



NOTTINGHAM CITY COUNCIL
STANDARDS COMMITTEE

Date: Thursday, 22 March 2018

Time: 10.00 am

Place: LH 0.06 - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Corporate Director for Strategy and Resources

Governance Officer: Nancy Barnard **Direct Dial:** 0115 8764312

1 CHANGES TO COMMITTEE MEMBERSHIP

To note Councillor Andrew Rule's appointment to the Committee
To note Councillor Jon Collins' resignation from the Committee

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

4 MINUTES

Last meeting held on 27 September 2017 (for confirmation)

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5 SOCIAL MEDIA GUIDANCE

Report of the Director of Legal and Governance

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**6 COMMITTEE ON STANDARDS IN PUBLIC LIFE - CONSULTATION
ON LOCAL GOVERNMENT ETHICAL STANDARDS**

Report of the Director of Legal and Governance

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7 COUNCILLOR COMPLAINTS – 6 MONTH REVIEW

Report of the Director of Legal and Governance

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IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF

POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

STANDARDS COMMITTEE

MINUTES of the meeting held at LH 3.19 - Loxley House, Station Street, Nottingham, NG2 3NG on 27 September 2017 from 10.05 am - 10.21 am

Membership

Present

Councillor Leslie Ayoola
Councillor Ginny Klein
Councillor Wendy Smith
Councillor Chris Tansley (Chair)

Absent

Councillor Jon Collins
Councillor Georgina Culley
Councillor Neghat Khan
Councillor Jane Urquhart

Colleagues, partners and others in attendance:

Nancy Barnard - Governance Manager
Nigel Cullen - Independent Person for Standards
Sarah Molyneux - Head of Legal and Governance
Malcolm Townroe - Director of Legal and Governance and Monitoring Officer

7 APOLOGIES FOR ABSENCE

Councillor Jon Collins – other Council business
Councillor Neghat Khan – other Council business
Councillor Jane Urquhart – work commitments

8 DECLARATIONS OF INTEREST

None

9 MINUTES

The minutes of the meeting held on 29 June 2017 were agreed as a correct record and were signed by the Chair.

10 ESTABLISHMENT OF A STANDARDS HEARINGS SUB-COMMITTEE

Malcolm Townroe, Director of Legal and Governance and Monitoring Officer presented his report to the committee and responded to Councillors' questions highlighting the following points:

- a) The Hearings Sub-Committee would be responsible for hearing complaints that a Councillor or Co-opted member of a Committee had breached the Code of Conduct;
- b) As a formal committee within the Council's governance structure the Hearings Sub-Committee will need to be politically balanced. Balance applies to the

membership of the Committee rather than the Councillors in attendance at meetings;

- c) It is anticipated that the members of the Sub-Committee will be selected from the membership of the Standards Committee as and when complaints cases arise. This will allow for flexibility in the membership of the Sub-Committee and will help to ensure that cases are heard by Councillors with no prejudicial prior involvement in the case;
- d) All political groups are able to appoint substitute members to the Standards Hearings Sub-Committee provided the same substitute member sits on the Sub-Committee for the duration of the hearing;
- e) The Standards Committee and the Hearings Sub-Committee are both subject to access to information regulations and legislation and if any information is to be considered it would need to be exempted under Schedule 12A of the Local Government Act 1972.

RESOLVED to:

- (1) Approve the establishment of a Standards Hearings Sub-Committee;**
- (2) Agree the Terms of Reference for the Sub-Committee as outlined in the Appendix to the Monitoring Officer's report;**
- (3) Note that the Constitutional Amendment required by the establishment of the Sub-Committee will be taken to Council for approval in November;**
- (4) Note that appointments will be made to the Hearings Sub-Committee on an ad-hoc basis via the in-year changes procedure.**

11 COUNCILLOR COMPLAINTS - 12 MONTH REVIEW

Malcolm Townroe, Director of Legal and Governance and Monitoring Officer presented his report to the committee and responded to Councillors' questions highlighting the following points:

- a) Four complaints were investigated by the previous Monitoring Officer between September 2016 and August 2017. All were dealt with informally following discussions with the complainant, the subject of the complaint and any relevant witnesses;
- b) All complaints are dealt with on their own merits as individual cases.

