



Leicester  
City Council

## **MEETING OF THE STANDARDS COMMITTEE**

**DATE: THURSDAY, 30 JANUARY 2014**

**TIME: 5:30 pm**

**PLACE: THE FOUNTAIN ROOM - GROUND FLOOR, TOWN HALL,  
TOWN HALL SQUARE, LEICESTER**

### **Members of the Committee**

Councillor Waddington (Chair )  
Councillor Shelton (Vice-Chair)  
Councillor Senior  
Councillor Sood  
One Non-Grouped Member Vacancy

Ms Fiona Barber (Independent Member)  
Ms Amanda Fitchett (Independent Member)  
Mr Desmond Henderson (Independent Member)  
Ms Joanne Holland (Independent Member)  
Mr Stephen Purser (Independent Member)

Standing Invitees:

Mr David Lindley (Independent Person)  
Ms Caroline Roberts (Independent Person)

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for the Monitoring Officer

**Officer contact: Graham Carey**  
*Democratic Support, Leicester City Council*  
Town Hall, Town Hall Square, Leicester LE1 9BG  
(Tel. 0116 454 6356)

## **INFORMATION FOR MEMBERS OF THE PUBLIC**

### **ACCESS TO INFORMATION AND MEETINGS**

You have the right to attend Cabinet to hear decisions being made. You can also attend Committees, as well as meetings of the full Council. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. There are procedures for you to ask questions and make representations to Scrutiny Committees, Community Meetings and Council. Please contact Democratic Support, as detailed below for further guidance on this.

You also have the right to see copies of agendas and minutes. Agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk) or by contacting us as detailed below.

Dates of meetings are available at the Customer Service Centre, 91 Granby Street, Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

### **WHEELCHAIR ACCESS**

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### **BRAILLE/AUDIO TAPE/TRANSLATION**

If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

### **INDUCTION LOOPS**

There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

**General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Graham Carey, Democratic Support on 0116 454 6356 or email [Graham.Carey@leicester.gov.uk](mailto:Graham.Carey@leicester.gov.uk) or call in at the Town Hall.**

**Press Enquiries - please phone the Communications Unit on 0116 454 4150**

## **PUBLIC SESSION**

### **AGENDA**

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed.

**3. MINUTES OF PREVIOUS MEETING**

**Appendix A**

The minutes of the meeting of the Standards Committee, held on 7 November 2013, are attached and Members are asked to confirm them as a correct record.

**4. MINUTES OF THE STANDARDS ADVISORY BOARD**

**Appendix B – C**

The minutes of the meetings of the Standards Advisory Board held on 10 October 2013 and 19 December 2013, are attached and Members are asked to confirm them as a correct record.

**5. SOCIAL MEDIA GUIDE**

**Appendix D**

The Monitoring Officer submits a draft Social Media Guide for Councillors which has been amended and redrafted following consideration of it at the last meeting in November. Members are asked to endorse the guide.

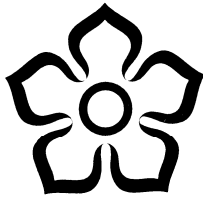
**6. COMPLAINTS AGAINST COUNCILLORS - UPDATE**

**Appendix E**

The Monitoring Officer submits a report giving feedback on complaints against Councillors reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against Councillors. The Committee is recommended to receive and note the report.

**7. ANY OTHER URGENT BUSINESS**





Leicester  
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Minutes of the Meeting of the  
STANDARDS COMMITTEE

Held: THURSDAY, 7 NOVEMBER 2013 at 5.30pm

P R E S E N T :

Councillor Waddington (Chair)

Councillor Senior

Councillor Shelton

Councillor Sood

Also present:

Ms Fiona Barber

Independent Member

Ms Amanda Fitchett

Independent Member

Mr Desmond Henderson

Independent Member

Ms Joanne Holland

Independent Member

Mr Stephen Purser

Independent Member

Mr David Lindley

Independent Person

Ms Caroline Roberts

Independent Person

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**10. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business on the agenda. No such declarations were made.

**11. MINUTES OF PREVIOUS MEETING**

RESOLVED:

that the minutes of the meeting held on 5 September 2013 be confirmed as a correct record.

