

STANDARDS AND ETHICS COMMITTEE

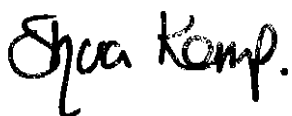
Venue: Rotherham Town Hall,
Moorgate Street,
Rotherham. S60 2TH

Date: Thursday, 12 March 2020

Time: 2.00 p.m.

A G E N D A

1. **Apologies for absence**
To receive the apologies of any Member who is unable to attend today's meeting.
2. **Declarations of interest**
To receive declarations of interest from Members in respect of items listed on the agenda.
3. **Exclusion of press and public**
To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
4. **Minutes of the previous meeting held on 30 January 2020 (Page 1)**
To consider and approve the minutes of the previous meeting held on 30 January 2020, as a true and correct record of the proceedings.
5. **Social Media Guidance (Pages 2 - 9)**
To receive a report providing guidance for use of social media.
6. **Concerns Raised Pursuant to the Whistleblowing Policy (Pages 10 - 15)**
To consider a report providing a review of concerns raised pursuant to the Whistleblowing Policy.
7. **Consideration of Complaints (Pages 16 - 21)**
To receive a report updating the Committee on the Complaints received against Members of the Council and Town and Parish Councillors alleging a breach of the Code of Conduct.
8. **Urgent business**
To determine any item which the Chair is of the opinion should be considered as a matter of urgency.
9. **Date and time of next meeting**
The next meeting of the Standards and Ethics Committee will take place on 18 June 2020, commencing at 2.00 p.m. in Rotherham Town Hall.



S. KEMP,
Chief Executive.

STANDARDS AND ETHICS COMMITTEE**Thursday, 30th January, 2020**

Present:- Councillor McNeely (in the Chair); Councillors Clark, Cooksey, D. Cutts, Ireland, Sheppard, Simpson, Vjestica, Mr. D. Bates, Mr. D. Rowley and Mr. R. Swann and also Mrs. A. Bingham, Mr. P. Edler, Mrs. M. Evers, Mrs. K. Penney and Mrs. J. Porter.

59. DECLARATIONS OF INTEREST

Councillor Ireland declared a personal interest with regard to Agenda Item 8 (Standards and Ethics Committee – Consideration of Complaints), as an individual who is the subject of a complaint was known to him.

60. TO CONSIDER WHETHER THE PRESS AND PUBLIC SHOULD BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF ANY PART OF THE AGENDA.

Resolved:- That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the appendices for Agenda Items 7 and 8 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

61. MINUTES OF PREVIOUS MEETING HELD ON 18 SEPTEMBER 2019

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 18 September 2019 be approved as a true and correct record of proceedings.

62. TO DETERMINE ANY ITEM WHICH THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

The Chair reported that there were no matters of urgent business requiring consideration by the Committee.

63. GUIDANCE ON MEMBERS REGISTRATION AND DISCLOSURE OF INTERESTS

Consideration was given to a report presented by the Deputy Monitoring Officer in respect of the registration and disclosure of interests, followed by a discussion of whether monthly versus six-monthly reminders should be issued to Borough Councillors with respect to updating their declarations of interest.

Clarification was sought around the various types of interests which may be disclosed, and as to the significance of the terms in the language of the requirements. It was clarified that the that the current discussion pertained to those of the Borough Councillors only. Information was also provided around dispensations: that these did not carry forward automatically, which meant that Members must reapply for any dispensations. The Monitoring Officer emphasised the importance of declaring the existence of an interest rather than the details of the interest.

In discussion, Members of the Committee sought clarification in respect of the procedure that would be followed in the event of a failure to disclose a pecuniary interest. In response, the Monitoring Officer provided assurances that, any matter would be considered on its facts, and this may include a matter being reported to the Police if appropriate. Those matters were covered in Member training and were emphasised in induction procedures.

The suggestion was raised to give special attention to the topic in upcoming induction proceedings for Members after the election. Members also suggested that the procedure could be redesigned to be more visually approachable.

Toward informing Members of the clear expectations, the Monitoring Officer agreed that information could be made available on the Council website, to include specimen completed forms. It was reiterated that it was considered good practice that such forms had been brought to the Monitoring Officer's attention so that the composition of the forms themselves, as well as the practice around completing the forms, may be scrutinised and appropriate support be provided to Members to help them fulfil the requirement. The Monitoring Officer reaffirmed that, through collaboration with relevant officers in Democratic Services, she would provide training in respect of the Member Code of Conduct in the upcoming induction.

Resolved:-

1. That the contents of the report and the requirements relating to Members' interests be noted.
2. That the Monitoring Officer issue a reminder to all Members in respect of the requirement for Members to register relevant interests, as set out within the report, and that ongoing reminders be issued on a monthly basis.

