



For
THANET DISTRICT COUNCIL

FINAL REPORT

**MEMBERS' CODE OF CONDUCT,
DISCLOSURE OF INTERESTS &
STANDARDS ARRANGEMENTS**

Auditor: Lee Jones

Period Audited: 2012/13

Date of Review: May 2013

Date of Final Report: 5th August 2013

Audit Report Number: 1704

CONTENTS

| | Page |
|--|------|
| Executive Summary | 2 |
| Scope of the Review | 3 |
| Findings | 4 |
| Conclusion | 10 |
| Assurance statement | 10 |
| Distribution list | 11 |
| <u>Appendix 1 – Action Plan</u> | 12 |
| <u>Appendix 2 – Assurance Statements</u> | 15 |
| <u>Appendix 3 – Suggested Guidance on Social Media</u> | 16 |

1. **EXECUTIVE SUMMARY**

- 1.1 Management can place Reasonable Assurance on the system of internal controls in operation. The audit focused on the controls in place that ensure that Councillors are provided with sufficient guidance and training to ensure probity whilst undertaking their elected responsibilities.
- 1.2 The main control is the Code of Conduct itself and the Council's ability to promote it. Information on the new Code of Conduct and the associated administrative processes are widely publicised through the Internet and Intranet, although a couple of references were found to the previous Standards arrangements within the Constitution.
- 1.3 In response to the Localism Act 2011 the Council approved a new Code of Conduct for Councillors based on the 'Kent Model' in July 2012. No issues were highlighted with regard to the Register of Interests which is viewable via the Council's website. A small technical issue was however discovered in the recording of declarations of interests on the Modern.gov system. This essentially means that a member of the public searching for information using the online search facility may not be able to view all declarations made under the statistics for that Councillor.
- 1.4 The Council is processing a high number of standards complaints compared with other Councils within East Kent. Since the new Code of Conduct was introduced a year ago, 27 complaints have been received, 23 of which were made against District Councillors and 4 against Parish Councillors. Complaints made against fellow Councillors accounted for 40% of the complaints.
- 1.5 The complex complaint handling process was examined in detail and almost all of the management controls were considered to be effective. Whilst the Decision Notices were stored securely, the complaint files containing highly sensitive documentation were not securely locked in a secure facility. This issue needs to be addressed particularly as there are a high number of complaints from Councillors against other District Councillors. It was also identified that the office procedure notes were missing information in relation to the later stages of the complaint process. A number of suggestions have therefore been made to help strengthen the administrative process, improve resilience and reduce the risk of a breach of Data Protection.
- 1.6 The Standards Arrangements for assessing complaints, rejecting complaints and recording decisions was considered appropriate and effective. The Council is processing complaints efficiently and in a transparent manner, which is commendable and will help to build on the reputation of the Council.
- 1.7 Eight recommendations have been made within this report of which one has been classified as high priority, four as medium priority and three as low priority. Please see the action plan at page 12 for full details.

2. **SCOPE OF THE REVIEW**

2.1 **BUSINESS OBJECTIVE**

To ensure that the highest possible standards of conduct, probity and propriety are maintained by all Members of Thanet District Council and to thereby preserve the integrity and reputation of the organisation.

2.2 **AUDIT OBJECTIVE**

To provide assurance that the key controls and operating procedures surrounding Member compliance with the Code of Conduct, Protocol for Officer/Member relations and Standards arrangements are found to be operative throughout the year and that the business objectives were met.

2.3 **SCOPE**

The audit will examine and evaluate the procedures and controls established by management and will include:

Members Code of Conduct, Member/Officer Relations & Gifts and Hospitality:

- a) Examine and comment upon the procedures established to promote and communicate the Members Code of Conduct, Member/Officer relations protocol and Gifts & Hospitality policies and procedures throughout the Council for both new and existing Members.
- b) Review and comment upon the adequacy of the policies as a means of ensuring on-going probity and propriety by examining their content and comparing them to examples at other Council's.
- c) Review the procedures established to ensure that the policies are regularly reviewed and updated as appropriate.
- d) Examine a sample of entries within the Members' gifts and hospitality register.
- e) Examine a sample of interest disclosures in terms of Members with relationships to contractors, officers, instances of outside appointments, and membership of bodies such as the Freemasons.
- f) Review and comment upon the adequacy of arrangements to ensure as far as possible that Members disclose all relevant interests at Council and Committee meetings.
- g) Review and comment upon the adequacy of the policy/protocol and associated procedures for guiding Members to make the necessary disclosures in respect of planning decisions; for instance Members who consider planning decisions at both a parish as well as a district level.

