



## **Standards committee**

**Date:** Tuesday, 17 November 2020

**Time:** 14:00

**Venue:** Remote, [Venue Address]

### **Committee members:**

#### **Councillors:**

Driver (chair)  
Sands (M) (vice chair)  
Fulton-McAlister (M)  
Grahame  
Lubbock  
Oliver

#### **Co-opted members:**

Mr P Franzen  
Vacancy

Independent person (ex officio)

### **For further information please contact:**

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## Agenda

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| 1 | <b>Apologies</b>   |         |
|   | To receive apologies for absence   |         |
| 2 | <b>Declarations of interest</b>  |         |
|   | (Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting) |         |
| 3 | <b>Minutes silence</b>   |         |
|   | The chair will ask members to join him in a minutes silence to mark the passing of Colin Thrower   |         |
| 4 | <b>Minutes</b>   |         |
|   | To approve the accuracy of the minutes of the last meeting   |         |
| 5 | <b>To introduce a written procedure for standards committee hearings</b>   | 1 - 6   |
|   | <b>Purpose</b> - To consider adopting a written procedure for standards committee hearings   |         |
| 6 | <b>The Local Government Association draft code of member conduct</b>   | 7 - 10  |
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| 7 | <b>Social media policy</b>   | 11 - 14 |
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Date of publication: **Friday, 13 November 2020**

**Report to** Standards committee

17 November 2020

**Report of** Director of resources

**Subject** To introduce a written procedure for standards committee hearings.

**Item**

**5**

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**Purpose**

To consider adopting a written procedure for standards committee hearings.

**Recommendation**

To adopt the procedure attached.

**Corporate and service priorities**

The report helps to meet the corporate priority healthy organisation.

**Financial implications**

To be funded from existing budget.

**Ward/s:** All Wards

**Cabinet member:** Councillor Kendrick - Resources

**Contact officers**

Rachel Crosbie, monitoring officer

01603 222313

**Background documents**

None

## **APPENDIX 13c**

### **STANDARDS COMMITTEE: RULES OF PROCEDURE FOR HEARINGS**

#### **Interpretation**

1. 'Member' means the member who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member's nominated representative.
2. 'Investigator' means the Monitoring Officer or other investigating officer.
3. 'Legal Adviser' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the authority or someone appointed for this purpose from outside the authority.

#### **Legal Advice**

4. The Member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Committee, another person.
5. The Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the Member and the investigator if they are present.

#### **The Hearing**

6. After all the Members and everyone involved have been formally introduced, the Chair should explain how the Committee is going to run the hearing.
7. After dealing with any preliminary issues, the Committee should then move on to consider whether or not there are any significant disagreements about the facts contained in the investigator's report.
8. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing (paragraph 16 ie did the member breach the code?) Thus skipping points 9 to 15
9. If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committees permission, the investigator may call any necessary supporting witnesses to give evidence. The Committee should give the Member an opportunity to challenge any evidence put forward by any witness called by the investigator.
10. The Member should have the opportunity to make representations to support their version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
11. At any time, the Committee may question any of the people involved or any of the

witnesses and should allow the investigator to challenge any evidence put forward by witnesses called by the Member.

12. If the Member disagrees with most of the facts, it may make sense for the investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
13. If the Member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, good reasons must be given for not mentioning it before the hearing. If the investigator is not present, the Committee will consider whether or not it would be in the public interest to continue in the Investigator's absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then: -
  - a. Continue with the hearing, relying on the information in the investigator's report;
  - b. Allow the Member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary: or
  - c. Postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if not already present.
14. The Committee will usually move to another room to consider the representations and evidence in private.
15. On their return, the Chair will announce the Committee's findings of fact.

#### **Did the Member fail to follow the Code?**

16. The Committee then needs to consider whether or not, based on the facts it has found, the Member has failed to follow the Code of Conduct.
17. The Member should be invited to give relevant reasons why the Committee should not decide that the Member has failed to follow the Code.
18. The Committee should then consider any verbal or written representations from the investigator.
19. The Committee may, at any time, question anyone involved on any point they raise in their representations.
20. The Member should be invited to make any final relevant points.
21. The Committee will then consider the representations in private and request those who are not part of the Committee to leave this part of the meeting
22. Once the Committee have considered all the representations the Chair will ask for those who had previously left the meeting to return and will announce the Committee's decision as to whether or not the Member has failed to follow the Code of Conduct.

