

STANDARDS COMMITTEE

MINUTES

16 JUNE 2011

Chairman: * Dr J Kirkland

Councillors: † Mano Dharmarajah * Victoria Silver
* Brian Gate * Simon Williams
* Paul Osborn

Independent Persons: * Mr J Coyle * Mr D Lawrence

* Denotes Member present

44. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance at this meeting.

45. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made by Members.

46. Appointment of Vice Chairman

RESOLVED: That Mr Derek Lawrence be appointed a Vice-Chairman of the Committee for the Municipal Year 2011/12.

47. Minutes

RESOLVED: That the minutes of the meeting held on 26 April 2011 be taken as read and signed as a correct record.

48. Public Questions

RESOLVED: To note that no public questions were received at the meeting.

49. Petitions

RESOLVED: To note the receipt of the following petition:

Ethical Governance

Petition containing 18 signatures stating that the proposed Social Media Protocol should have been put out beforehand to public consultation, given the degree of public participation in social websites. The petition also requested that there should be wider consultation on the proposed protocol before adoption by the Council.

50. Deputations

The Chairman reported that there had been a request for a deputation relating to agenda item 9 – Social Media Protocol. However the deadline for submitting a deputation, as contained in the Council's Constitution had not been met. Whilst it was important to adhere to the constitutional rules, and without creating a precedent for any future such case, the Chairman proposed that the person wishing to speak, Mrs Eileen Kinnear, be allowed to address the Committee at the start of the item for a period of two minutes.

RESOLVED: That Committee Procedure Rule 16 be suspended for agenda item 9 – Social Media Protocol, to allow a speaker to address the Committee for a period of two minutes.

RECOMMENDED ITEMS

51. Social Media Protocol

The Committee received a report which set out a draft Social Media Protocol for Members to consider whether it would be useful for the Council to adopt. Mrs Eileen Kinnear addressed the Committee and stated that in her view the protocol was unnecessary. In her view the Protocol did not address websites or blogging and did not contain any sanctions.

An officer reported to the Committee that:

- the Social Media Protocol had been based on the Guide to Blogging produced by Standards for England. The Guide had been presented to the Committee at its previous meeting;
- the Council would be conducting a training session on the Protocol. The training would be held on 30 June 2011;
- the Protocol provided a simplified version of the Guide to Blogging provided by Standards for England. The Protocol's scope had also

been extended to provide advice on various media forms, not just blogging;

- the Protocol was intended to provide assistance to conform with the Member's Code of Conduct;
- the Protocol also contained examples of how the First Tier Tribunal and Standards Committee have viewed cases involving social media.

During the discussion on this item, Members made a number of comments as follows:

- Members generally obeyed good standards of conduct and abided by the Nolan principles;
- it was important to recognise that the use of social media was still a developing area of legislation and case law. The protocol was a good start and it was expected that it would evolve over time. It would be helpful to have a date of revision for the protocol within a year or two, given that this was an evolving area;
- the document was clear and concise. It also provided clear advice on who could potentially be interpreted as being a close associate;
- the Protocol had to be based on the Code of Conduct as that constituted the legal framework that Members had to operate in. Any sanction against a Member had to be based on a breach of the Code of Conduct;
- that although the Protocol would not be presented for approval by full Council by then, it should form the basis of the Members training event on social media scheduled for 30 June 2011.

Resolved to RECOMMEND: (to Council)

That the Social Media Protocol be adopted and incorporated in the Council's Constitution.

RESOLVED ITEMS

52. Establishment of Sub-Committees for 2011/12

RESOLVED: That the Sub-Committees of the Standards Committee be established for the Municipal Year 2011/12 with the memberships detailed in Appendix I to these minutes.

53. Standards Decisions

It was reported that both groups has now submitted names of members to serve on the proposed working group established by the Committee to investigate and produce recommendations on the future of the Standards

regime in the borough, with one nomination still subject to confirmation. In view of the recommendation of the last meeting that the Committee should contain members with past expertise of Standards Committee membership, it was noted that at least one nominee from each group met this criteria. The Committee also confirmed that the Chairman, Dr Kirkland, should be the Independent Member on the working group.