Standards:

- a) Review and comment upon the Council's Standards Committee arrangements in terms of its composition, role and function.

- b) Review and comment upon the adequacy of the Council's standard arrangements by examining and comparing them to examples at other councils.
- c) Review and examine the adequacy of the arrangements for the appointment of independent members and parish council representatives to the Standards Committee.
- d) Review any recent Standards Committee investigations and seek adherence to the Council's own stated procedures.
- e) Review the arrangements for training Members of the Standards Committee and for updating them regularly on pertinent issues.
- f) Does the Council consider the number and nature of any previous standards complaints and whether these identify any areas for Member training to avoid future complaints.
- g) Review the Council's standard arrangements as regards parish councils within the area.

3. **FINDINGS**

| | |
|----------|--|
| 1 | <p><u>Expected Control</u> There should be procedures established to promote and communicate the Members' Code of Conduct, Member/Officer relation protocol and Gifts & Hospitality policies and procedures for the Council for both new and existing Members.</p> <p><u>Risks</u></p> <ul style="list-style-type: none"> i. A risk of a lack of office resilience, if the current officer responsible for the administrative process leaves the Council. ii. A risk to the reputation of the stewardship of the Council. <p><u>Result</u> From the enquiries undertaken the control was found to be necessary and partially effective.</p> <p>The Monitoring Officer is responsible for promoting and communicating the Members' Code of Conduct and the Democratic Services Manager is responsible for the induction process. This approach was examined and considered appropriate and effective.</p> <p>The Monitoring Officer promotes the Code of Conduct in a number of different ways; Councillor Induction process, correspondence sent to Councillors, providing guidance material to Councillors, presentations and training sessions, internet and intranet updates, one to one training sessions with Members, promotion of the Constitution, and providing materials on the Councillor Portal.</p> <p>It was identified that one member of staff is responsible for complaint handling. She supports the Monitoring Officer during the complaint process. There is a need for the Council to build in better resilience as only one part-time member of staff is currently responsible for the administrative process. More detail contained in the Office Procedure Notes would help alleviate this issue.</p> |
|----------|--|

| | |
|-----------------|---|
| | <p>Please see recommendation 1 within the Management Action Plan.</p> <p>The Councils Constitution is available on the website and makes reference to the new Code of Conduct for Councillors (page 259). There were however four references made to the old regime, which need to be removed to reflect the local arrangements, which were introduced from July 2012.</p> <p>Please see recommendation 2 within the Management Action Plan.</p> |
| <p>2</p> | <p><u>Expected Control</u></p> <p>The Code of Conduct should hold sufficient information to ensure there is relevant guidance to promote the on-going probity and propriety of Members. Procedures should be established to ensure that the Code and guidance are regularly reviewed and updated.</p> <p><u>Risks</u></p> <ul style="list-style-type: none"> i. A risk that an investigating officer would be unable to rely on the adequacy of the information provided by the Council which needs to demonstrate that a Councillor is aware of his or her obligation to abide by the new Code of Conduct. ii. An increased risk of costs due to additional investigations relating to the mis-use or mis-interpretation of posts on social media sites or through Internet blogging. <p><u>Result</u></p> <p>From the enquiries undertaken the control was found to be necessary and partially effective.</p> <p>The Council adopted a new Code of Conduct in July 2012 due to the introduction of the Localism Act 2011. The Council seems to have covered all the major stipulations contained in the Localism Act.</p> <p>Councillors no longer legally have to agree to sign anything which states they will abide by the Code of Conduct. The new Declaration of Acceptance of Office no longer captures an agreement by a Councillor to abide by the Code of Conduct.</p> <p>This poses a potential problem for Investigating officers. An investigator may not be able to prove that a Councillor has agreed to abide by the code. This means that it is more important than ever to record attendance at the training sessions so that this can be produced to an Investigating Officer looking for evidence to prove that Councillor has knowledge of the new Code of Conduct and requirement to maintain a Register of Interests available online.</p> <p>Please see recommendation 3 within the Management Action Plan.</p> <p>It was established that there is currently no Blogging or Social Media Guidance available to Councillors. The Auditor found an excellent example of guidance from another Local Authority detailing what is appropriate, how to engage, public perception and guidance on the use of social media during meetings. This was developed by the Auditor, adapted for Thanet District Council and is provided to the Monitoring Officer to consider developing further. This is attached at appendix 3.</p> <p>Some guidance on what should or should not be said on social media could assist Councillors with when blogging or using social media. Councillors</p> |