### **If the Member has not breached the Code of Conduct**

23. If the hearing concludes that there has been no breach of the code then the matter is resolved. There is no provision for appeal or review of that decision by the council or any other person.
24. If the Committee decides that the Member has not breached the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the authority.

### **If the Member has failed to Follow the Code**

25. If the Committee decides that the Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigator and the Member as to:
  - a. Whether or not the Committee should set a sanction: and
  - b. What form any sanction should take.
26. The Committee may question the investigator and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
27. The Committee will then consider in private whether or not to impose a sanction on the Member and, if so, what the sanction should be.

Possible sanctions include:

- (a) Censure or demand
  - (b) Report to full Council
  - (c) Recommendation to the council to remove the member from any position.
  - (d) Require the member to undergo further training
  - (e) Remove the member from external appointments and nominations.
  - (f) Withdrawal of facilities or services from the member including access to council premises and/or IT facilities.
28. The Chair will announce the Committee's decision.

### **Recommendations to the council**

29. After considering any verbal or written representations from the investigator, the Committee will consider whether or not it should make any recommendations to the authority, with a view to promoting high standards of conduct among Members.
30. The Committee will announce its decision on the day and, where possible, provide a short-written decision. It will also need to issue a full written decision shortly after the end of the hearing.

### **Power to regulate own proceedings**

31. The Chair of a hearings sub-committee has the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter being dealt with at a meeting of the hearings sub-committee.





<b>Report to</b>	Standards committee 17 November 2020	<b>Item</b>
<b>Report of</b>	Director of resources	<b>6</b>
<b>Subject</b>	The Local Government Association draft code of member conduct.	

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### **Purpose**

To consider the Local Government Association draft code of member conduct.

### **Recommendation**

To identify relevant amendments to the members code of conduct.

### **Corporate and service priorities**

The report helps to meet the corporate priority healthy organisation.

### **Financial implications**

To be funded from existing budget.

**Ward/s:** All Wards

**Cabinet member:** Councillor Kendrick - Resources

### **Contact officers**

Rachel Crosbie, monitoring officer

01603 222313

### **Background documents**

None

## **Background**

Norwich City Council has a code of conduct for its members based on the model code of conduct introduced in 2012. Whilst it has been slightly amended since its introduction it largely remains as originally drafted. It's in the Constitution at Appendix 13, see attached.

In 2019 the Committee on Standards in Public Life produced recommendations on the local government ethical standards including the model code of conduct. The Local Government Association (LGA) has reviewed the existing model code of conduct and incorporated the recommendations of the Committee into a draft code. A consultation on the draft member code of conduct ran from 8 June to 17 August.

The consultation aimed to take into account the view of officers and members.

The draft code was circulated to all members of the standards committee, the independent person, group leaders and the corporate leadership team. The monitoring officer received responses and acted on these in the response to the consultation.

### **Draft appendices in the new draft code**

The appendices to the consultation reflect a code similar to that which Norwich City Council currently have in place. This is around the 7 principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. There is reference to registering interests, declaring interests and a distinction between pecuniary and other interests.

The new code sets out the minimum obligations required by a member relating to their conduct. These apply when members are acting in their capacity as a councillor. The standards in public life committee would like this to be extended to also include when a member appears to be acting in such capacity or gives the impression that they are doing so, however, this would require legislative changes. The monitoring officer would support such legislative changes. Previously some matters referred to the monitoring officer around member behaviour have not been able to be pursued as the conduct was deemed to be when the member acted in their private capacity.

The new code lists commitments that the member will commit to:

- Acting with civility;
- Not bully or harass;
- Not compromise the impartiality of officers;
- Not disclose confidential information, or prevent someone from getting access to information that they are entitled to by law;
- Not to bring the role or the council into disrepute;
- Not to use their position improperly;
- Not to misuse council resources;
- To register all interests;
- Not accept significant gifts or hospitality.

Some aspects of the code are very similar to the existing code, although the language is clearer and written in plain English to help a wider audience consider it.