**12. ANNUAL REPORT OF STANDARDS COMMITTEE 2012/13**

The Monitoring Officer submitted the first Annual Report of the Standards Committee 2012/13, following the change of legislation which took effect on 1 July 2012. The Committee were asked to note the report and make any recommendations to the Council regarding the Standards regime.

Members felt that the following suggestions should be added to the analysis to provide a better interpretation of the information:-

- a) An analysis of the number of councillors who were the subject of the total number of complaints.
- b) An analysis of the profiles of those making complaints could be obtained by asking for additional information gender, age, ethnicity etc.
- c) The inclusion of the number of councillors who had not received any complaints against them.
- d) Delete - from 'and on some occasion' to 'Board meeting.' In paragraph 3.13.

The Monitoring Officer commented that whilst the monitoring additional information suggested in b) above could be useful it could only be collected on a voluntary basis and therefore some inconsistencies could result.

RESOLVED:

- 1) That the report be noted, subject to the suggestions made in paragraphs a) to d) above.
- 2) That the additional monitoring information be collected on a voluntary basis initially for a year to assess whether it adds value to the analysis of complaints received.

### **13. A COUNCILLOR'S GUIDE TO USING SOCIAL MEDIA**

The Monitoring Officer submitted a draft of Councillor's guide to using Social Media and asked for the Committee's comments. Advice had been sought from the Council's IT Technical staff who had suggested some changes to make it easier to read.

Following questions from Members', the Monitoring Officer stated that:-

- a) The suggested Code would be issued as good practice guidance;
- b) The Code could be cited as a basis for standards of behaviour in future considerations of complaints;

Member's then made the following comments and suggestions:-

- a) As it was usual for some councillors to blog with a broad mixture of personal and political comments, the Code should present a clear

message that it applied to the political element of a councillor's blog.

- b) The Code should include a contact number to obtain further advice;
- c) The Code should include advice on what a councillor should do in the event of a security attack on their account and give contact details to report this and receive further advice;
- d) Page 2 of the Code should include advice on responsibilities for Safeguarding vulnerable people and children and not identifying them in person;
- e) Delete '(and if it doesn't it should)' at the end of the first sentence on page 3 of Appendix 1;
- f) Change 'avoid publishing' to 'do not publish' under the heading of data protection on page 2 and also include examples of fines etc that have been imposed by Information Commissioners for breaches of data protection legislation;
- g) The Code should give succinct advice on what is reasonable for a councillor to communicate in their official capacity, including re-tweeting information from other councillor to the public; and
- h) Training/refresher training should be provided for new and existing councillors on the use of social media.

RESOLVED:

- 1) that the draft code be received and the amendments suggested above be incorporated into the Code;
- 2) that when the Code has been revised it be sent to councillors who regularly use social media to be 'road-tested'.

#### **14. REGISTER OF INTERESTS**

The Monitoring Officer led a discussion in relation to the requirement for an annual updating of the Register of Interests by Elected Members and Co-opted Members.

Whilst the law did not require an annual update, the Monitoring Officer felt that there were merits in Members and Co-opted Members being invited to update their Register on an annual basis including sending a 'nil return' where appropriate. The Council's auditors had noted in the last audit of accounts that there was no annual return of interests and asking for an annual update would address this comment.

A Member commented that the Register of Member's Interests published on the Council's website were not signed or dated. In response, the Monitoring

Officer stated that he had advised Members that their signatures need not be published on the website but he saw the benefit of a date being included to indicate when the Register had been last updated.

RESOLVED:

- 1) that the Monitoring Officer invite Members and Co-opted Members to update their Register of Interests annually and that the date the Register is updated be published on the website.

## 15. WORK PROGRAMME

The Monitoring Officer requested Members to discuss a work programme for the future.

Members engaged in a general discussion of topics and suggested the following as possible items for a work programme:-

- a) Clear guidance on how Councillors can make complaints against officers – currently issues can be raised with Heads of Service but if they decided not to pursue the complaint there is no other process to go through other than the corporate complaint procedure used by the public.
- b) Protocols for ward members to deal with enquiries from constituents when the member may have a Declarable Pecuniary Interest or a prejudicial Other Disclosable Interest, so that the constituent's issue can be seen to be dealt with and the Member does not risk being subjected to a complaint for not dealing with the issue.
- c) A protocol/guidance on the circumstances in which a councillor can discuss a complaint/issue with the Independent Person and how the Independent Person should conduct that process.
- d) An analysis of how effective the complaints system is working, including timescales for responses and performance against those timescales.

