

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8511
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Friday, 13 September 2019



**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, 23 September 2019 at 7.00 pm in the Committee Room 1, 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. Minutes of the Meeting held on 1 July 2019 (Pages 1 - 4)
3. Declarations of Interest
4. Cases and Work Update (Pages 5 - 18)

The report of the Monitoring Officer is attached.

Membership

Chairman: Councillor S Bailey
Councillors: S Mallender, G Norbury, K White, A Wood, A Brennan, N Clarke,
T Combellack and L Howitt

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

By telephone
Monday to Friday
8.30am - 5pm

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0115 981 9911

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customerservices@rushcliffe.gov.uk

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Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
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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 JULY 2019

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

PRESENT:

Councillors S Bailey (Chairman), A Brennan, T Combellack, L Howitt and
S Mallender

ALSO IN ATTENDANCE:

Sabina Nelkin, Kerry White and Allen Wood (Independent Members)
J Baggaley (Independent Person)

OFFICERS IN ATTENDANCE:

T Coop
S Sull

Democratic Services Officer
Borough Solicitor

APOLOGIES:

Councillors N Clarke

1 Minutes of the Meeting held on

The minutes of the meeting held on 12 March 2019 were approved as a true record and signed by the Chairman.

2 Declarations of Interest

There were no declarations of interest reported.

3 Cases and Work Update

The Monitoring Officer provided a report that updated the Committee on complaints received. Since the Committee's last meeting on 12 March 2019 three further complaints have been received regarding alleged breaches of the Councillor's Code of Conduct. One complaint had been reviewed by the Monitoring Officer, and no further action taken following initial assessment. One was at the initial assessment stage and the other was being referred for formal investigation by the Monitoring Officer giving due regard to the Councillor Complaint Procedure, and where appropriate the Independent Person had been consulted.

The Monitoring Officer reported that since the last meeting she had received one favourable response from the letter to Town and Parish Council's in respect of adopting a universal code of conduct.

In addition, the Monitoring Officer updated the Committee on the New

Councillor Induction Programme advising that the session on Standards was well attended.

Mrs Kerry White asked a specific question in relation to the Chief Executives Statement of Support which the Committee had endorsed at its last meeting, and whether there had been any noticeable change in the complaints being received. The Monitoring Officer advised that the arrangements were working well and she welcomed the support the Committee provided.

It was **RESOLVED** that the Committee note the report.

4 **Committee on Standards in Public Life and Revisions to Councillors Code of Conduct**

At its last meeting on 12 March 2019 the Committee were asked to consider the findings of the Committee on Standards in Public Life, review of Local Government Ethical Standards. The Monitoring Officer presented a report that updated Members on the resolutions made, in particular the revised documents to introduce best practise and recommendations set out in the Committee on Standards in Public Life Report. The Monitoring Officer had accordingly revised the code of conduct, Arrangements and draft criteria for assessment of complaints, the Public Interest Test and Social media Protocol of which copies were provided in an appendix to the report.

Members considered the documents and asked specific questions in respect of the Code of Conduct, and whether the changes were adequate and clear enough for Town and Parish Councils to adopt. The Monitoring Officer explained that the feedback she had received from Town and Parish councils was positive and that she was happy to work with them if and when problems arise. The Monitoring Officer added that the Code was a working document and further revision could be considered in future. Mr Baggarley, the independent person welcomed the extensive work the Monitoring Officer had done.

Members raised a number of concerns in relation to the Social Media Protocol and the negative tone in the language used. It was suggested that the document be presented in an alternative format, using colour and visuals to make it more user friendly and to encourage rather than discourage Councillors' in using Social Media.

It was **RESOLVED** that:

- a) The revision to the Councillor Code of Conduct and Arrangements be adopted by Council at its meeting on 18 July 2019.
- b) The best practise recommendations set out in the Committee on Standards in Public Life report be adopted by Council at its meeting on 18 July 2019.

5 **Exclusion of the Public**

It was **RESOLVED** that under section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as

defined in paragraph 1 of 1 of schedule 12A of the Act (amended).

6 **Standards Investigation Report**

The Committee considered Code of Conduct complaints against a Keyworth Parish Councillor, Anthony Grice.

The investigation was conducted in accordance with the Council's procedure for Standards Matters and the Independent Person was consulted at all stages of the process in accordance with the Council's arrangements.

It was **RESOLVED** that:

- a) Councillor Grice had failed to comply with the Codes of Conduct in accordance with the Council's arrangements.
- b) The Committee noted the outcome of the investigation and the determination thereof by way of local resolution.
- c) Councillor Grice provided a written and minuted apology at the full Parish Council held on 11 March 2019.

The meeting closed at 7.48 pm.

CHAIRMAN

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Standards Committee

Monday, 23 September 2019

Cases and Work Update 2019 -2020

Report of the Monitoring Officer

1. Purpose of the report

- 1.1. This report provides information on the number of complaints received since Standards Committee 1 July 2019. 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:

- a) the report be noted;
- b) The committee approve the adoption of the Social Media Guidance;
- c) The committee consider and agree a work program to include a review of the implementation of the Best Practice Principals.

