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**Our reference:**  
**Your reference:**  
**Date:** Friday, 16 November 2018



**Rushcliffe Community  
Contact Centre**  
Rectory Road  
West Bridgford  
Nottingham  
NG2 6BU

To all Members of the Standards Committee

Dear Councillor

A Meeting of the Standards Committee will be held on Monday, 26 November 2018 at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull  
Monitoring Officer

### **AGENDA**

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Meeting held on 1 October 2018 (Pages 1 - 2)
4. Cases Update 2018-19 (Pages 3 - 6)
5. Revision to the Councillors' Code of Conduct (Pages 7 - 16)

### Membership

Chairman: Councillor J Wheeler  
Councillors: S Bailey, M Buckle, R Inglis, S Mallender, F Purdue-Horan,  
G Norbury, K White and A Wood

Independent Members: J Baggaley, G Norbury, K White and A Wood

**In person**  
Monday to Friday  
8.30am - 5pm  
First Saturday of  
each month  
9am - 1pm

**By telephone**  
Monday to Friday  
8.30am - 5pm

**Telephone:**  
0115 981 9911

**Email:**  
[customerservices@rushcliffe.gov.uk](mailto:customerservices@rushcliffe.gov.uk)

[www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)

**Postal address**  
Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG



## Meeting Room Guidance

**Fire Alarm Evacuation:** in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

**Toilets:** are located to the rear of the building near the lift and stairs to the first floor.

**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

**Microphones:** When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

## Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



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**MINUTES  
OF THE MEETING OF THE  
STANDARDS COMMITTEE  
MONDAY, 1 OCTOBER 2018**

Held at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road,  
West Bridgford

**PRESENT:**

Councillors J Wheeler (Chairman), S Bailey, R Inglis and S Mallender

**ALSO IN ATTENDANCE:**

G Norbury, K White and A Wood (Independent Members)

**OFFICERS IN ATTENDANCE:**

T Coop  
S Sull

Constitutional Services Officer  
Monitoring Officer

**APOLOGIES:**

Councillors M Buckle and F Purdue-Horan  
J Baggaley (Independent Person for Standards Matters)

**5 Declarations of Interest**

There were no declarations of interest.

**6 Minutes of the Meeting held on 2 July 2018**

The minutes of the meeting held on 2 July 2018 were approved as a correct record and signed by the Chairman.

**7 Cases and Work Update 2018 - 2019**

The Monitoring Officer provided a report to update the committee on complaints received. The Monitoring Officer advised that there had been no further cases of complaints regarding alleged breaches of the Councillor's Code of Conduct since the last meeting on 2 July 2018.

The Monitoring Officer reported that since the last meeting, invitations had been sent to the Town and Parish Councils regarding receiving a presentation in respect of adopting a universal Code of Conduct, but advised that no responses had been received. The Monitoring Officer also advised that the training and development work reported at the last meeting would be scheduled as part of the induction training for all newly elected Councillors following the elections in May 2019.

It was **RESOLVED** that the report be noted.

## 8 Revision to the Councillors' Code of Conduct

The Monitoring Officer submitted a report requesting that the committee consider potential amendments to the Borough Council's Code of Conduct, including the incorporation of a Social Media guide. The Monitoring Officer recommended that revisions to the Code of Conduct be drafted to incorporate these changes prior to being circulated to stakeholders for comment, with their responses reported back to the committee.

The Committee considered what was required within the Social Media guidance and what would be best practise with regard to adopting a universal guide to illustrate potential problems that could be encountered when using social media platforms. The Committee considered the potential dangers of using personal emails and social media pages and noted that engagement with the public should remain professional and positive when commenting on local issues that affected the communities in which they lived. The Committee agreed that Social Media, if used correctly and within specified guidelines was a positive form of communication, in particular in engaging with the younger and harder to engage with demographic audience. As part of the discussion Mrs K White circulated an illustrative example of what the guide could look like.