RESOLVED to note the information in the monitoring report.

STANDARDS COMMITTEE – 22 MARCH 2018

Title of paper:	Social Media Guidance	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Director of Legal and Governance and Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Governance Manager nancy.barnard@nottinghamcity.gov.uk 0115 876 4312	
Other colleagues who have provided input:	Katie Freeman, Digital Marketing Manager Gail Keen, HR Consultant	
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
<p>Social media is increasingly being used by Councillors as a means of communicating with citizens. While social media in its various forms can be an extremely useful tool its use does bring risks. The attached draft guidance has been prepared to support Councillors in avoiding difficult situations in their use of social media.</p>		
Recommendation(s):		
1	That the Committee considers and approves the draft guidance for councillors on social media use for circulation to all councillors.	

1 REASONS FOR RECOMMENDATIONS

1.1 To support councillors in their use of social media.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Social media is an important and growing means of communication for Councillors. It can be an effective way of staying in touch with citizens, advising them of the work being done and getting useful information from them.

2.2 Many Councillors are already successfully using social media for these purposes and for their own local and political campaigning. However, there are potential issues that can arise from the use of social media that could get councillors into difficulties. For

this reason this committee asked for guidance to be produced to support councillors in their use of social media and to avoid these difficulties wherever possible.

- 2.3 The draft guidance is attached as appendix one and is based upon existing Council policies on social media use and with social media guidance for councillors produced by other authorities.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Not to produce a guide – rejected as this would leave councillors unsupported in their use of social media.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 This report has no financial implications.

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 This report has no legal implications.

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

- 6.1 This report has no property implications.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the document constitutes guidance rather than policy and has no financial implications.

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 8.1 None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 9.1 Social Media Guidance for Councillors produced by Wakefield, Newcastle and Salford Councils



Use of Social Media – Guidance for Councillors

March 2018

1. Purpose of this Guide

Social media is an important and growing means of communication for Councillors. It can be an effective way of staying in touch with your constituents, advising them of the work you and the Council have been doing and getting useful information from your communities.

Many Councillors are already successfully using social media for these purposes and for their own local and political campaigning. However, there are potential issues that can arise from the use of social media that could get you into difficulties. This guide has been produced to help you avoid these difficulties wherever possible.

2. What is Social Media?

Social media is the collective term for websites and applications that allow users to create, post and share content in the form of text, videos, pictures etc. It enables users to interact with each other online sharing information, opinion, and knowledge. It is about creating conversations and two-way communication. Examples of popular social media sites include Facebook, Twitter, YouTube, Instagram, Flickr, LinkedIn and various blogging sites.

3. Councillors and Social Media

When you're using social media as a councillor you are subject to the same laws and policies that you would be subject to when acting as a councillor in any other circumstance. You are personally responsible for anything you post. It is also wise to monitor any comments others leave on your site.

Your online identity

When using social media it is important to consider in what capacity you are posting because the lines between you as a private individual and you as a councillor can become blurred. You may be clear when you are posting as a councillor and when you are posting as an individual but this may not always be clear to others. You should bear in mind how you might be perceived by those viewing your sites. This is important because Council policies such as the Code of Conduct apply to you as a Councillor but not to you as an individual. It is also important to distinguish when you might be speaking on behalf of the Council and when you are expressing your own views as an individual or as a councillor.

Actions that you could take to make these distinctions clearer include:

- Having separate Councillor and private accounts,
- Making use of the privacy setting on your private account to restrict those who have access to it,
- Putting a disclaimer in your account profile stating that the views expressed are your own (however putting such a disclaimer does not mean that the elected member is exempt from complying with the code of conduct or from any potential legal action that may ensue).

You should not use Council equipment to make personal posts.

The Code of Conduct

The Code of Conduct applies to your online activity in the same way that it applies to any other written or verbal communication you produce as a councillor. You should comply with the Code whenever you post something online and in what you allow others to publish on your accounts.