3. Supporting Information

- 3.1. A summary of the complaints received since the implementation of the existing Standards regime (June 2012) are set out in the table at Appendix 1.
- 3.2. Since the implementation of the existing standards regime (from the 1 July 2012), there have been a total of 69 cases (to include cases mentioned herein). Details of these cases have been periodically reported to the Committee, with the last report in July 2019.
- 3.3. Since the date of the last meeting nine complaints have been received.
- 3.4. 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 a member of the public, another Borough, Parish or Town Councillor and what action was taken to address the complaint.

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 the code of conduct has been adopted (July Council). The Monitoring Officer has advised Parish Councils of the revisions to the draft Code of Conduct, arrangements and Public Interest Test.

- 4.3. The new member induction program is complete and under review by the member development group.
- 4.4. The July meeting recommended to Council the adoption of the best practice principles. The recommendation was approved by Council. The committee is invited to consider the schedule at **Appendix B** which suggests a timescale for adoption of the principles which could subject to approval by the committee form the committees annual work program.
- 4.5. The committees comment on the Social Media Guidance have informed the revised guide appended at **Appendix C** for review and adoption by the committee.

5. Implications

5.1. Financial Implications

There are no direct financial implications.

5.2. Legal Implications

There are no specific legal implications.

5.3. Equalities Implications

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

5.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no Section 17 implications.

6. Link to Corporate Priorities

- 6.1. Delivery of an effective Standards regime supports the Council’s priority of ‘Maintaining and enhancing our residents’ quality of life –Our residents’

7. Recommendation

It is RECOMMENDED that:

- a) the report be noted;
- b) The committee approve the adoption of the Social Media Guidance;
- c) The committee consider and agree a work program to include a review of the implementation of the Best Practice Principals.

For more information contact:	Sanjit Sull Monitoring Officer ssull@rushcliffe.gov.uk 0115 9148215
Background papers Available for Inspection:	None.

List of appendices (if any):

Appendix A – Code complaints

Appendix B – Implementation Timetable

Appendix C – Social Media guidance

Appendix A

Update on cases from 26 November 2018

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	02/10/2018	Keyworth Parish Council	Parish Councillor	Yes	Investigation report received, MO and IP reviewing resolution with Subject Member.
	25/10/2018	Borough Council and Bingham Town Council	Borough/Town Councillor	Yes	Complaint review, no formal action.
	23/10/2018	Gotham Parish Council	Members of the public (three complainants)	Yes	Complaint review, no action.
	05/11/2018	Borough Council and Bingham Town Council	Borough /Town Councillor/ County Councillor	Yes	Complaint review, no formal action.

Summary of new cases from report to committee 26 November 2018

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	07/11/2018	RBC	Member of the Public	Yes	Complaint review, no action.
	15/11/2018	Borough Council and Bingham Town Council	Town Councillor	No	Complaint review, no action.
	14/11/2018	Bingham Town Council	Borough /Town Councillor	No	Complaint review, no action.

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	03.12.2018	Wysall and Thorpe in the Glebe PC	Member of the public	Yes	Complaint review, no action.
	18.12.2018 (linked complaint received 13.11.18)	Bingham Town Council x 3	Member of the public	Yes	1 x Complaint: no action, 1x Complaint, local resolution (apology) 1x Complaint referred for formal investigation.
	21.01.2019	Newton PC	Parish Councillor	Yes	Complaint withdrawn

Summary of new cases from report to committee 12 March 2019

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	25.03.2019	Borough Council and Bingham Town Council	Town Council Employee	Yes	Referred for formal investigation
	06.06.2019	Borough Council and Bingham Town Council	Member of the public	Yes	Initial assessment stage
	11.03.2019	Borough Council	Borough Councillor	No	Complaint not accepted under code

Summary of new cases from report to committee 1 July 2019

Case Ref	Date Received	RBC/Parish Council	Complainant	Independent Person Consulted	Decision and Date
	11.03.2019	Borough Council	Borough Council	No	Complaint not accepted under code
	25.03.2019	Borough Council and Bingham Town Council	Town Council Employee	Yes	Local resolution accepted

	06.06.2019	Borough Council and Bingham Town Council	Member of the public	Yes	Complaint not accepted under code
	20.06.2019	Cotgrave Parish Council	Member of public	Yes	Complaint not accepted under code
	23.06.2019	Borough Council and Bingham Town Council	Town Council Employee	Yes	Complaint not accepted under code
	01.07.2019	Tollerton Parish Council	Member of public	Yes	Complaint not accepted under code
	04.07.2019	Bradmore Parish Council	Member of public	Yes	Complaint not accepted under code
	15.07.2019	Borough Council and Bingham Town Council	Yes	Yes	On hold pending internal determination of issue giving rise to complaint
		Borough Council and Bingham Town Council	Town Councillor	Yes	Complaint not accepted under code