An officer reported that at the first meeting of the working group, some fundamental questions would need to be answered such as whether the Council wanted to keep a Standards Committee and whether the Council would wish to adopt a voluntary Code of Conduct.

Members of the Committee stated that it was important for residents to be consulted by the working group. This would contribute towards the transparency and openness of the group. It would also be important to liaise with the internal audit department of the Council.

The Committee agreed that the working group should submit an interim report at the meeting of the Committee on 13 September 2011 with a view to providing a final report at the meeting on 28 November 2011. As a result it was anticipated that the working group would have its first meeting in July 2011. It was suggested that it would be helpful for research to be conducted ahead of the first working group meeting to provide benchmarking information and figures nationally.

An officer then introduced the case studies of complaints against Members, presented as part of this item. The officer reported that:

- the first case presented involved a Member who had inadvertently described a group of Councillors as 'corrupt'. The Member was not good at public speaking and had been placed under pressure. The Member was found to have been disrespectful and having brought his office and the Council into disrepute. However the sanction of no action was found to be appropriate;
- the second case involved a Member who had made comments about the Town Clerk. Consideration was given to the threshold for failure to treat others with respect. It was found that the threshold should allow for passion and frustration during political debate. In this case the Member believed the comments to be true and the Town Clerk was senior and able to defend their position. There was therefore no breach of the Code of Conduct;
- the third case involved a Member who had publicly criticised an officer. The words used were highly critical and personal. The officer was largely defenceless. The Member was suspended for four months or until an apology was provided;
- the fourth case involved a Member who had distributed leaflets relating to an election campaign claiming that there was a lack of staff within an

authority. It was found that the Member was acting in a personal capacity and the Code of Conduct was therefore not applicable.

During the discussion on this item, Members made a number of comments which included:

- discussions on the application of Article 10 of the Human Rights Act (freedom of speech) in relation to the Code of Conduct were helpful. It was an important balance to get right;
- the case studies were useful background information, particularly in assisting Members to focus on the correct issues when determining complaints;
- Council meetings sometimes involved raised passions from Members. It was important to account for this and to allow for robust political debate;
- the level of respect provided to officers was important. If there were any issues with performance, these were best dealt with under employment procedures.

RESOLVED: That the report be noted.

54. Any Other Business

In accordance with the Local Government (Access to Information) Act 1985, an officer provided an update to the Committee on information released publicly relating to a Freedom of Information request. The Committee discussed the business as a late item, to allow the information to be communicated at the earliest possible opportunity.

The officer reported on the costs involved in a recent standards matter. Members of the Committee agreed that the working party established to look into the future of the Standards Regime should have regard to costs in any future proposal, however it was important to get the balance right and ensure fairness for all.

RESOLVED: That the item be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.29 pm).

(Signed) DR J KIRKLAND
Chairman

STANDARDS PANELS 2011/12**ASSESSMENT, REVIEW AND HEARING SUB-COMMITTEES (3)
– (Pool of Members) (Non-Proportional)**

(To be selected from the following nominees)

	Independent Persons	Labour	Conservative
	(1) Chairman	(1)	(1)
I. Members	Mr James Coyle Dr John Kirkland Mr Derek John Lawrence (Vacancy)	Mano Dharamarajah Brian Gate Victoria Silver	Paul Osborn Simon Williams
II. Reserve Members		1. Mitzi Green 2. Asad Omar 3. Nana Asante	1. Chris Mote 2. Richard Romain 3. John Nickolay

Membership Rules

(1) The membership of the Standards Committee - Assessment and Review Sub-Committees will be three persons (comprising one Independent Persons and one Elected Member from each of the main political parties, within the Standards Committee Membership);

(2) the quorum for the Sub-Committees is 3;

(3) the Sub-Committees shall be chaired by the Independent Person;

(4) Members attending a Panel be required to vote on a local determination and not be permitted to abstain.