The Monitoring Officer thanked the committee for their comments and advised that she would be writing to the Town and Parish Councils to invite them to submit their comments in respect of Protocols around Social Media. A further draft for a Social Media guide would then be circulated at the next committee meeting for comment.

The Monitoring Officer invited the committee to comment on the current Councillors' Code of Conduct for Borough Councillor's and on what changes if any, that they would like to make to create a universal and more user friendly Code that could be adopted by Town and Parish Council's. The Committee established that the Code needed to be simplified and that the information contained within it needed to be clear and concise. Members of the Committee agreed that particular attention was required to ensure clarity on critically important areas such as recording Councillor's registration of interests and on the declaration of pecuniary and non-pecuniary Interests at meetings.

It was **RESOLVED** that:

- a) the draft social media guidelines be approved for circulation to the Town and Parish Council for comment and other stakeholders for comment.
- b) the draft revisions to the Code of Conduct be supported.

The meeting closed at 7.34 pm.

CHAIRMAN



Rushcliffe  
Borough Council

**Standards Committee**

**26 November 2018**

**Cases and Work Update 2018 -2019**

## **Report of the Monitoring Officer**

### **1. Summary**

- 1.1. This report provides information on the number of complaints received since the implementation of the new standards regime from July 2012. It also aims to help in identifying areas where training or education may assist Councillors' understanding of the regime's requirements.

### **2. Recommendation**

It is RECOMMENDED that the report be noted.

### **3. Details**

- 3.1. In June 2012 the Council agreed a Councillor Code of Conduct in line with provisions within the Localism Act 2011. It also agreed to retain a Standards Committee. Council requested that the Code and the Committee's role and terms of reference be reviewed after a year. At its meeting on 25 July 2013, the Standards Committee undertook this review and its report and recommendations were presented to Council in September 2013.
- 3.2. At its meeting in September 2013, Council upheld the Standards Committee's recommendations with no changes being made to the Committee's composition or terms of reference. In December 2013, Council agreed the appointment of John Baggaley as the Council's Independent Person for standards as required by the Localism Act. At the Standards Committee's request, Mr Baggaley is invited to attend its meetings in order that he is aware of its role and work.
- 3.3. In relation to complaints received since the implementation of the existing standards regime (from the 1 July 2012), there have been a total of 54 cases (to include cases mentioned below). Details of these cases have been periodically reported to the Committee, with the last report in October 2018.
- 3.4. Since the date of the last meeting five complaints have been received.
- 3.5. The table at **Appendix A** indicates the date of complaint, if it related to a Borough, Parish or Town Councillor, if the complaint was made by another Borough, Parish or Town Councillor and what action was taken to address the complaint. Historical information is in shaded boxes, and fresh information is in white background boxes.

#### 4. Other Work

- 4.1. During the year, the Monitoring Officer has been available to provide support to questions raised by individuals.
- 4.2. Since the last meeting invitations have been made for presentations to Parish Councils to comment on the draft Code of Conduct and Social Media Guidance. Details of responses are set out at Appendix B. Responses have been received from three Parish Council's in the form of an acknowledgement. No comments have been received.
- 4.3. The training and development work was reported to the last meeting and is programmed to deliver induction training following the May 2019 elections

#### 5. Implications

##### 5.1. Finance

There are no direct financial implications

##### 5.2 Equality & Diversity

All complaints are considered with reference to the Council's Equality scheme

##### 5.2. Legal

There are no specific legal implications

##### 5.3. Corporate Priorities

Delivery of an effective Standards regime supports the Council's priority of *'Maintaining and enhancing our residents' quality of life –Our residents'*

##### 5.4. Other Implications

None

<b>For more information contact:</b>	Sanjit Sull Monitoring Officer <a href="mailto:ssull@rushcliffe.gov.uk">ssull@rushcliffe.gov.uk</a>
<b>Background papers Available for Inspection:</b>	None
<b>List of appendices (if any):</b>	<b>Appendices:</b>