Implementation Timetable

Best Practice	Description	Achieved Date
Best Practice 1	Local Authority should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	
Best Practice 2	Councils should include provisions in their code of conduct requiring Councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by Councillors.	
Best Practice 3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities	
Best Practice 4	An authority's code should be readily accessible to both Councillors and the public, in a prominent position on a Councils website and available in Council premises.	
Best Practice 5	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV	
Best Practice 6	Councils should publish a clear and straightforward public interest test against which allegations are filtered	
Best Practice 7	Local authorities should have access to at least two Independent Persons	
Best Practice 8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	
Best Practice 9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	
Best Practice 10	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complains, and estimated timescales for investigations and outcomes.	
Best Practice 11	Formal standards complains about the conduct of a Parish Councillor towards a Clerk should be made where possible by the chair or by the Parish Council as a whole. In exceptional	

	circumstances the Clerk of the Parish may make the complaint.	
Best Practice 12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to Parish Councils within the remit of the principle authority. They should be provided with adequate training, corporate support and resources to undertake this work.	
Best Practice 13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	
Best Practice 14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and given a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.	
Best Practice 15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	

Rushcliffe Borough Council

Social Media Guidance for Councillors

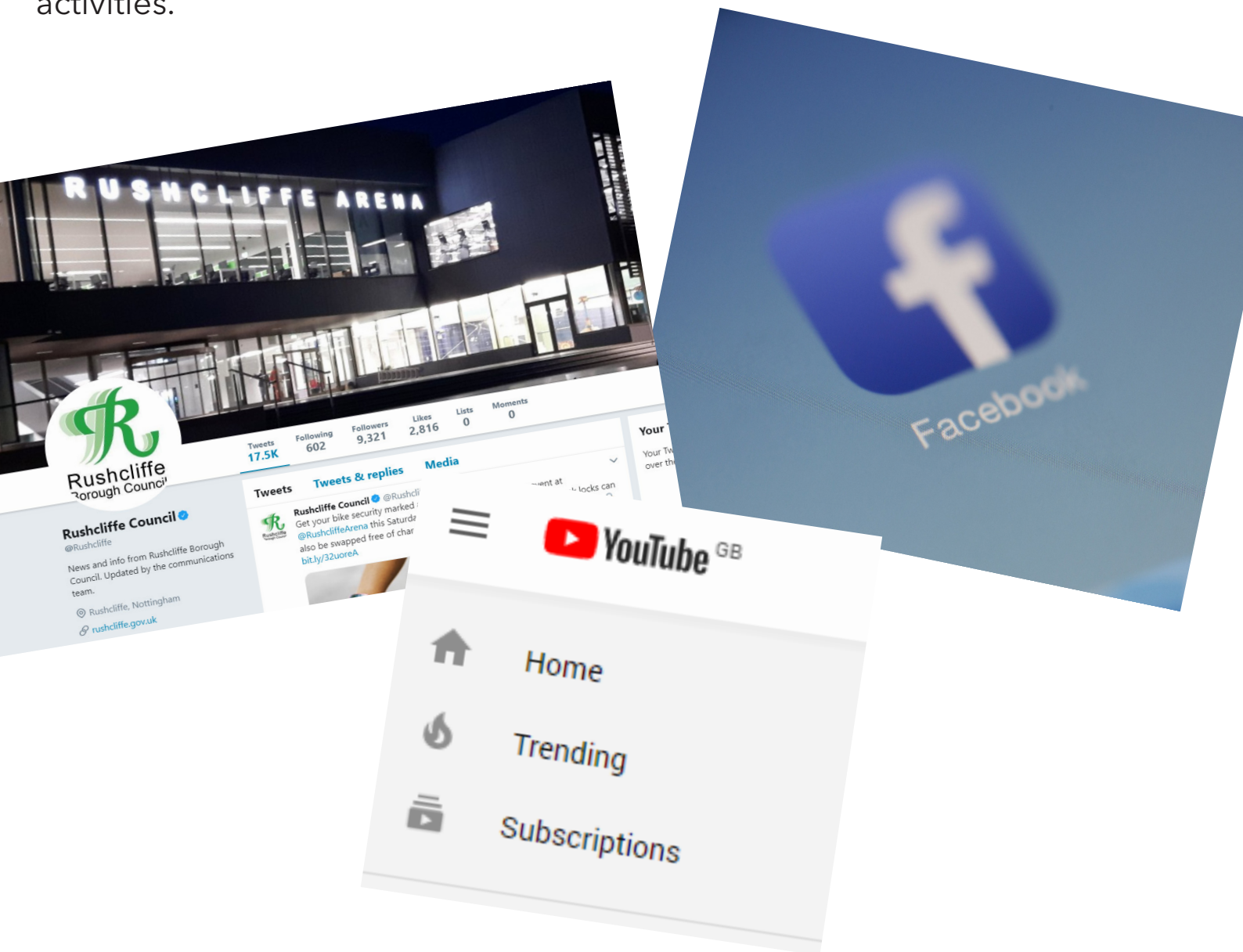


What is social media?

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.

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.



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