

Recommendations from Standards Assessment sub-Committee

Meeting	Standards Committee
Date	25 November 2021
Report Author	Estelle Culligan (Director of Law and Democracy)
Portfolio Holder	Cllr Ash Ashbee, Leader
Status	For Decision and recommendation to Council
Classification:	Unrestricted
Previously Considered by	Standards Assessment sub-Committee
Ward:	All

Executive Summary:

A report to update the Committee about recommendations made by the Standards Assessment sub-Committee during their consideration of various complaints since March 2021.

Recommendation(s):

To agree the following recommendations:

1. Training should be offered to councillors on declarations of interests and issues about membership of social media groups, to include independent persons and town/parish councillors.

To agree to recommend to Council:

2. That the existing Guide to Social Media in Part 5 of the Constitution, "Codes and Protocols" is updated in light of recently published Guidance by the LGA about Code of Conduct issues and specifically councillors' use of social media

Corporate Implications

Financial and Value for Money

No implications

Legal

The Council is required to have a sound Code of Conduct and standards regime is set out in the Localism Act 2011. It is therefore appropriate to periodically review how the Code of Conduct is operating and make improvements as necessary.

Corporate

The role of the Standards Committee is summarised in this extract from the Constitution:

1. To promote and maintain high standards of conduct by Members and co-opted Members of the District Council and to make recommendations to Council on improving standards.
2. To advise and assist Parish/Town Councils and Parish/Town Councillors to maintain high standards of conduct and to make recommendations to Parish/Town Councils on improving standards.
3. To advise the District Council on the adoption of or revisions to its Members Code of Conduct.
4. To advise, train or arrange to train District Members, Co-opted Members and Parish/Town Councillors on matters relating to the Members Code of Conduct.

It is therefore appropriate from time to time for the Committee to consider if any improvements can be made in training of councillors and/or amendments to the Code of Conduct.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- *To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.*
- *To advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- *To foster good relations between people who share a protected characteristic and people who do not share it.*

Corporate Priorities

This report relates to the following corporate priorities: -

(delete as appropriate)

- *Communities*

1.0 Introduction and Background

- 1.1 The Standards Assessment sub-Committee has dealt with a number of complaints since March about the issue of councillors' use of social media and various memberships of social media pressure groups.
- 1.2 The issue has been raised with particular reference to one parish/town council, and also in relation to the district council. Various councillors have also raised concerns and queries.
- 1.3 In addition to the sub-Committee's reference, the Deputy Monitoring Officer and Democratic Services team have dealt with a number of issues within parish councils about management of meetings, dealing with declarations of interests, and general lack of understanding of the Code of Conduct.

2.0 The Current Situation

- 2.1 During recent meetings, the sub-Committee has made a number of recommendations to address these issues, as follows:
 1. Training should be offered to councillors on declarations of interests and issues about membership of social media groups. It was suggested that the training includes independent persons and town/parish councillors.
 2. The Council should be asked to review the Councillors' Code of Conduct in light of recently published Guidance by the LGA about Code of Conduct issues and specifically the use of social media
- 2.2 The Local Government Association (LGA) has published a Model Code of Conduct for Councillors, following its review of standards issues. That Model Code is very similar to the Kent model Code of Conduct that the Council already has in place (along with other district and parish councils in Kent). It is therefore not recommended that the Council amends its Code of Conduct at this time.
- 2.3 However, the LGA has also published helpful guidance, link here: <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>. This guidance includes a section on councillors' use of social media.
- 2.4 Part 5 of the Constitution (Codes and Protocols) contains a section about Social Media. It is recommended that that section is updated to include reference to the LGA guide on social media.
- 2.5 It is also apparent that there is a more general issue of lack of understanding within some parish councils about the Code of Conduct, which is often due to turnover of councillors/new councillors being appointed, the Deputy MO has agreed to visit parish councils as and when required to offer support and guidance on the Code of Conduct. Mr Peter Tucker has also kindly offered to attend.

3.0 Next Steps

- 3.1 If the recommendations are approved, the Democratic Services team will arrange training for all councillors to meet recommendation 1. A report will go to Council on 9 December to request a decision on recommendation 2.

Contact Officer: *Estelle Culligan (Director of Law and Democracy)*

Reporting to: *Madeline Homer (Chief Executive)*

Background Papers

None

Corporate Consultation

Finance: *Chris Blundell (Director of Finance)*

Legal: *N/A*