| | |
|-----------------|--|
| | <p>should be made aware of the risks and opportunities that are associated with the use of social media in order to assist them with decision-making. This additional light-touch approach is supported by a recent report published by Grant Thornton.</p> <p>Please see recommendation 4 within the Management Action Plan.</p> |
| <p>3</p> | <p><u>Expected Control</u> Members should be aware of the rules covering the registration and declaration of interests. Comprehensive information should be declared by Members to conform to the guidance given and the 28-day rule should be applied in each case of variations in information.</p> <p><u>Risk</u> Elected Members could be at risk of a criminal record if the Register of Interests are not kept up to date.</p> <p><u>Result</u> From the enquiries undertaken the control was found to be necessary and effective.</p> <p>It is now a criminal offence for elected Members not to publish an up to date Register of Interests, which is the responsibility of the elected Member. The Monitoring Officer is responsible for advising Councillors. A sample of five Councillors were randomly chosen and examined to ensure that their Register of Interests was being captured online.</p> <p>Thanet District Council is in the process of working to publish the Town and Parish Council Register of Interests online. The Monitoring Officer confirmed that he is advising Town and Parish Clerks to link their websites to Thanet's website where the registers for each Parish Council will be kept up to date.</p> |
| <p>4</p> | <p><u>Expected Control</u> Suitable arrangements should be in place to ensure that Members disclose all relevant interests at Council and Committee meetings.</p> <p><u>Risk</u> A risk to the reputation of the stewardship of the Council.</p> <p><u>Result</u> All template Committee agendas were examined and each agenda provides an invitation for Councillors to declare interests at meetings.</p> <p>The Council will shortly be re-introducing new Declaration of Interest Forms on the back of all Council and Committee meeting agendas as a mechanism to raise awareness of the requirement for Members to disclose all relevant interests at Council and Committee meetings.</p> <p>Modern.gov is used by the Council and allows Elected District Councillors to maintain a Register of Interests on the Council's website. Details of Declarations of Interests made during meetings are also captured and published online via the minutes. It was noticed during examination of declarations of interests recorded for the Planning Committee that not all of the declarations were coming up in the search facility on the Council's website.</p> <p>At a meeting in December 2012 Councillor Wells declared an interest, which is</p> |

| | |
|-----------------|--|
| | <p>recorded in the minutes but is not recorded specifically for that Councillor on Modern.gov. This means that should a member of the public search under the declaration of interest search facility via the website then they may not obtain all of the relevant information. If the Council is offering members of the public the option to view councillor statistics then this information should be made available.</p> <p>Please see recommendation 5 within the Management Action Plan.</p> |
| <p>5</p> | <p><u>Expected Control</u> Members should receive clear guidance and sufficient training to ensure that they make the necessary disclosures when considering planning decisions.</p> <p><u>Risk</u> A risk that members could make planning decisions without the necessary training or experience.</p> <p><u>Result</u> From the enquiries undertaken the control was found to be necessary and effective.</p> <p>The records on planning training were examined and are considered appropriate and well documented by Democratic Services. Each Planning Committee agenda gives Councillors an opportunity to declare any interests they may have.</p> <p>Some District Councils have decided that Councillors should declare any lobbying on planning applications before decisions are taken at planning meetings. Thanet, Canterbury and Dover have decided not to declare lobbying as a separate item on their planning agendas, which is within their power.</p> |
| <p>6</p> | <p><u>Expected Control</u> The Standards arrangements and rules should comply with the Localism Act.</p> <p><u>Risks</u></p> <ol style="list-style-type: none"> i. A risk of a lack of office resilience, if the current officer responsible for the administrative process leaves the Council. ii. A risk to the reputation of the stewardship of the Council if an Investigating Officer is unable to demonstrate that a Parish Council has adopted a Code of Conduct. <p><u>Result</u> From the enquiries undertaken the control was found to be necessary and partially effective.</p> <p>The Localism Act 2011 and the District Council's Standards arrangements were examined in detail. It is considered that the new Standards arrangements and rules do comply with the Localism Act. The decision to adopt the new Code of Conduct was correctly advertised in the local paper along with information on the Parishes who have adopted the Code of Conduct. The following eight Parish Councils were able to demonstrate that they have each adopted the Code of Conduct: -</p> <ul style="list-style-type: none"> • Birchington Parish Council; • Broadstairs Town Council; • Manston Parish Council; |