The following sections of the code are particularly relevant to social media activity:

- You must respect others and not bully any person,
- You must respect the confidentiality of information which you receive as a member,
- You must not misconduct yourself in a manner which is likely to bring the Council into disrepute.

If, following a complaint, you are found to have breached the Code of Conduct through your use of social media you will be subject to the same sanctions as for any other breach of the Code.

4. Legal/ Formal Considerations

As with the Code of Conduct, the same laws apply to online content as apply to other forms of spoken and written communication.

Libel

If you publish a damaging untrue statement about someone via your social media accounts you may be subject to libel action. You would be personally liable for any damages awarded against you. This can also apply to libellous statements published by others on your accounts which you are aware of and do not remove quickly.

Copyright

Posting copyrighted images or text on your sites without permission is likely to breach copyright. It is not always obvious that an image is subject to copyright and if you are unsure either seek written permission in advance or avoid posting.

Data Protection and Confidentiality

Do not post any personal data relating to any individual without their express permission. You should also be extremely careful with how you manage any information identified exempt that you have access to because of your position as councillor. This matter is covered by the Code of Conduct.

Bias and Pre-determination

If you are involved in Planning, Licensing or any other quasi-judicial decisions you should be careful not to post anything that could suggest you have reached a decision in advance of the meeting taking place or the decision formally being made. If you have indicated that you do not have an open mind on the matter and you are then involved in taking the decision, it may become invalid as a result.

In order to avoid any potential conflicts of interest, you should also exercise caution in seeming to endorse any business which could have dealings with the Council, either currently or in the future.

Bullying and Discrimination

Posting bullying, harassing and discriminatory comments online, particularly where they relate to protected characteristics¹ not only causes distress to the victim but also damages the reputation of you and the Council and could, in some circumstances, result in criminal action being taken against you.

Elections

Electoral Commission requirements on advertising and campaign literature also apply to online advertising. Full guidance is available on the Commission website (www.electoralcommission.org.uk).

Safeguarding

Social media sites are often targeted by those seeking to put children, young people or vulnerable adults at risk. If you have any concerns about other users of your accounts you have a responsibility to report these via the usual channels.

5. Principles for Social Media Use

Following these principles when using social media should help you avoid difficult situations.

Be respectful

Always post respectfully, politely and professionally. Social media does not need formal language but that does not mean it's not subject to the same standards you would use in any other form of communication. Be particularly careful if mentioning colleagues in your posts. If you have any concerns about an officer, report it via their manager or through the Council's have your say procedures.

Be Accurate and Credible

Make sure that you're accurate and fair. Be careful to ensure anything that you post is correct and is consistent with any other communications you make. Watch out for the origins and details of anything you may retweet or share. Sometimes things that

¹ Protected characteristics are sex, gender, maternity, race (including nationality), disability, sexual orientation, religion or belief and age.

look legitimate may come from dubious sources that you would not want to be associated with.

Be Responsive

If you're using social media remember it's a conversation. People expect to interact with you and to receive responses to their questions.

Be Confident

If you feel at all uncomfortable with what you're posting, it may not be the right thing to post. Feel confident in what you say before posting and don't be scared to participate.

6. Good Practice

As well as abiding by the general principles outlined above, the following represent good online practice.

Allow Disagreement

Social media allows for ideas to be shared and conversations to take place. Not everyone is going to agree with you. Treat differences of opinion with respect, engage in the discussion and be wary about deleting views just because they don't agree with yours as this can look like gagging.

Deal with Inappropriate Comments

If you knowingly allow discriminatory or defamatory comments to remain on your sites people may think you condone them and you could be found liable for them. Take swift action to remove any inappropriate or offensive comments and explain why you have done so.

Don't try to Hide Mistakes

Mistakes can happen when using social media and when they do, they happen in public. If you do post something that is incorrect, don't just delete it, acknowledge it and correct it.

Think about following/ friending

Some citizens may be uncomfortable if their councillor begins following them or sends them a friend request. Some Councillors choose to wait to be followed or friended first.