64. A REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report and appendix presented by the Deputy Monitoring Officer, which provided an overview of the

Whistleblowing cases which had been received over the past year. Clarification was sought around dates of the report, and it was confirmed that the dates listed were correct.

Particular reference was made to the appendix to the report which set out clearly the description of the concerns received and action taken.

Resolved:-

That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

65. STANDARDS AND ETHICS COMMITTEE - CONSIDERATION OF COMPLAINTS

(Councillor Ireland left the room during discussion of Agenda Item 8.)

Consideration was given to the report presented by the Deputy Monitoring Officer, detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Town and Parish Councillors. The report listed the current cases of complaint and the action being taken in respect of each one. Clarification was provided around the timescales for communications with complainants. Reference was made to each related case and recommended outcomes/actions identified were highlighted.

Resolved:-

1. That the report be received and the contents noted.
2. That the progress in respect of each case be noted pursuant to the Standards and Ethics Committee Complaints Procedure.

66. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Standards and Ethics Committee be held on 12 March 2020, commencing at 2pm at Rotherham Town Hall.

Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee – 30 January 2020

Report Title

Social Media Guidance

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Deputy Monitoring Officer/Service Manager, Legal Services
01709 823523 - stuart.fletcher@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

A report providing brief guidance as to the use of Social Media in compliance with the Code of Conduct

Recommendations

1. That the Committee notes the content of the report.
2. That the Monitoring Officer organises appropriate Social Media training for members.
3. That the Monitoring Officer issues guidance to Members on their use of Social Media via the Members Update, based on the content of this report.

List of Appendices Included

None

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Social Media Guidance

1. Background

- 1.1 The increased use of social media presents a potentially important and useful way for Councillors to engage with their constituents. This new media is useful for informing constituents about local issues and what action elected members are taking in relation to such matters. This type of communication can increase the profile of local democracy and politicians, and potentially help to engage different demographic groups into local politics. However it also brings additional risks for members around the way in which they express themselves.
- 1.2 Social media platforms are much more instant than traditional forms of communication and often users do not identify themselves. This can lead to “knee-jerk” reactions and responses, and ill-advised and ill judged exchanges.
- 1.3 As such members need to be careful in the way they express themselves, where there is any suggestion that they are communicating in an official rather than a private capacity. Communications on social media are more likely to be viewed as having been made in an official capacity where the member identifies themselves as a Councillor, where they refer to information known to them by means of them being an elected member, or where they refer directly to council business as opposed to wider political issues.
- 1.3 When comments are made as set out above and are therefore made in an official capacity, those comments will be subject to the usual requirements of the Code of Conduct. The use of a disclaimer on social media will not necessarily mean that communications fall outside the scope of the code of conduct.
- 1.4 Further guidance as to the use of social media by members is set out in the publication by the Local Government Association entitled “Councillor’s Guide to Handling Intimidation” the relevant part of which guidance is reproduced at Appendix 1. This document refers to the benefits of engaging in social media, the risks in terms of standards and ethics, and also online safety.
- 1.5 The recent report of the Committee on Standards in Public Life in respect of Local Government Ethical Standards made a recommendation that “The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor’s public behaviour, including comments made on publicly accessible social media, is in their official capacity. This would require that Section 27(2) of the Localism Act 2011 be amended to permit local authorities to presume so when deciding upon code of conduct breaches.” As such if this change is made to the legislation, members will need to be even more careful as to all of their communications on social media. If any

such changes to the legislation are made, clearly it will be incumbent upon the Committee and the Monitoring Officer to make members aware of this and any potential implications.

- 1.5 Further it is the intention of the Monitoring Officer that training is to be provided in relation to the use of Social Media in compliance with the Code of Conduct. This training will also incorporate input from the Communications team in respect of good practice when using Social Media.

2. Key Issues

- 2.1 That members are aware of the requirement when using Social Media to comply with the Code of Conduct as set out above.

3. Options considered and recommended proposal

- 3.1 Recommendations have been referred to above.

4. Consultation on Proposal

- 4.1 N/A

5. Timetable and Accountability for Implementing this Decision

- 5.1 N/A

6. Financial and Procurement Advice and Implications

- 6.1 Any work undertaken by Legal Services in dealing with this matter is within the budget for Legal Services.

7. Legal Advice and Implications

- 7.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. The information set out in this report re-iterates that members should comply with the Code of Conduct when using Social Media, thereby contributing to the promotion and maintenance of high standards of conduct.

8. Human Resources Advice and Implications

- 8.1 None.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 None.

10. Equalities and Human Rights Advice and Implications

10.1 None

11. Implications for Partners

11.1 None.

12. Risks and Mitigation

12.1 There is a risk that if members are not aware of the requirements to comply with the Code of Conduct when using Social Media, further complaints will be received by the Standards and Ethics Committee.