- Minster Parish Council;
- Monkton Parish Council;
- Ramsgate Town Council;
- St Nicholas-at-Wade; and Sarre Parish Council.

Cliffsend decided to adopt its own Code of Conduct. This must be provided to an Assessment Sub-Committee when deciding whether or not any breach of the code has taken place within that Parish Council. Evidence was obtained to show that this indeed happened at the point of assessment. It was also identified that whilst the Parish of Acol claim to have adopted the Code of Conduct, the Monitoring Officer has been unable to obtain evidence of this from the Clerk despite several requests.

Please see [recommendation 6](#) within the Management Action Plan.

7

Expected Control

The procedure for handling complaints should be well documented and information on making complaints should be easily available to the public.

Risks

- A risk of a lack of office resilience, if the current officer responsible for the administrative process leaves the Council.
- An increase in risk of sensitive or personal information falling in to the hands of an unauthorised person, which could mean a breach of the Data Protection Act.
- The Council is non-compliant with its own procedures and best practice.

Result

From the enquiries undertaken the control was found to be necessary and partially effective.

The Council's internet pages provide comprehensive information on how to submit a Standards complaint and the process, which will be followed when a complaint is submitted.

It was identified that one member of staff is responsible for complaint handling and that she supports the Monitoring Officer with administration during the complaint process. The Council needs to build in some better resilience if one part-time member of staff is responsible for the complicated administrative process of handling several highly sensitive complaints at several different stages at any one time. More detail contained in the Office Procedure Notes would help overcome this as some vital stages of the process (i.e. Investigations and Hearing Panels) are currently omitted from the procedure notes.

Please see [recommendation 1](#) within the Management Action Plan.

The number of complaints against Councillors in the Thanet District is considerably higher than at other Councils in East Kent. This means that there is a now even more of a need to show complete transparency and to demonstrate that the process is fairly and consistently applied.

At the point of the audit the Council had received:

- 106 complaints (in total since the previous regime started);

| | |
|------------------------|--|
| | <p>b) 27 complaints since the Code of Conduct was approved in July 2012 of which:</p> <ul style="list-style-type: none"> • 2 complaints were open pending an investigation; and • 6 complaint were open pending an assessment. <p>It was also confirmed that the cabinet where all the complaints were kept was not locked. This needs to be addressed in order to minimise the risk of this highly sensitive information being obtained by councillors who are often complainants or sensitive information being misplaced or accidentally destroyed.</p> <p>Please see recommendation 7 within the Management Action Plan.</p> <p>Three complaints were selected at random and, of these, none of the complaint forms had been date stamped as per best practice set out in the office procedure.</p> <p>Please see recommendation 8 within the Management Action Plan.</p> |
| <p><u>8</u></p> | <p><u>Expected Control</u> All investigations should comply with the rules established by the Council's own stated procedures.</p> <p><u>Risk</u> A risk of non-compliance with policy and procedure.</p> <p><u>Result</u> From the enquiries undertaken the control was found to be necessary and effective.</p> <p>The Monitoring Officer monitors the length of time taken to complete an investigation. He is also responsible for appointing an investigating officer to investigate allegations. The Standards Officer for audit purposes records the historical costs incurred. The seven cases referred for investigation is estimated to cost in the region of £3,631, which is low compared with the previous cost of investigations under the old regime.</p> <p>The Officer Procedure Notes were examined, which currently make no reference to how to appoint an investigator, who to use, their contact details, what cost code to use or what to expect. It is important to capture the detail of this information so that another officer could perform the duty in the absence of the Standards Officer. From the records seen during the audit it has clear that procedures were being followed.</p> <p>Please see recommendation 1 within the Management Action Plan.</p> |
| <p><u>9</u></p> | <p><u>Expected Control</u> Members responsible for carrying out any assessment of complaints should receive suitable training to carry out their role. Guidance and advice should be available to Parish and Town Councils if requested.</p> <p><u>Risk</u> A risk that members could assess complaints without the necessary training or experience.</p> <p><u>Result</u> From the enquiries undertaken the control was found to be necessary and effective.</p> |

