made following these consultations. Paragraph 6 of the report contains additional suggestions that have been submitted.

- Members sought clarification on whether the Code would apply to historic social media posts. Members were advised that the question had not arisen in discussions. In accepting complaints in relation to the Members' Code of Conduct there is a 3-month time limit from the moment complainants become aware of the matter. It was suggested that a similar provision could be inserted in the Code, and that it would be unfair if Elected Members faced complaints in relation to comments made many years ago that they no longer agreed with.
- Members enquired as to whether there was guidance available from other sources on historic posts. Officers advised that they were not aware of any.

- There was a discussion about what would be an appropriate time limit for complaints regarding historic posts; 6 months would perhaps be too short, 24 months may be more appropriate, but consideration could also be given to the time limit being their term of office.
- Members expressed the view that where there was a history of racist, sexist or homophobic comments, that would be of concern. It was also suggested that it might be considered unfair to hold someone responsible for comments made before entering public life, and might deter people from entering public life.
- The view was expressed that where an antisemitic, racist or sexist post was historic, that did not mean that the person responsible had changed their views, and that the Committee ought to be mindful of whether it wanted people who held such views to be Elected Members.
- It was requested that guidance be given to the Clerks of Community Councils on this matter. Members were advised that once there was an agreed Code it would be shared with Clerks.
- Members were concerned about the possible use of sock puppet or false identity accounts at the instigation of an Elected Member. Members were advised that it would be hard to find evidence of such accounts. Were such evidence to be found, it is likely the Member responsible would in any case be found to be in breach of the Member's Code of Conduct.
- Members sought clarification of the term 'reasonable efforts' and how that would be assessed. Members were advised that it was a common legal term, which takes account of all relevant circumstances and was intended to point to what would be commonly understood to be the right thing for someone to do in any given circumstances.
- Members alerted Officers to some minor typographical errors in the draft Code.
- Members considered that there should be provision in the Code for Elected Members who had their social media accounts managed by an assistant, and that such Members should be directed to make their assistants aware of the Code. Members were advised that Elected Members could be held responsible for the content of posts on an account managed on their behalf if the Member had not made the person managing the account aware of the Code and their responsibilities under it. If the Member could show that they had made the staff member aware of their responsibilities, that would be taken into account. Repeat incidents would be likely to lead to sanctions.
- The view was expressed that there should be a cut-off point for complaints and sanctions in relation to historic posts. The feeling of the Committee was that the cut-off point should be from the time the Code of Conduct applied. There might be mitigation for a newly elected councillor who did not yet fully appreciate the obligations of the role.
- Members discussed the amendments to the Code in Paragraph 6 in relation to the Be Kind agenda and transparency and raised no objection to the points made in the report.

- Members considered that candidates should be made aware of social media rules.
- Members agreed in relation to the Partner Code that there should be an explicit statement to the effect that if the Council were to ask partners to behave in a particular way, that it would uphold the same values and principles itself.

RESOLVED:

- 1 To provide any comments on: (i) the draft Members' Code of Principles on Social Media Use (Appendix A); and (ii) the draft Partner Organisations' Code of Practice on Social Media (Appendix B);
- 2 To authorise the Monitoring Officer, in consultation with the Chair, to make any amendments required to the draft Social Media Codes (Appendix A and Appendix B) and recommend them for adoption by full Council;
- 3 To recommend to full Council that the Members' Code of Conduct should be amended as shown in Appendix C, to incorporate the approved Members' Code of Principles on Social Media Use; and
- 4 To recommend to full Council that the Partner Organisations Code of Practice on Social Media, once approved, should be published on the Council's website.

111 : WHISTLEBLOWING REPORTS 2020

The Committee was provided with information about whistleblowing reports made during 2020.

Members were advised that a review of the whistleblowing policy is due but has been delayed until the recommendations of an internal audit of the arrangements, which is currently underway, have been received. It is hoped to be able to report on this matter in spring 2022.

RESOLVED:

To note the report.

112 : MEMBERS CODE OF CONDUCT COMPLAINTS (Q2 2021-22)

Councillor Williams declared a personal interest in one of the complaints referred to in the report.

The Committee was advised that although there appeared to be an increase in the number of complaints, many of them related to the same meetings and complaints and counter-complaints about the behaviour of certain councillors attending them. Members noted that there is a tendency for the number of complaints to increase in the run up to elections; attempts are being made to resolve complaints through the informal resolution process.

- Members observed that a number of complaints were ongoing and wished to know why the local resolution protocol did not appear to be successful in resolving the complaints, and whether there was anything in the complaints that was preventing them from being resolved. Members were advised that the local resolution protocol works reasonably well but that resolution sometimes takes longer. A number of complaints related to a meeting at the end of July immediately before the August

recess. In one instance in relation to a difficult service delivery issue, feelings were running particularly high. Following discussions with the Group leader the decision was made to leave the complaint for a while as it was felt that the service issue would be resolved, and that when it was, resolution of the complaint would be easier if a period of calm had preceded.

The Committee went into closed session to discuss exempt information in relation to a particular complaint where legal proceedings had been instigated.

RESOLVED:

To note the contents of the report.

113 : ANNUAL REPORT 2020-21

The Committee was advised that the report detailed the progress the Committee had made in a number of areas.

- Members suggested an addition explaining the reasons for the Committee's observation and monitoring of meetings, and its suggestions for improvements in pursuit of consistency.
- Members wished to know whether the period of the annual report would run until May or the end of the financial year, as required by the new legislation. Members were advised that it was felt that as a considerable amount of work had been done and a number of meetings covered, that it would be better to issue a report at this stage ahead of the change of Chair. The new Chair would then be able to report on the work that they had led the Committee on. It would also be beneficial to remind Elected Members of the presence of the Committee in the period before the Local Government election.
- Members sought clarification on the timing of the annual report. Members were advised that under the new legislation the Committee was required to report as soon as reasonably practicable after the end of the financial year. The legislation comes into effect in relation to the year 2022/2023.

RESOLVED:

- 1 To provide comments on the contents of the Committee's Annual Report 2020/21;
- 2 To delegate authority to the Monitoring Officer, in consultation with the Chair, to draft and finalise the Annual Report, having regard to comments provided by Members of the Committee; and
- 3 To ask the Chair to present the Annual Report to full Council in October 2021.

114 : ELECTION OF CHAIR

Members were invited to nominate a new Chair and Deputy Chair, and reminded that the Chair had to be an Independent Member.

The Deputy Chair Hollie Edwards-Davies was nominated and elected as the new Chair.

Chrissie Nicholls was nominated and appointed as Deputy Chair.

The Committee was advised that new Independent Members were being recruited.

The Committee and Officers expressed their thanks to the outgoing Chair for his work.

115 : FORWARD WORK PROGRAMME 2021-22

Members enquired as to whether the meeting with Group Leaders and Whips would continue to take place annually and were advised that it was for the Committee to decide its frequency, in consultation with the leaders and whips. For 2022 the timing would have to take into account the Local Government election and possible replacement of Group Leaders and Whips, but following that it would be possible to make the meeting 6 monthly if the Committee so desired.

RESOLVED:

To approve the Forward Work Programme.

116 : URGENT ITEMS (IF ANY)

No urgent items were received.

117 : DATE OF NEXT MEETING

The next meeting will take place on 9 February 2022 at 4.30 pm via MS Teams.

The meeting terminated at 6.12 pm