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

Report Author: Stuart Fletcher, Deputy Monitoring Officer/Service Manager,
Legal Services
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This report is published on the Council's [website](#).

Appendix 1

Councillors and social media

This section sets out background information on the use of social media for councillors. With thanks to Ashfield District Council for permission to share their guidance on social media.

Key points:

- Social media can be very useful in getting feedback on proposals and communicating information about councillors' activities
- Social media is always on, so consider setting personal limits and establishing your own routine
- Councillors are subject to the council's code of conduct when using social media

1. Why you may find social media useful

Social media has become an every-day communications tool for councillors and the people they represent, and the potential for councillors using social media is huge.

Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.

In addition, it is a useful source of intelligence:

- People will talk about local issues, their concerns and interests.
- You can find out about breaking news, the latest research or publication or the latest policy announcements from organisations such as the LGA.
- People often have little understanding of the councillor role and may have negative perceptions, but social media can give people a taste of your personal life and remind them that you are similar to them.
- Residents can be made aware of and provide feedback to your work and campaigns, including mobilising support and interest and gathering followers.
- You can have conversations with people who do not traditionally seek out their local representatives.
- Social media allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly (bearing in mind that you would then share equal responsibility in law for anything later seen to be untrue or defamatory)
- The local and sometimes national press will follow councillors on Twitter or Facebook. Social media is a growing source for stories for news outlets as each tweet or comment is effectively a mini-press release.

Online safety, personal security and digital citizenship

Digital Citizenship, which has begun to be taught in schools, is about engaging in appropriate and responsible behaviour when using technology, and encouraging others to do so as well. It encompasses digital literacy, ethics, etiquette, online safety, norms, rights, culture and more.

In any personal online biography, it is advisable to make clear that the views are those of the councillor in question and may not represent the views of the council. If space allows, you may also want to set out a 'response' policy, such as "I welcome questions via email" and an 'engagement' policy, such as "abusive content will be removed".

It is easy to put personal information online, such as your birthday, routines, places you frequent, future visits, holiday destinations, relationships, and opinions, etc, which are then available for anyone in the public domain to access. For personal safety, as well as identity security, you may want to consider whether you share personal information, images of friends and/or family and details of any routines.

Social media posts now include location-based information, particularly from mobile phones, which tells people exactly where you are or where you have been. Again, with personal security in mind, you may want to turn off these notifications.

You can 'search for yourself' to check what information you can find out about yourself, your family or your business on-line. Checking this regularly means you can check what is in the public domain and edit it if necessary.

With respect to personal security, it is advisable not to include on social media details such as your personal phone numbers, home address, details of family members or vehicle details.

A picture paints a thousand words, and a photo can relay personal information you may not want shared on social media. As such, it is advisable to only publish photos of family, friends and colleagues with your consent and theirs, to ensure photos don't reveal your home or places frequented with family members such as schools or care homes, and to disable automatic photo and location tagging so that you have to approve another user identifying you in a photo or being at a specific location. You may also want to make your family and friends aware that you will be following these precautions.

Some people say things via social media that they probably would not say in person, and they can post false information, insults or messages that you would not want to be associated with you. These can multiply and be shared quite rapidly. Councillors, and in

particular female councillors, are unfortunately increasingly the subject of online abuse, bullying and harassment on social media. See our section on handling abuse on social media on how to manage this.

Having a social media presence means that people can contact you at any time. This is great in terms of accessibility but means that they may expect you to reply immediately, which can create a sense of pressure. It is useful to set your own rules and limits for how you manage your social media presence.

You can be sent phishing requests and malicious software on social media the same as you can on email, so maintain the same level of vigilance.

Be aware that some individuals post socially unacceptable, defamatory, inciting or even intimidatory remarks to generate online activity on the back of advertising or promotion of ideologies, brands or events. Similarly, the term “internet troll” is used to refer to a person or group of people who deliberately start arguments or upset people by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal discussion, often for their own amusement.

Be aware of safeguarding because social media sites are often misused by offenders. Safeguarding is everyone’s business – if you have any concerns about other site users, you have a responsibility to report these.

The usual protocols regarding confidential information, copyright, data protection, purdah, exempt reports, etc, apply to social media. Avoid publishing anything where there is doubt or seek permission in advance. Your council may also have a protocol regarding the use of social media in the run up to, during and after both internal and public meetings.

To be an effective councillor you won't stop meeting people and posting leaflets simply because you are posting online. You will know your residents best—consider which channel works best for them to connect with you, online and offline.

To provide support councillors in their use of social media, it is recommended that councils have their own policies, protocols and training, as well as a point of contact within the council to give support and to report to if things go wrong. The LGA will be working with members to develop more detailed advice for councils in a future guide.