## Appendix A

### Summary of new cases from October 2018

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	26/09/2018	County/ Borough Council and Bingham Town Council	Member of the Public	Yes	Complaint rejected following initial assessment
	02/10/2018	Keyworth Parish Council	Member of the Public	Yes	At initial assessment stage
	25/10/2018	Borough Council and Bingham Town Council	Borough/Town Councillor	Yes	At initial assessment stage
	23/10/2018	Gotham Parish Council	Members of the public (three complainants)	Yes	At initial assessment stage
	05/11/2018	Borough Council and Bingham Town Council	Borough /Town Councillor	Yes	At initial assessment stage

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**CODES AND PROTOCOLS****APPENDIX B****COUNCILLOR CODE OF CONDUCT**

You are a Councillor or co-opted member of Rushcliffe Borough Council and as such are committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

Accordingly, when acting in your capacity as a Councillor or co-opted member:

- (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate
- (b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties
- (c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit

## Revision to the Councillors' Code of Conduct

- (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office
- (e) you must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions
- (f) you must declare any private interests, both pecuniary and non-pecuniary, including your membership of any trade union, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below
- (g) you must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- (h) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and by example, by respecting others and not bullying, intimidating or harassing and person, or behaving in an improper or offensive manner (including the use of offensive language or making improper personal remarks to or about individuals), by respecting the confidentiality of information you receive, and by not conducting yourself in a manner which is likely to bring the authority into disrepute
- (i) you must have regard to any relevant advice provided to you by the Council's Monitoring Officer, Section 151 Officer and Chief Executive where they are acting pursuant to his or her statutory duties
- (j) you must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) you have the consent of a person authorised to give it
  - (ii) you are required by law to do so
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    1. reasonable, in the public interest and
    2. made in good faith and in compliance with the reasonable requirements of the Council.
- (k) You must promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion or belief,

## Revision to the Councillors' Code of Conduct

gender (including gender reassignment), marital (or civil partnership) status, pregnancy or maternity, sexual orientation or disability

- (l) You must abide by such policies and protocols as are included within the Council's constitution where they are relevant to the work that you carry out as a Councillor or co-opted member
- (m) You must abide by pre-election rules during purdah periods

## Revision to the Councillors' Code of Conduct

### **Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see attached schedule), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the Council's register, then the Councillor must disclose the interest to the chair of any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>

Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.

If you are in any doubt regarding your obligations you should contact the Councils Monitoring Officer.

**FAILURE TO MAKE THESE DISCLOURES IS A CRIMINAL OFFENCE**

# Revision to the Councillors' Code of Conduct

<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a Councillor or co-opted member of an authority having an interest, and the nature of the interest being such that the Councillor or co-opted member, and the Authority's Monitoring Officer, consider that disclosure of the details of the interest could lead to the Councillor or co-opted member, or a person connected with the Councillor or co-opted member, being subject to violence or intimidation.

## SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses of the Councillor</p> <p>This includes any payment of financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or body in which the relevant person has a beneficial interest) and the relevant Authority –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant Authority
Licenses	Any license (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer
Corporate tenancies	<p>Any tenancy where (to the Councillor's knowledge) –</p> <p>(a) the landlord is relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to the Councillor's knowledge) has a place of business or land in the area of the relevant Authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the</p>

## **Revision to the Councillors' Code of Conduct**

shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **Revision to the Councillors' Code of Conduct**

### **GUIDANCE FOR COUNCILLORS AND CO-OPTED MEMBERS IN RESPECT OF DECLARING INTERESTS**

If business to be transacted or discussed at a meeting either relates to, or is likely to affect any of your interests, especially any of your Disclosable Pecuniary Interests, then you should declare an interest.

Remember that Disclosable Pecuniary Interests include your interests, and those of your spouse/civil partner OR anyone you live with as if they were you spouse/civil partner.

