

MEMBERS' CODE OF CONDUCT

Executive Summary

This report advises the Committee of complaints, submitted under the Members' Code of Conduct, received by the Monitoring Officer between 1 August 2021 and 31 July 2022.

Recommendations

The Committee is requested to:

RESOLVE That

- (i) the report detailing the complaints, submitted under the Members' Code of Conduct, received by the Monitoring Officer between 1 August 2021 and 31 July 2022 be noted; and
- (ii) the Monitoring Officer be advised of any areas of concern upon which the Committee would like further information and/or further work carried out.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

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1.0 Introduction

- 1.1 The Arrangements for Dealing with Standards Allegations under the Localism Act 2011, adopted by the Council, provide for the Monitoring Officer to submit an annual report to the Standards and Audit Committee with appropriate details of complaints received.
- 1.2 This report details complaints received by the Monitoring Officer between 1 August 2021 and 31 July 2022.
- 1.3 The purpose of this report is to seek to promote and maintain high standards of conduct amongst Members and to ensure members of the Committee and others to whom the report is circulated are updated as to complaints received and to enable them to consider learning points for the future.

2.0 Complaints Received

- 2.1 Attached at Appendix 1 is a list showing the decisions taken by the Monitoring Officer in relation to allegations made against borough councillors.
- 2.2 The Monitoring Officer received 11 complaints between 1 August 2021 and 31 July 2022. One of the complaints received during this period is still ongoing, so is not detailed in this report. The number of complaints has increased by 1 complaint from 10 complaints in the previous corresponding year to 11 complaints.
- 2.3 The identity of all Councillors complained of has been anonymised and a brief description of the complaint provided. It is felt that such information should remain confidential unless and until any complaint results in an open hearing before the Hearings Sub-Committee.
- 2.4 In respect of the 11 complaints received a total of 6 related to social media content. Whilst I do not anticipate an increase in complaints relating to social media content is uncommon, I do consider that it is an area in which we can improve through training and guidance. Councillors have been invited to two separate training sessions over the last six months and social media training shall now take place as part of the new Member training programme (all Members shall be invited to attend).

3.0 Advice and Guidance

- 3.1 Councillors are reminded that in respect of social media, they are governed by the Code of Conduct for members, when acting in their official capacity. A Councillor is acting in their "official capacity" and any conduct may fall within the Code whenever you:
 - a) Conduct the business of the Authority; or
 - b) Act, claim to act or give the impression you are acting as a representative of the Authority; or
 - c) Act as a representative of the Authority.
- 3.2 Councillors should always think carefully before they make a social media post; Councillors are personally responsible for the content published on any form of social media. Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.
- 3.2 Councillors are reminded that they should not publish or report on meetings which are private or internal (where no members of the public are present or it is of a confidential nature) or exempt reports (which contain confidential information or matters which are exempt under the provision of the Local Government (Access to Information) Act 1985). Should you have any

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queries in respect of a particular meeting or content then Councillors should not hesitate to contact Council Officers for advice.

- 3.3 Councillors should be mindful of public perception; frequent use of mobile devices during meetings may give the public the impression that councillors are not fully considering the points made during the debate of an item in order to contribute to the decision that is to be made. Even though the frequent use of such devices during meetings may be in a Councillor capacity and necessary for the good conduct of the meeting, Councillors should seek to use mobile devices sparingly, discreetly and with common sense at meetings, considering the impression they are giving to others.
- 3.4 Social Media policy documents and guidance for Councillors is being drafted and shall be presented to a future meeting of the Standards and Audit Committee for consideration.
- 3.5 The LGA has produced various resources to support councils and councillors to maintain high standards of conduct and behaviour in public life which are openly available. Councillors conduct and guidance on standards can be found using the below link:-

[Councillor conduct and standards | Local Government Association](#)

- 3.6 Further to the above guidance the LGA has produced a series of guides to support councillors in using social media. These include:-
- Overview of social media for councillors
 - Guide to the role of councillors on social media
 - Guide to creating content on social media
 - Guide to tackling online abuse
 - Guide to creating accessible social media content
 - Guide to using facebook
 - Guide to using Instagram
 - Guide to using Twitter; and
 - Guide to using YouTube

These guides can be found at: [Social media guidance for councillors | Local Government Association](#)

- 3.3 Given, the increase in the number of complaints surrounding social media content I shall circulate a link to the LGA guidance to all Councillors, reiterating my above advice and encouraging them to read the guidance.