Online relationships with council employees need to be treated with caution. Whilst some online relationships may be valid – for example a colleague who is also a constituent – both parties need to be sure not to compromise the impartial and professional relationship that is important between councillors and colleagues.

Remember it's Public

It may sound obvious but remember that what you post online is visible to the public. Don't post anything that you're not comfortable sharing with everyone.

Pause before publishing

You can't unsay something that you've said and even if you delete a post you regret, it's likely to have been read and may have been shared or otherwise duplicated before you can get to it. Reflect on what you're posting to be sure you want to make it public and avoid posting when your decision making might be impaired.

7. Safety and Security

Interacting with others online is generally safe but it can leave you, and the equipment and networks you work on, exposed to risks. You can minimise these risks in the following ways:

- Always lock your equipment when you're not using it,
- Have a secure password that isn't written down anywhere,
- Don't advertise where you're going to be before you go there, wait until afterwards to report on where you've been,
- If you become the target of abuse you can seek support from:
 - Your group,
 - IT, who if necessary can help you to block particular users,
 - The Police in particularly serious cases.
- HR have produced guidance for colleagues experiencing abuse or harassment, including via social media which may be applicable to Councillors. The Colleague Security Guidance is available on the intranet: <http://intranet.nottinghamcity.gov.uk/media/1210/hr-colleague-security-guidance-protocol.doc>

8. Further Support/ Guidance

You can find the Council's Policies on Social Media (which largely apply to colleagues but contain some useful guidance) on the intranet:

- <http://www.nottinghamcity.gov.uk/aup>
- <http://qossweb.nottinghamcity.gov.uk/nccextranet/CHttpHandler.ashx?id=30887&p=0>

You can get further support and advice from Communications and Marketing:

Jennifer Lewis

Corporate Marketing Manager

Jennifer.lewis@nottinghamcity.gov.uk

0115 876 3381

And from the Council's Monitoring Officer:

Malcolm Townroe,

Director of Legal and Governance and Monitoring Officer

Malcolm.townroe@nottinghamcity.gov.uk

0115 876 4332

IDeA have produced some guidance for Councillors on getting the most out of social media: <https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-councils/social-media-6>

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STANDARDS COMMITTEE – 22 MARCH 20

Title of paper:	Committee on Standards in Public Life – Consultation on Local Government Ethical Standards	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Director of Legal and Governance	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Governance Manager nancy.barnard@nottinghamcity.gov.uk 0115 876 4312	
Other colleagues who have provided input:	None	
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
<p>The Committee on Standards in Public Life is undertaking a review of Local Government ethical standards looking at issues such as codes of conduct, declarations of interest and sanctions that can be applied in cases where a code of conduct is breached. The Committee has invited views from local authorities as the bodies responsible for maintaining codes of conduct for their councillors and responding to complaints of a breach. This report invites the Committee to consider submitting a response to the consultation. A draft response is attached for comment.</p>		
Recommendation(s):		
1	The Committee is asked to comment on the attached draft response to the review, and delegate authority to the Chair to sign off the final version before submission.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 To provide the Committee with an opportunity to respond to the consultation.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 On 29 January 2018 the Committee on Standards in Public Life announced a review of ethical standards in local government. The Committee will consider, amongst other matters, whether arrangements for codes of conduct, declarations of interest, and the sanctions that can be imposed in the event the code is found to have been breached.

- 2.2 The current Standards regime was introduced under the Localism Act 2011. The Standards Board for England, which had previously dealt with serious allegations relating to councillor conduct, was abolished and Local Authorities were given responsibility for writing and maintaining their own codes of conduct, complaints procedures and for dealing with complaints that the code had been breached. Under the previous regime sanctions such as withdrawal of allowances, suspension from office and removal from office could be taken by the Standards Board in the most serious of cases. Sanctions such as these are not available to local authorities under the current regime.
- 2.3 The Localism Act 2011 also introduced the role of the Independent Person to Standards proceedings. All local authorities are required to appoint an Independent Person to support their Standards Committee. The Independent Person must be consulted and their views taken into account before the authority takes a decision in relation to any complaints made against councillors or co-optees. The review also examines the role of the Independent Person.
- 2.4 The review is being undertaken in response to concerns being raised that the abolition of the Standards Board for England “threw the baby out with the bathwater”, leaving councils with inadequate sanctions to take against Councillors found to have seriously breached the code of conduct.
- 2.5 The Committee’s terms of reference are to:
1. Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
 2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
 3. Make any recommendations for how they can be improved; and
 4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.
- 2.6 The deadline for written submissions is Friday 18 May 2018.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 The Committee could choose not to submit a response to the consultation but this would deny the Council an opportunity to contribute to the review.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 This report has no financial implications.

