



MINUTES

STANDARDS COMMITTEE

14:00 – 15:05

17 November 2020

Present: Councillors Driver (chair) and Grahame, Mr P Franzen (co-opted member) and Linda Barber (independent person), Rachel Crosbie, monitoring officer.

Apologies: Councillors Fulton-McAlister (M), Sands (M) and Oliver.

2. Declaration of interests

There were no declarations of interest.

3. Minutes silence

The committee joined the chair in observing one minutes silence to mark the passing of Mr Colin Thrower, a former co-opted member of this committee and city council colleague.

4. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 10 October 2020 and defer consideration of the minutes of the meeting held on 4 February 2020¹ to the next meeting.

5. To introduce a written procedure for standards committee hearings

The monitoring officer introduced her report by saying that during her time in post there has not been any matters which have resulted in a full standards board hearing, however it is best practise that the procedures for such hearings are up to date. The monitoring officer said that the procedure proposed would (subject to agreement by the constitution working party and full council) wholly replace Appendix 13c of the council's constitution.

¹ The minutes of the meeting held on 4 February 2020 were not produced due to the implications of the pandemic.

The monitoring officer proposed a deletion of point 14, 'The committee will usually move to another room to consider the representations and evidence in private', which the committee agreed. In response to a question from the chair, the monitoring officer confirmed that there is no change proposed to the role of independent persons on the committee and in the event of a full standards board hearing the chair of the committee would chair the hearing.

The co-opted member expressed concern that the way point 9 was written suggests that an investigator may not necessarily be present at a hearing. In response the monitoring officer said that any hearing date would be set taking into account the investigators availability however keeping this point in would allow the hearing to go ahead if for any reason the investigator couldn't attend, though this would be unusual.

The independent person commented that point 31 under power to regulate own proceedings gives 'the *chair* of a hearings sub-committee the right to depart from these arrangements where they consider it expedient to do so ...' makes an anomaly of the procedure. In response the monitoring officer explained that a challenge to a small point of order would not invalidate the whole meeting. At the suggestion of the chair it was agreed to amend point 31 from *chair* to the *monitoring officer*.

A member raised point 4, suggesting that someone at committee should have whoever they would like to accompany them without having to ask the committee. It was agreed to delete the wording ... 'or with the permission of the committee' from point 4. The member then discussed the list of possible sanctions in point 27. The monitoring officer explained these sanctions were taken from the constitution. The maximum period a member can be suspended for is six months. After this period the councillor would cease to be a councillor and a by-election would be triggered. The co-opted member questioned if members pay would be suspended in the event of that councillor being subjected to the most serious sanction, f, 'withdrawal of facilities or services from the member including access to council premises and or/IT facilities'. The monitoring officer agreed to check this point and if members pay was frozen make this explicit in the wording of the sanction. The monitoring officer said that any relevant case law would be considered at the time when a standards board was called.

RESOLVED to ask the monitoring officer to:

- (1) delete point 14
- (2) amend point 31 from 'chair' to the 'monitoring officer'
- (3) delete the wording ... 'or with the permission of the committee' from point 4
- (4) check if members pay is suspended if that member was subject to the most severe sanction, and if so make this explicit in the wording of the sanction.

6. Local Government Association (LGA) draft code of member conduct

The monitoring officer was responsible for submitting the view of Norwich City Council to the LGA on their draft code of member conduct. To do this the monitoring officer consulted with the corporate leadership team, members and group leaders during summer 2020 and this report outlines the findings of this exercise. In total the LGA have received around 1,600 responses to the consultation which culminated on

22 October 2020 when a revised code was put forward for the LGA forum to consider. A final code will be submitted to the LGA Board for approval and analysis of the findings will be published from the consultations. A member put forward the idea that civility and respect are missing from the report. The monitoring officer said that this theme is included in the LGA draft, including definitions of both terms. It was agreed to note the report.

RESOLVED to note the report of the monitoring officer.

7. Policy on social media

A member asked for clarity that this policy was for members only, which the monitoring officer confirmed. The monitoring officer introduced the report by saying this is an area that she is increasingly contacted about. The use of two separate social media accounts for each platform such as twitter, facebook, instagram etc was discussed – one for personal/family and one for political/council use. The policy should be explicit enough to be used to determine action the any future complaints. The co-opted member said that a clear set of guidelines is important, especially with an election coming up. A member said that two separate social media accounts were fundamental in order to distinguish to the public if a member is speaking as an individual or as a councillor and suggested the policy should be brief and concise to aid understanding. The monitoring officer asked members if the policy should go so far as to cover pre-determination, safeguarding etc.

The independent person said that it is very difficult for members of the public to understand that there may be a personal view and a councillor view that could be different coming from the same person, and that is where complaints arise.

A member said that if a member of the public sees your comments they should always be compatible with the council's position, and any personal messages should be sent as a private direct message, not shared on social media.

The committee agreed that a social media policy was needed. The committee then asked the monitoring officer to draw up the policy, aiming to be concise and bring back to the next meeting of standards committee with a view to the report then being taken to constitution working party and onto full council. It was the view of the committee that this policy should be in place before the next election. The democratic services and elections manager advised the committee that the pre-election period begins on 29 March 2021.

The independent member spoke about an example of a social media account whereby a councillor had a social media account under an assumed identity and was making inflammatory posts. To avoid this in the future she suggested the council's policy should state that accounts should be to a named person. A member said that this should be covered by the councillor code of conduct and it is really important to be sure who is posting so inflammatory or such information does not gain traction and is believed. A member said that accountability for what you say is important and the policy should reference this. The monitoring officer reminded councillors that they were also entitled to a private life and views too and it is where the line is drawn that is important. There was discussion about prefacing each comment with a disclaimer.

In response to a question from the monitoring officer the chair agreed that councillors would benefit from social media training across all social media platforms. A member said that the training should focus on how councillors can apply the policy/guidance to their own social media accounts – not training in how to use the platforms themselves. The democratic services and elections manager advised the meeting that training that covers publicity and use of social media is held before to the pre-election period and encouraged the committee to encourage other members to sign up.

The independent member referenced the learning hub which the county council use to deliver training in a cost effective way, the monitoring officer agreed to explore this and also to consult the director of communications and culture on how to shape the guidance.

RESOLVED to ask the monitoring officer to present a social media policy to the next meeting of the standards committee.

8. Monitoring officer update

The monitoring officer said that five complaints have been received since the last meeting of standards committee. All complaints are taken by the monitoring officer to the independent person for a second opinion. One complaint related to posting on social media following a council meeting, this was resolved by the post being removed at the monitoring officer's request and no further action was then taken. Two complaints were received about the same councillor regarding potentially anonymous Facebook posts – the person who was complaining didn't take the complaint any further or respond to prompts from the monitoring officer and the matter was dropped. A further complaint was about a member, wearing council ID, swearing at a member of the public. As there were no witnesses or evidence this complaint has been dropped as it was not considered to be in the public interest to follow up. Complaints were received from members of the public and members of the council about a comment made in a council meeting. The councillor was spoken to at the time but has since decided to leave the council so the matter has not been pursued any further. In terms of complaints the monitoring officer said she has found it difficult to get a timely response from members and suggested a timescale for response to the monitoring officer could be included in the policy.

The monitoring officer said that she is taking steps to fill the vacant position for an additional co-opted member to the standards committee.

RESOLVED to:

- (1) note the update from the monitoring officer.
- (2) to include a timescale for member responses to monitoring officer requests around complaints.

CHAIR