The code introduces the term civility. This replaces “treating others with respect”. This is the area that the monitoring officer receives the most complaints about. It sets out clearly who it applies to and identifies the civility that members can expect from others.

Bullying and harassment is a new addition to the code. The definition is clear. There have been few complaints relating to this. All the other commitments are similar to those in the existing code.

The draft code recognises that there are recommendations made by the committee for the Standards in Public Life and may be part of a future Government consultation. This is around the area of sanctions and appeals.

Feedback from members and the Independent person was generally positive and welcome, some stating that it is clearer, some identifying that it needs some more guidance notes, and some disagreement as to whether it goes far enough, for example in the area of gifts and hospitality which one member believes should always be referred to the monitoring officer. There is now the mention of social media, including publicly accessible social media.

The monitoring officer collated the comments and put these forward in the response to the consultation.

The monitoring officer felt the draft consultation was progress, and would be keen to support it and adopt a similar code at NCC. There are still some shortfalls which would require legislative change, around the area of sanctions, appearing to act in your public capacity and a clearer position on social media would be helpful.



**Report to** Standards committee  
17 November 2020  
**Report of** Director of resources  
**Subject** Social media policy

**Item**

**7**

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**Purpose**

To consider developing a social media policy for members

**Recommendation**

To delegate authority to the monitoring officer to draft a social media policy.

**Corporate and service priorities**

The report helps to meet the corporate priority healthy organisation.

**Financial implications**

To be funded from existing budget.

**Ward/s:** All Wards

**Cabinet member:** Councillor Kendrick - Resources

**Contact officers**

Rachel Crosbie, monitoring officer

01603 222313

**Background documents**

None

## **Background**

Over the years complaints about members use of social media have continued and increased. Members of the Standards Committee have suggested that there needs to be a social media policy in place for members. No detail has been put forward for this. Prior to preparing a social media policy the monitoring officer would like to capture the views of the standards committee before drafting a policy. The monitoring officer has listed below the points which could go into the policy but would like a view from the Committee as to whether this captures everything that is wanted.

## **Report**

One of the main complaints that the monitoring officer receives about social media and members is that when somebody reads the post they often assume that the member is posting in their capacity as a councillor. This is not always the case.

A member can post in their personal capacity. However, whenever a member appears to be posting in their capacity as a councillor they need to be aware of the members code of conduct and their ability to breach this.

There are various ways of making it clear that you are posting in your personal capacity. This could be to have two separate accounts, or to state at the start of your post that a matter is in your personal opinion.

There is no standard social media policy being used. The Local Government Association as part of the consultation on standards in public life made reference to social media, but didn't go as far as publishing a document.

There appears to be a real mixture of social media policies amongst other councils. Some have none, some a few pages and some over 35 pages.

In order to draft a policy that suits what the members want and what the standards committee require the monitoring officer often advises that the following matters should be included.

## **Matters to consider**

Restricted only to members

Ownership should be communications team and Monitoring officer

There should be reference to different types of social media

The law: Libel, data protection, safeguarding, copyright

Other areas to consider: licensing, planning, pre-determination and pre-disposition, bias

Should the policy be just for guidance.

Personal social media accounts

Who to link in with or have as a friend.

Advice on keeping your private matters private when and if necessary, such as your vehicle registration, details of family members, your address.

Only publishing information that you are happy to be shared.

There should be reference to considering keeping personal information secure, turning off notifications.

There needs to be reference to the councillors code of conduct and the aspects that could be breached through social media

Consideration of having 2 accounts.

Consideration of how to make it clear that you are tweeting, blogging, posting in your capacity as a councillor or in your private capacity.

Consider if reference should be made that it is your view not the councils view.

Reference to the usual protocols of confidential information, pre-election period, exempt reports, data protection.

Do members need any training on using social media?

References could be made on deleting posts and when posts should be deleted. This could include harassment, abusive posts, profanity, naming the general public and linking them to a particular incident. Hate crime.

Reference can also be made to what is being browsed, downloaded, uploaded and distributed on social media. Consideration needs to be given to information which could be classed as inappropriate, offensive, defamatory, illegal or discriminatory.

Consideration needs to be given to excessive use of social media during council business.

Public sector equality duty requirements and Social media.