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 This report has no legal or procurement implications.

6 EQUALITY IMPACT ASSESSMENT

6.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the report is proposing any change to Council policy.

7 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

7.1 None

8 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

8.1 Localism Act 2011

Committee on Standards in Public Life – Consultation on Ethical Standards in Local Government (<https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>)

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Committee on Standards in Public Life – Consultation on Ethical Standards in Local Government

Draft Response of the Standards Committee

Question

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.

Draft Response

Existing structures, processes and practices are sufficient to manage the day to day conduct of councillors. Group discipline also plays a significant role in ensuring high standards of conduct. However, as outlined below, should a particularly serious breach of the Code of Conduct occur, the actions available to Councils are extremely limited and not sufficient to respond adequately.

Question

- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Draft Response

The lack of effective sanctions (see below).

Capacity for any independent assessment of the most serious cases beyond the role of the Independent Person. Councillors being responsible for hearing cases against their peers and colleagues can be effective in less serious cases but where serious allegations are being investigated natural justice would be better served through independent consideration of the case. This may avoid any perceptions of personal or political influences affecting the fairness of the hearing.

Codes of conduct

Question

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?

Our code of conduct is clear and easily understandable as far as possible given the relatively complex subject matter it is dealing with. The majority of questions raised by councillors relate to what interests need to be declared. Our experience is that councillors take these matters seriously and want to ensure they are making all necessary declarations and, often those that are not required but might be regarded

as good practice. Code of Conduct training is mandatory for all councillors when they take up office and is delivered shortly after an election (including by-elections).

As required, our code follows the Nolan Principles for Public Life which capture the fundamental principles for good ethical standards. In addition Nottingham has added standards relating to safeguarding and mandatory DBS checks and safeguarding training to our code of conduct to support the council's safeguarding agenda and Councillors' role in this. Should any Councillors not have a DBS check or if any risks are identified via the check the Councillor is disbarred from any offices and memberships of committees, etc and outside bodies.

Question

- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

Proposed Response

See comments on declaring interests below.

Investigations and decisions on allegations

Question

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
- i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?

Proposed Response

Our process for dealing with allegations of misconduct is available on our website. We have a process for managing minor complaints (those not constituting a breach of the code of conduct) where the complaint is investigated by an officer and resolved informally. The number and nature of these minor complaints is reported every six months to the Standards Committee. Where more significant fault is identified this would be escalated to, and dealt with in accordance with, the formal process. The process is designed to be fair, open and transparent and to date we have experienced no issues in operating it.

Where issues could arise is with perceptions of unfairness (whether it exists or not) with Councillors hearing and deciding on sanctions to take against fellow Councillors.

Perceptions that political interests or personal relationships may prejudice the judgement of the Councillors conducting the hearing may result in the hearing not being seen to be fair. While the role of the Independent Person ensures an independent voice is considered as part of the process their role is limited. They only have one voice and have an influencing rather than a decision taking role. For these reasons we have made our comments on the need for an independent body to consider serious allegations of misconduct.

Question

- ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?

Proposed Response

The role of the Independent Person ensures there is an independent voice in the consideration of allegations and their consultative role in relation to the subject of allegations and the Monitoring Officer can also help to bring about informal resolution. However, as outlined above, their role is limited and, in the most serious cases, to ensure hearings are and are seen to be objective and fair these should be considered by a body that is independent of the Council concerned.

Question

- iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

There is always the possibility that Monitoring Officers could find themselves in a position where they have a conflict of interest. This can, to some extent, be mitigated by ensuring that they appoint a deputy to act in circumstances where they cannot. As far as undue pressure is concerned, the only realistic protection mechanism would be to bring in a further statutory protection on top of the ones that already exist.