Responsibilities of councillors on social media

Councillors are personally responsible for the content they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue

statement about a person which is damaging to their reputation may incur a defamation action for which you will be personally liable. The same applies if you pass on any similar untrue statements you receive.

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.

You can make use of stringent privacy settings if you do not want your social media to be accessed by the press or public. It is advisable to read the terms of service of any social media site accessed and make sure you understand their confidentiality / privacy settings.

Some councillors choose to have separate social media profiles for personal and council use. It is important to keep in mind, however, that even the strictest privacy settings is no guarantee for posts or actions to remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting.

The code of conduct for members and relevant legislation continues to apply online and in social media. If you are referring online in any way to your role as a councillor, you are deemed to be acting in your "official capacity" and any conduct may fall within the code.

Public Report
Standards and Ethics Committee

Committee Name and Date of Committee Meeting

Standards and Ethics Committee – 12 March 2020

Report Title

A Review of Concerns Raised Pursuant to the Whistleblowing Policy

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Deputy Monitoring Officer/Service Manager, Legal Services
01709 823523 - stuart.fletcher@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

A report regarding concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

Recommendations

1. That the Committee notes the Whistleblowing concerns raised over the previous year and the actions taken to address these matters.

List of Appendices Included

Appendix 1 - Schedule of Whistleblowing Concerns

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

The Appendix to this report will be considered in the absence of the press and public as being exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relating to an individual).

A Review of Concerns Raised Pursuant to the Whistleblowing Policy

1. Background

- 1.1 This report provides an overview of the Whistleblowing cases which have been received over the past year.
- 1.2 A description of the concerns received over the past year, along with the relevant action to address these matters is at Appendix 1. This is appropriately anonymised in order not to identify the Whistleblower, pursuant to the policy in respect of confidentiality.

2. Key Issues

- 2.1 Matters reported are described within Appendix 1. It is important for there to be oversight of matters being reported pursuant to the Whistleblowing Policy.

3. Options considered and recommended proposal

- 3.1 Recommendations have been referred to above.

4. Consultation on Proposal

- 4.1 N/A

5. Timetable and Accountability for Implementing this Decision

- 5.1 N/A

6. Financial and Procurement Advice and Implications

- 6.1 Any work undertaken by Legal Services in dealing with this matter is within the budget for Legal Services.

7. Legal Advice and Implications

- 7.1 The Council has a statutory duty to provide an appropriate Whistleblowing Policy and arrangements for dealing with concerns raised through the policy.

8. Human Resources Advice and Implications

- 8.1 None.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 None.

10. Equalities and Human Rights Advice and Implications

10.1 The Whistleblowing Policy is available to all employees, workers and contractors of the Council.

11. Implications for Partners

11.1 None.

12. Risks and Mitigation

12.1 There is a risk that if serious misconduct is not reported pursuant to the Whistleblowing Policy, serious issues will not be appropriately investigated and addressed.

13. Accountable Officer(s)

Bal Nahal, Head of Legal Services

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This report is published on the Council's [website](#).

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting – 12th March 2020

Title

Standards and Ethics Committee - Consideration of Complaints

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

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Tel : 01709 823523

Ward(s) Affected

All

Executive Summary

A report updating the Committee on the Complaints received against Members of the Council, and Town and Parish Councillors alleging a breach of the Code of Conduct.

Recommendations

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

List of Appendices Included

Appendix 1 – Schedule of Complaints and actions taken

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

The Appendix to this report will be considered in the absence of the press and public as being exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relates to an individual).

Title

Standards and Ethics Committee - Consideration of Complaints

1. Recommendations

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

2. Background

2.1 A Schedule of complaints received and actions taken in respect of those complaints is at Appendix 1.

2.2 As the schedule includes unproven allegations, it is anonymised in order to prevent identification of the relevant subject member.

3. Key Issues

3.1 The nature of each complaint is set out in the Schedule at Appendix 1. Any common themes arising from the Committee's overview of complaints should be identified. Further the members of the Committee may make suggestions in relation to means of addressing common issues which arise in the complaints.

4. Options considered and recommended proposal

4.1 Options for dealing with the complaints are set out in the Complaints Procedure and the action taken in respect of each complaint is set out in the Schedule.

5. Consultation

5.1 One of the Standards and Ethics Committee Independent Persons is consulted in respect of each complaint.

6. Timetable and Accountability for Implementing this Decision

6.1 N/A

7. Financial and Procurement Implications

7.1 The officer time in dealing with these complaints is met within existing Legal Services resources.

8. Legal Implications

8.1 The Council and the Standards and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

9. Human Resources Implications

9.1 None

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11. Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Bal Nahal, Head of Legal Services

Appendix 1

Schedule of Complaints

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted