

## 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 2022 and 31 July 2023.

### 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 2022 and 31 July 2023 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.

<b>Background Papers:</b>	None.
<b>Reporting Person:</b>	Gareth John, Director of Legal and Democratic Services / Monitoring Officer Email: gareth.john@woking.gov.uk, Extn: 3077
<b>Contact Person:</b>	Gareth John, Director of Legal and Democratic Services / Monitoring Officer Email: gareth.john@woking.gov.uk, Extn: 3077
<b>Date Published:</b>	13 September 2023



### 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 2022 and 31 July 2023.
- 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 6 complaints between 1 August 2021 and 31 July 2022. These have all now been closed. The number of complaints has decreased from 11 complaints in the previous corresponding year.
- 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 Standards Panel.
- 2.4 In respect of the 6 complaints received half of them related to social media content.

### 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 a Councillor:
  - a) Conducts the business of the Authority; or
  - b) Acts, claims to act or gives the impression they are acting as a representative of the Authority; or
  - c) Acts 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 that Councillors ensure they are confident of the nature of the information to be published. Once published, content is almost impossible to control and may be manipulated without 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). Councillors should not hesitate to contact Council Officers for advice in respect of a particular meeting or content.
- 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

## Members' Code of Conduct

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 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](#)

- 3.5 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](#)

## 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](#)

- 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

<b>Date of Decision Notice</b>	<b>Complainant</b>	<b>Independent Person Consulted</b>	<b>Summary of Complaint</b>	<b>Decision</b>	<b>Outcome</b>	<b>Status</b>
28.09.22	Member of the Public	Yes	Complaint about behaviour during course of private business	Comments did not appear to be made by the Councillor themselves and did not appear to relate to matters in which they were acting in their capacity as a Woking Borough Councillor.	No further action taken	Closed
30.11.22	Member of the Public	Yes	Complaint regarding comments made on Social Media	The complaint did not merit formal investigation.  Councillors would be reminded of their responsibilities and to be respectful when using Social Media platforms.	No further action taken	Closed
28.03.23	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.  Councillors would be reminded of their responsibilities and to be respectful when using Social Media platforms.	No further action taken	Closed
23.12.22	Councillor	Yes	Complaint regarding comments made on Social Media	There was no arguable case that the Councillor had breached the Code of Conduct.  The complaint did not merit formal investigation.  Councillors would be reminded of their responsibilities and to be respectful when using Social Media platforms.	No further action taken	Closed
31.03.23	Member of the Public	Yes	Complaint regarding comments made on Social Media	There was no arguable case that the Councillor had breached the Code of Conduct.  The complaint did not merit formal investigation.	No further action taken	Closed

**Members' Code of Conduct**

				Councillors would be reminded of their responsibilities and to be respectful when using Social Media platforms.		
01.09.23	Member of the Pubic	Yes	Complaint about behaviour during course of private business	There was no arguable case that the Councillor had breached the Code of Conduct.  The complaint did not merit formal investigation.	No further action taken	