| | |
|------------------|---|
| | <p>The Monitoring Officer provides support to members of an assessment sub-committee when it meets to discuss an allegation. The Monitoring Officer also consults with one of two appointed independent persons if and when required to do so.</p> <p>Training for all Councillors on the Member Code of Conduct took place during the audit. It was confirmed that each member of the Standards Committee must receive training on the Code of Conduct and additionally some one-to-one training with the Monitoring Officer before they are considered able to assess complaints. The only member of the Standards Committee that was waiting to complete their training was Councillor Julie Marson. Councillor Marson is due to have her one-to-one training with the Monitoring Officer before her training is complete.</p> |
| <p>10</p> | <p><u>Expected Control</u> The initial assessment process for a complaint against a Councillor should be adequate and well documented.</p> <p><u>Risk</u> The reputation of the Council could be damaged if the retention of documentation was not adequate.</p> <p><u>Result</u> From the enquiries undertaken the control was found to be necessary and effective. Retention of documentation was examined and considered appropriate.</p> |

4. **CONCLUSION**

- 4.1 The audit found that there is good practice in place through the Member Code of Conduct; training and administrative support to ensure that probity is maintained. The Standards Committee arrangements and the complaint handling processes were generally working well. Most of the expected controls are effective.
- 4.2 There is however some scope for improvement that could strengthen the existing controls and reduce risk and these have been made in the report and action plan shown as [Appendix 1](#).
- 4.3 In accordance with standard audit procedures, a short follow-up review will be undertaken later in the year to provide management with assurance that the recommendations contained within this report have been implemented.

5. **AUDIT ASSURANCE STATEMENT**

Management can place Reasonable Assurance on the controls in place. Please see [Appendix 2](#) for the definitions of the assurance levels.

6. **DISTRIBUTION LIST**

| Document | Reviewed by | Date | To |
|-----------------|----------------------|-------------|--|
| Draft report | Deputy Head of Audit | 25.06.13 | Corporate & Regulatory Services Manager and Monitoring Officer |
| Final report | Deputy Head of Audit | 05.08.13 | Corporate & Regulatory Services Manager and Monitoring Officer |
| | | | Financial Services Manager & Deputy S151 |
| | | | Democratic Services & Scrutiny Manager |
| | | | Democratic Services Manager |
| | | | Standards Officer |

SUMMARY OF AUDIT RECOMMENDATIONS AND ACTION PLAN

Appendix 1

| AUDIT TITLE: - Members' Code of Conduct, Disclosures of Interest and Standards Arrangements | | | DATE OF AUDIT: - May 2013 | |
|---|---|--|--|---|
| Priority High/ Medium/ Low | Main Control Risk | Audit Recommendation to mitigate risk | Proposed Action or Action Taken | Proposed Completion Date & Responsibility |
| Medium | A risk of a lack of office resilience, if the current officer responsible for the administrative process leaves the Council. | 1. Review the current office procedure notes relating to the Standards Arrangements with a view to strengthen the resilience within the team by capturing more information concerning the following procedures: i) Appointing an investigator and organising an investigation. ii) Setting up a Hearing Panel. | The Office Procedure Notes will be reviewed and amended accordingly. | Standards Officer December 2013 |
| Low | A risk to the reputation of the stewardship of the Council. | 2. Review the Constitution with a view to removing references made to the Standards Board for England (pages 7, 20, 270 and 290) and reflect the local arrangements introduced from July 2012. | These changes will be considered as part of the next Constitutional review. | Corporate & Regulatory Services Manager and Monitoring Officer December 2013 |
| Medium | A risk that an investigating officer would be unable to rely on the adequacy of the information provided by the Council which needs to demonstrate that a Councillor is aware of his or her obligation to abide by the new Code of Conduct. | 3. The Council should satisfy itself that since 2012 any new Councillors elected to serve on the Council are automatically legally bound to abide by the Code of Conduct for Councillors. | The Council has satisfied itself that Councillors are automatically legally bound to abide by the Code of Conduct since the implementation of the Localism Act 2011. | Corporate & Regulatory Democratic Services Manager December 2013 |