4.0 Conclusion

- 4.1 The Committee is asked to note the cases referred to in Appendix 1; and to advise the Monitoring Officer of any areas of concern upon which they would like further information and/or further work done

5.0 Corporate Strategy

The Committee's discussion in public about decisions taken on ethical standards allegations against councillors and consideration of any learning points for the future is an important element of good corporate governance and reinforces the Council's commitment to be open and accountable to its residents.

6.0 Implications

Finance and Risk

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- 6.1 There is a financial cost to the Council if complaints are passed to external consultants for investigation/report.

Equalities and Human Resources

- 6.2 The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims. The Members' Code of Conduct provides that Members should promote equalities and that they do not discriminate unlawfully against any person.

Legal

- 6.3 The statutory background can be found in the Localism Act 2011, Part 1 Chapters 6 and 7 ("the Act") and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 ("the Regulations") made thereunder.

7.0 Engagement and Consultation

- 7.1 Given the nature of the report before the Committee, it would not be appropriate to undertake an engagement or consultation exercise in respect of its content.

REPORT ENDS

Appendix 1 - Code of Conduct Complaints

Date of Decision Notice	Complainant	Independent Person Consulted	Summary Details of Complaint	Decision	Outcome	Status
08/07/2021	Member of the Public	Yes	Complaint about behaviour during course of private business.	<p>The Councillor was not acting as a Councillor at the time the comments were made on the social media platform.</p> <p>The Code of Conduct does not apply. No further action to be taken.</p>	Not upheld	Closed
02/08/2021	Member of the Public	Yes	Seek to use position as a Councillor to seek/gain an advantage.	<p>There was no arguable case that the Councillor had breached the Code of Conduct.</p> <p>The complaint did not merit formal investigation.</p>	Not upheld	Closed
11/02/2022	Member of the Public and Councillor	Yes	<p>Allegations of bullying and harassment.</p> <p>Social Media Content.</p>	<p>There was no arguable case that the Councillor had breached the Code of Conduct.</p> <p>The complaint did not merit formal investigation.</p> <p>Acknowledged that Social Media training would be greatly beneficial to Councillors.</p>	Not upheld.	Closed
11/02/2022	Member of the Public and Councillor	Yes	Allegations of bullying and harassment.	There was no arguable case that the Councillor had breached the Code of Conduct.	Not upheld.	Closed

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			Social Media Content.	The complaint did not merit formal investigation. Acknowledged that Social Media training would be greatly beneficial to Councillors		
24/02/2022	Councillor	Yes	Social Media Content.	There was no arguable case that the Councillor had breached the Code of Conduct. The complaint did not merit formal investigation.	Not upheld	Closed
21/03/2022	Councillor	Yes	Social Media Content.	The matter was resolved through informal resolution (apology) and training.	Resolved through informal resolution.	Closed
12/05/2022	Councillor	Yes	Inappropriate behaviour during a Council meeting.	There was no arguable case that the Councillor had breached the Code of Conduct. The complaint did not merit formal investigation.	Not upheld	Closed
07/08/22	Councillor	Yes	Social Media Content and confidentiality of Council information.	The matter was resolved through informal resolution (apology).	Resolved through informal resolution	Closed
23/06/2022	Councillor	Yes	Behaviours and Social Media Content.	There was no arguable case that the Councillor had breached the Code of Conduct.	Not upheld	Closed

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				The complaint did not merit formal investigation.		
Ongoing	Member of the Public	Yes	Social Media Content	Ongoing – it would not be appropriate to comment at this time.		
08/08/2022	Member of the Public	Yes	Behaviour during course of private business.	The Councillor was not acting as a Councillor at the time but in a private capacity. The Code of Conduct does not apply. No further action to be taken.	Not upheld	Closed