Sanctions

Question

- f. Are existing sanctions for councillor misconduct sufficient?
 - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

Proposed Response

The sanctions currently available to Councils are not sufficient for the most serious cases. Sanctions identified in Nottingham's procedure include withdrawal of office and IT facilities, recommending that the councillor is removed from relevant positions or committees, and public censure at Council. While these may be appropriate in relation to relatively minor breaches of the code they may not provide sufficient deterrent in the most serious cases and are unlikely to be seen as sufficient in the eyes of citizens. Where allegations of serious misconduct (for example, bullying, abusive behaviour etc) are found to be true the sanctions currently available seem an insufficient response.

Question

- ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Proposed Response

Yes – additional sanctions for the most serious cases should include suspension/ withdrawal of allowances, and suspension/ removal from office. It may not be appropriate for a local authority to impose these sanctions on its own members. In these cases an independent body should consider the matter.

Declaring interests and conflicts of interest

Question

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
 - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?

Proposed Response

Applying the same requirements for registering and publication of Councillors' interests to co-optees can prove problematic. We do not dispute the need for co-opted members to declare interests and not participate in discussions or votes where they have a DPI but we question whether it is necessary for them to have to publish their interests in the same way. Co-optees are usually appointed to one specific committee, often because of their professional occupations. Definitions of pecuniary interests which need to be registered are wide ranging and Council-centric and therefore are unlikely to be relevant to the business the co-optee is involved in and can potentially miss relevant conflicts. Moreover there is the question of whether it is proportionate for an individual who has not stood for public office to publicly record personal information about them and their spouse/ partner, particularly when the

information recorded is largely irrelevant to the business they are involved in. Just requiring co-optees to declare relevant interests publicly at meetings where decisions are being taken and to withdraw from any further participation in that matter would arguably be sufficient.

Question

- ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

Proposed Response

Our arrangements comply with the legislative requirements.

Whistleblowing

Question

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

Proposed Response

The Council has a whistleblowing procedure which outlines the arrangements in place for dealing with concerns raised.

Improving standards

Question

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

Proposed Response

See above.

Intimidation of local councillors

Question

- k. What is the nature, scale, and extent of intimidation towards local councillors?
 - i. What measures could be put in place to prevent and address this intimidation?

Proposed Response

To be discussed with Councillors at the meeting of the Standards Committee.

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STANDARDS COMMITTEE – 22 MARCH 2018

Title of paper:	Councillor Complaints	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Governance Manager Nancy.barnard@nottinghamcity.gov.uk 0115 876 4312	
Other colleagues who have provided input:	None	
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
The Committee has a role in monitoring complaints that Councillors or Co-opted Members have breached the Code of Conduct. This report provides a summary of complaints received since the last update for information.		
Recommendation:		
1	That the Committee considers and notes the monitoring information.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 The terms of reference of the Standards Committee require the Monitoring Officer to submit a report on the above matters to inform any work the Committee might carry out in relation to Councillor Standards and the Code of Conduct.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Appendix A to this report summarises the nature and outcome of complaints made against councillors since the last update. Neither of the complaints reached the formal stage of consideration and were both resolved informally.
- 2.3 The Committee is asked to note the information contained in the appendix.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 The Committee's terms of reference place a responsibility on the Committee to consider a Monitoring Officer report on Councillor Complaints. Therefore no other options were considered.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 There are no financial implications to this report

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 There are no legal or procurement implications to this report.

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

- 6.1 There are no property implications to this report.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the report does not propose a change to council policy.

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 8.1 None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 9.1 None

Date complaint received	Summary of Allegations	Action Taken	Outcome of Complaint
15/06/17	Councillor did not respond to an email	Councillor informed and responded to email.	No further action
11/12/17	Citizen unhappy with information provided by two Councillors in response to a query.	Citizen had a meeting with officers about the issue and advised that he would notify Constitutional Services if he wished to continue to pursue his complaint. No further contact.	Case closed.

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