An interest is a Non-Pecuniary Interest when:

- The interest is not a pecuniary interest (as defined in the schedule above) but;
- The interest is so significant that a member of the general public, who knew about your interest would reasonably consider that your interest would materially affect your ability to act in the public interest in connection with the matter being discussed

For example, where a lifelong supporter of Nottinghamshire County Cricket Club, is on a committee discussing a matter that might affect the club, a member of the public might reasonably conclude that your ability to act impartially in this matter might be impaired.

Where you have a Disclosable Pecuniary interest in an item being discussed at a meeting, you should not take part in any discussion or vote relating to that item unless you have previously been granted dispensation to do so. You should leave the meeting room prior to the relevant item on the agenda being discussed and not return until requested by the Chair of the meeting.

Where you have a Non-Pecuniary Interest, you should declare your interest and explain your interest in enough detail for a member of the public to understand it. You may then participate and vote in the normal way.

Please remember to keep your register of interests up to date.

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Rushcliffe Borough Council

Social Media Guidance for Councillors

### **What is social media?**

Online engagement can be regarded as social media – it covers a broad range of websites, online tools and other interactive electronic media which allow users to interact with others over the internet. Examples may include Facebook, Twitter, MySpace, Flickr, YouTube, Instagram, LinkedIn, blog sites, discussion forums, wikis, Whatsapp, Telegram and email.

This protocol is intended to offer guidance to all Councillors who wish to use social media, whether by laptop, smart phone or other means of access to networking sites, blogs, tweets, messaging services or similar activities.

### **What is the purpose of social media?**

Social media is an effective tool for talking and listening to residents, local businesses and other organisations.

It is a useful tool for raising awareness of the work that you do, and for keeping in touch with news and other events in your community.

### **Purpose of this guide**

This guide is designed to support effective and lawful use of social media in a way which is effective, lawful and does not compromise either the Council, or your position as a councillor.

It is important to remember that you are personally responsible for what you publish on social media. Even if you were to delete a hasty or regrettable email, blog, tweet or other communication, someone somewhere could already have read it, and it will therefore be beyond your reach and control.

Inappropriate use of social media may have the following consequences:

- Reputational damage to you individually and/or to the Council
- Breach of code of conduct
- Civil or criminal legal action being taken against you relating to breaches of legislation

### **Legal responsibilities of Councillors and Co-opted Members**

When using social media in any form, Councillors and Co-opted Members should remember that laws relating to defamation and copyright apply just as much to social media as they do to other forms of communication. The principles contained in the Council's Code of Conduct for Councillors and Members also applies use of social media.

You should, therefore:

- Respect copyright and intellectual property – do not post copyrighted images or text if you do not have the permission from the owner

- Take care not to make defamatory statements when using social media. You should ensure that you delete defamatory comments made by others on your site.
- Always comply with the council's data protection policy - do not post personal details or other information about people on social media unless they have expressly given you their consent to do so.
- Never post on matters which are private, restricted, confidential, or internal
- Remember that the council's equality policy and principles apply online to social media – take care not to post items which might be considered discriminatory under the terms of the Equality Act
- Take care not to harass or bully residents or other councillors online.

If you choose to use social media, then remember that you are personally responsible for your social media account. The Council will not indemnify you against any penalties, convictions or other losses that you sustain as a result of your use of social media.

### **Tips for Councillors**

Consider when use social media is appropriate as a form of communication. It does not, and should not replace your traditional work. Remember that not all residents will use social media.

Think before you type and consider the best time to use (and not to use) social media

Don't discuss specific casework online.

Keep your personal and councillor social media accounts separate. You should not use your personal account for councillor purposes, and you should not use your councillor account for private matters. Ensure that your councillor account is identified as such e.g. "Cllr F Bloggs"

Familiarise yourself with, and ensure the appropriate privacy settings are engaged on each social media platform that you use

And above all...

THINK before you type. A good rule of thumb is not to put post any message that you would not be happy to have read out in open court. Do not send messages when you are angry, upset, have been drinking alcohol, or any other situation in which your judgment might be compromised. Sleep on it.