Councillor Senior declared an Other Disclosable Interest when the issue in a) above was raised as her partner was an officer. Although she did not consider the interest to be prejudicial, Councillor Senior indicated that she would not take part in the discussion.

RESOLVED:-

That the Monitoring Officer incorporate the suggestions above into a work programme.



**16. COMPLAINT AGAINST COUNCILLORS - UPDATE**

The Monitoring Officer submitted a report giving feedback on complaints against Councillors which had been reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against Councillors.

Members suggested that it would be helpful to provide a definition of 'vexatious' and 'repetitious' complaints in the procedure and how these would be dealt with.

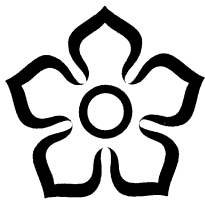
RESOLVED:

that the report be noted.

**17. CLOSE OF MEETING**

The Chair declared the meeting closed at 7.00pm.





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# Appendix B

Minutes of the Meeting of the  
STANDARDS ADVISORY BOARD

Held: MONDAY, 14 OCTOBER 2013 at 5.30pm

P R E S E N T :

Mr Amanda Fitchett	Independent Member
Mr Desmond Henderson	Independent Member
Mr David Lindley	Independent Person
Councillor Shelton	
Councillor Waddington	

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**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Ms Joanne Holland due to illness.

**2. MEMBERS NOT REQUIRED TO ATTEND**

The Monitoring Officer reported that arrangements had been made with Councillor Sood and Ms C Roberts (Independent Person) not to attend the meeting as their attendance would not be required in order to meet the quorum requirements for the meeting.

Members were reminded that the quorum for the Board was three, with the majority or equal number of Independent Members. It had been known in advance of the meeting that there would only be a maximum of two independent members in attendance, and, therefore, arrangements had been made to ensure that no more than two Councillors attended. Also, there was only a requirement for the Independent Person involved in an investigation to be present. Ms Roberts was not, therefore, required to attend either.

**3. APPOINTMENT OF CHAIR**

RESOLVED:

that Ms Amanda Fitchett be appointed as Chair for the meeting.

Ms Fitchett in the Chair.

#### **4. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they might have in the business on the agenda. No such declarations were made.

#### **5. MINUTES OF PREVIOUS MEETING**

RESOLVED:

the minutes of the meeting held on 10 January 2013 be confirmed as a correct record.

#### **6. PRIVATE SESSION**

RESOLVED:

“that the press and public be excluded during consideration of the following report in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it would involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

Paragraph 7

The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

Paragraph 7A

Information which is subject to any obligation of confidentiality.

#### **7. COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE INVESTIGATOR'S FINDINGS**

The Monitoring Officer submitted a report asking Members to consider the Investigator's report into complaint referenced 2013/03 and determine whether the Board agreed with the investigator's findings.

If the Board agreed with the findings, then no further action would follow.

If the Board did not agree with the findings, it could either:-

- a) determine that the matter be passed to the Monitoring Officer for informal resolution; or
- b) determine that the matter be referred to a hearing panel.

The Board noted that:-

- The option of 'no further action' could only flow from an investigator's own conclusion that no breach had occurred.
- The option of 'informal resolution' could only flow from the agreement of the Board that a breach warranted such resolution. If such resolution was not achievable then the matter should proceed to a hearing.
- If the matter was referred for hearing, then a hearing subcommittee would be convened to hear the evidence, make findings of fact and determine appropriate outcomes. The Hearings Panel is a subcommittee of the Council's Standards Committee. The Independent Person would be invited to attend all meetings of the Hearings Panel and their views sought and taken into consideration before the Hearings Panel took any decision on whether the Member's conduct constituted a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Monitoring Officer reported that an independent investigator had been appointed to carry out the investigation into the complaint after he and the Mr Lindley had reviewed the complaint and decided that the most appropriate course of action in respect of the complaint was to refer it for full investigation. The investigation had been completed on 11 July 2013.

The investigator had found that, on the balance of probabilities, the Councillor's conduct had not breached the Code of Conduct. The reasons for reaching this conclusion were set out in detail in the investigator's report.