SUMMARY OF AUDIT RECOMMENDATIONS AND ACTION PLAN

Appendix 1

| AUDIT TITLE: - Members' Code of Conduct, Disclosures of Interest and Standards Arrangements | | | DATE OF AUDIT: - May 2013 | |
|---|--|---|---|---|
| Priority High/Medium/Low | Main Control Risk | Audit Recommendation to mitigate risk | Proposed Action or Action Taken | Proposed Completion Date & Responsibility |
| Medium | An increased risk of costs due to additional investigations relating to the mis-use or mis-interpretation of posts on social media sites or through internet blogging. | 4. To consider introducing to the Councillor Portal some guidance for Councillors on personal internet blogging and use of social media. | The guidance provided by the Auditor will be used to develop Cllr Guidance before being agreed by Council. | Corporate & Regulatory Services Manager and Monitoring Officer December 2013 |
| Medium | A risk to the reputation of the stewardship of the Council. | 5. Ensure officers using the Modern.gov system since July 2012, record declarations of interests in a way so that declarations of interests appear in the statistical information for each councillor as well as recorded within the minutes. | All Democratic Services Officers will be advised of the need to record declarations in a way which ensures declarations of interest at meetings appears in the statistical information on Modern.gov. | Corporate & Regulatory Services Manager and Monitoring Officer December 2013 |
| Low | A risk to the reputation of the stewardship of the Council if an Investigating Officer is unable to demonstrate that Acol Parish Council has indeed adopted a Code of Conduct. | 6. Consider escalating the issue that no evidence has been forthcoming to demonstrate that Acol Parish Council have adopted a new Code of Conduct despite several attempts to gain access to this information by the Monitoring Officer. | Management will escalate accordingly. | Corporate & Regulatory Services Manager and Monitoring Officer December 2013 |

SUMMARY OF AUDIT RECOMMENDATIONS AND ACTION PLAN

Appendix 1

| AUDIT TITLE: - Members' Code of Conduct, Disclosures of Interest and Standards Arrangements | | | DATE OF AUDIT: - May 2013 | |
|---|---|---|--|---|
| Priority High/ Medium/ Low | Main Control Risk | Audit Recommendation to mitigate risk | Proposed Action or Action Taken | Proposed Completion Date & Responsibility |
| High | An increase in risk of sensitive or personal information falling in to the hands of an unauthorised person, which could mean a breach of the Data Protection Act. | 7. Ensure the cabinet containing files relating to past complaints is securely locked at all times. | A locking mechanism will be fitted to the complaint filing cabinet. | Corporate & Regulatory Services Manager and Monitoring Officer December 2013 |
| Low | The Council is non-compliant with its own procedures and best practice. | 8. Ensure all future complaint forms record the date they were received. | All hard copy complaints received will be date stamped and all electronic complaints received will be filed with the e-mail which will record the date the complaint was received. | Standards Officer December 2013 |

Copies of all final internal audit reports are forwarded to the Council's Risk Management officer as a mechanism to ensure that identified control issues are fed back into the risk assessment process. A copy is also provided to the Performance Information Officer in order that all agreed recommendations may be logged and monitored through the Performance+ system. Responsibility for making any adjustments deemed necessary to the risk register rests with the management of the function.



AUDIT ASSURANCE

Definition of Audit Assurance Statements

Substantial Assurance

From the testing completed during this review a sound system of control is currently being managed and achieved. All of the necessary, key controls of the system are in place. Any errors found were minor and not indicative of system faults. These may however result in a negligible level of risk to the achievement of the system objectives.

Reasonable Assurance

From the testing completed during this review most of the necessary controls of the system in place are managed and achieved. There is evidence of non-compliance with some of the key controls resulting in a marginal level of risk to the achievement of the system objectives. Scope for improvement has been identified, strengthening existing controls or recommending new controls.

Limited Assurance

From the testing completed during this review some of the necessary controls of the system are in place, managed and achieved. There is evidence of significant errors or non-compliance with many key controls not operating as intended resulting in a risk to the achievement of the system objectives. Scope for improvement has been identified, improving existing controls or recommending new controls.

No Assurance

From the testing completed during this review a substantial number of the necessary key controls of the system have been identified as absent or weak. There is evidence of substantial errors or non-compliance with many key controls leaving the system open to fundamental error or abuse. The requirement for urgent improvement has been identified, to improve existing controls or new controls should be introduced to reduce the critical risk.

Social Media Guidance for Councillors

The Council recognises that the use of online social media can be an excellent tool for engaging with residents and communities. A number of services give the public a direct communication channel to councillors, allowing ideas to be developed and problems to be solved. However, the increasing use of this technology poses a new set of challenges and opportunities in terms of the operation of the Council and its councillors. As such, this document has been produced to offer guidance to councillors on the manner in which the technology should be used when acting as a councillor or on Council business. It is not intended to be exhaustive, or to replace existing constitutional or legal provisions.

As the democratically elected representatives of their wards, there should be an assumption that members will act in a responsible manner for the benefit of their ward and the district as a whole. To a large degree, members are responsible for their own conduct and ensuring that it is appropriate to the situation. Mobile devices are a fundamental feature of modern life and prohibiting their use in meetings is unworkable and could limit members in balancing the demands of their family and working life. However, as with any form of communication, it is possible for the technology to be used improperly; councillors should therefore always be conscious of their public role and profile, possibly as recent national high profile cases has proven.

Use of social media or technology within meetings

Public Perception

When sitting as a member of a committee, the first duty of the councillor is to ensure they are giving proper attention to the business being considered. This includes being aware of the public perception of his or her role. Even if a councillor is paying full attention to an item while using a mobile device, it is necessary to consider that it may not appear this way. If a councillor is clearly making excessive use of a mobile device, it may be appropriate for the chair of the meeting to raise this matter, particularly if it is disrupting the meeting.

Regulatory Committees

In particular, members of quasi-judicial committees such as the Licensing or Planning Committee should be especially mindful of the need to be seen to be paying full attention to items. This is particularly true in view of the personal importance attached by applicants and the public to these matters, and the increased likelihood of a procedural challenge to the decision being taken.

Declarations of Interest

It is recommended that if a committee member has declared an interest in an item and left the room, that wherever possible councillors should cease to use mobile devices for the duration of that item to preclude the possibility of any contact between the remaining committee members and those who have left the room.

Private Business

As a general rule, members should not transmit any information that is either exempt or confidential beyond the confines of the meeting. This also applies to exempt or confidential information received outside a meeting. If in any doubt regarding the status of information, members should consult with Democratic Services or the Monitoring Officer before disseminating it in any form.

Engaging with the public

Standards of Behaviour

As an elected representative, a councillor's standard of behaviour is under particular scrutiny. Members of the public who approach a councillor in relation to their role, either

online or otherwise, should expect to be treated politely and to be helped as far as is practicable.

Confidentiality

Members of the public may have a reasonable expectation that certain comments made to a councillor will either be treated in confidence or shared solely with people who can reasonably be expected to assist with a person's request. This is particularly true of any personal information disclosed to a councillor, either in person or through social media.

Acting as a Councillor

If a complaint is made against a councillor, one relevant factor may be whether they were acting as a councillor at the time of any cause for complaint. Given the ease with which online comments can be replicated and removed from their original context or intent, members should consider whether they would be comfortable publicly defending anything, which they have posted online. It is also worth considering the context in which any information is posted with regard to whether it would be considered that a councillor is acting in a private capacity at the time of posting.

Engaging with officers and councillors

Appropriate Behaviour towards Officers

Members should have regard to the Member-Officer Protocol, and the need to treat officers with respect. Councillors should be continually aware of the need for the officer to act in a professional capacity and should not act in a manner, which would compromise this, either in appearance or in fact.

Appropriate Behaviour towards Councillors

The political nature of councillors' work means that debate and disagreement is often a fundamental and entirely proper part of their role. However, there is a line between passionate debate and personal attacks, regarding which members should be mindful. Comments made by councillors towards others, including those made under online pseudonyms, may be treated in the same manner as any similar comments made in person.