The Monitoring Officer stated that once a complaint had been referred for investigation, the Standards Committee took ownership of the complaint and the complainant then had no part in the process, apart from being a witness in the investigation. The Board had not been convened to hear the complaint and/or determine whether a sanction should be applied, its purpose was to determine whether it agreed with the investigator's findings, or not.

The Monitoring Officer then introduced the independent investigating officer, and invited him to present his findings.

The investigating officer then presented his report in detail and explained the principles of the tests that needed to be applied to the findings to determine whether there had been a breach of the Code of Conduct. The investigation had been conducted at length with the complainant and the member concerned. A number of other individuals had also been interviewed in relation to the allegations that had been made. However, there were no direct witnesses to the allegations which had presented difficulties to the investigation. Whilst both the complainant and the member had each been credible witnesses there was no direct observational evidence to substantiate the allegations. The investigator had, therefore, found on the balance of probabilities, that that the member had not breached the Code of Conduct.

Board Members discussed the findings and asked questions of the investigator to clarify some points.

Members thanked the investigator for undertaking what had proved to be a difficult and protracted investigation and for the thorough, fair and honest appraisal of the findings.

Mr David Lindley, as the Independent Person advising the Board, read out a statement commenting upon the investigating officer's findings. He concurred with the difficulties faced in conducting the investigation and expressed his views on each element of the allegations and the finding of the investigating officer on each one, together with the supporting evidence and conclusions in the investigating officer's report. He felt that there were some weaknesses in the claims by the complainant, and whilst these did not rule out the possibility of the truthfulness of the claims, there was insufficient and compelling evidence, in his view, to refer the complaint to a formal hearing. Mr Lindley also suggested that there was an urgent need to establish clarity in the role of councillors and how the council's resources could be used.

The Board Members discussed the findings of each element of the complaint and agreed with the investigator's findings that on the balance of probability agreed that there was insufficient evidence to conclude that there had been a breach of the Code of Conduct.

**RESOLVED:**

- 1) that the findings of the Investigating Officer as stated in paragraph 6.1 of the report that, on the balance of probabilities, there has not been a breach of the Council's Code of Conduct be endorsed ,and, that no further formal action be taken in relation to the complaint as a consequence;
- 2) that the Monitoring Officer write to the Director of Communications Delivery and Political Governance to suggest that the role of members and Council staff should be clearly clarified, especially regarding the different expectations and pressures placed upon administrative staff who directly support the most senior politicians and officers;

- 3) that the Monitoring Officer write to the subject member and the complainant to inform them of the outcome of the complaint and the Board's views; and
- 4) that the investigator's report should not be made public as it was felt that it would not be appropriate as no further formal action is required.

## **8. CLOSE OF MEETING**

The Chair declared the meeting closed at 6.35 pm.







Leicester  
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# Appendix C

Minutes of the Meeting of the  
STANDARDS ADVISORY BOARD

Held: THURSDAY, 19 DECEMBER 2013 at 5.30 pm

P R E S E N T :

Ms Fiona Barber	Independent Member
Ms Joanne Holland	Independent Member
Mr Stephen Purser	Independent Member
Councillor Shelton	

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**9. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Caroline Roberts (Independent Person) although her written comments were conveyed via the Monitoring Officer.

**10. MEMBERS NOT REQUIRED TO ATTEND**

The Monitoring Officer reported that the quorum for the Board was three, with the majority or equal number of Independent Members. It had been known in advance of the meeting that there would only be a maximum of three independent members in attendance and, therefore, arrangements had been made to ensure that there were no more than three Councillors in attendance. In the event only one Councillor could attend as two Councillors were on other Council business and a third had indicated that they had an interest in some of the subject matter of the complaint and decided it would not be appropriate for them to attend the meeting.

Also, as only the Independent Person who had been involved in reviewing the complaint was required to attend the meeting to enable the Board to receive their views, Mr Lindley was not required to attend either.

**11. APPOINTMENT OF CHAIR**

RESOLVED:

that Joanne Holland be appointed as Chair for the meeting.

Joanne Holland in the Chair.

## **12. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they might have in the business on the agenda. No such declarations were made.

## **13. PRIVATE SESSION**

RESOLVED:

“that the press and public be excluded during consideration of the following report in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it would involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

### Paragraph 1

Information relating to any individual

### Paragraph 2

Information which is likely to reveal the identity of an individual

### Paragraph 7

The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

### Paragraph 7A

Information which is subject to any obligation of confidentiality.

## **14. COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE INVESTIGATOR'S FINDINGS**

The Monitoring Officer submitted a report asking Members to consider the Investigator's report into a complaint referenced 2013/04 and to determine whether the Board agreed with the investigator's findings.

If the Board agreed with the findings, then no further action would follow.

If the Board did not agree with the findings, it could either:-

- a) determine that the matter be passed to the Monitoring Officer for informal resolution; or
- b) determine that the matter be referred to a hearing panel.

The Board noted that:-

- The option of 'no further action' could only flow from an investigator's own conclusion that no breach had occurred.
- The option of 'informal resolution' could only flow from the agreement of the Board that a breach warranted such resolution. If such resolution was not achievable then the matter should proceed to a hearing.
- If the matter was referred for hearing, then a hearing subcommittee would be convened to hear the evidence, make findings of fact and determine appropriate outcomes. The Hearings Panel is a sub-committee of the Council's Standards Committee. The Independent Person would be invited to attend all meetings of the Hearings Panel and their views sought and taken into consideration before the Hearings Panel took any decision on whether the Member's conduct constituted a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Monitoring Officer reported that an independent investigator had been appointed to carry out the investigation into the complaint after he the Independent Person had reviewed the complaint and decided that the most appropriate course of action in respect of the complaint was to refer it for full investigation. The investigation had been completed on 21 November 2013.

The investigator had found that, on the balance of probabilities, the Councillor's conduct had not breached the Code of Conduct. The reasons for reaching this conclusion were set out in detail in the investigator's report.

The Monitoring Officer stated that once a complaint had been referred for investigation, the Standards Committee took ownership of the complaint and the complainant then had no part in the process, apart from being a witness in the investigation. The Board had not been convened to hear the complaint and/or determine whether a sanction should be applied, its purpose was to determine whether it agreed with the investigator's findings, or not.

The Monitoring Officer then introduced the investigating officer, and invited her to present her findings.

The independent investigator then presented her report in detail and explained the principles of the tests that needed to be applied to some of the findings to determine whether there had been a breach. The investigation had considered

each element of the complaint in detail and involved discussions with the complainant and to some extent, the Member concerned. There had also been a great deal of discussions with a wide range of witnesses and residents from the local community. The investigator expressed a great deal of sympathy with the complaints raised, and expressed concern regarding some of the complaints raised, but overall, it couldn't be regarded that the Members' Code of Conduct had been breached.

The Board considered each element of the complaint in turn and agreed with the view of the investigator, that no specific breach was found with any of the complaints, taking into account detailed advice regarding matters such as when a Councillor could be considered to be on Council business, and the threshold of "misconduct" needed in order to establish a breach.

Board Members discussed the findings and asked questions of the independent investigator to clarify some points. The Board overall felt that there was a strong justification to make the complaints in the first instance and it was a worthwhile exercise that they were fully investigated. Whilst it was recognised that there was no specific breach of the Councillors Code of Conduct, the Board sympathised with the issues being raised and requested that the Monitoring Officer give some consideration to undertaking further actions, to address certain behaviours and enable more effective representation in the Ward concerned.

It was suggested that no further complaints be considered from either the complainant or the councillor complained about unless and until they had first made a concerted effort to repair their relationship. The Monitoring Officer gave advice about the difficulties in labelling a complainant as being vexatious", (especially where it might encourage the same complaints to be filtered through others who don't possess that label) and it was suggested that the preferred route would be for the Monitoring Officer and Independent Person to consider the context of complaints regarding these parties, should any new complaints be lodged.

The Board also considered whether the resumption of Ward meetings in that area could be made contingent upon each Councillor engaging in mediation. Overall however it was felt that this would be unlikely to prove effective, and might also run counter to the idea of developing more flexible way of community engagement away from a focus on specific Ward meetings. .

The Board considered publication of the report, but on balance decided against this idea, but agreed that the Monitoring Officer publish details of the Board's consideration of the complaint, to demonstrate that the issues raised have been taken seriously.

The Board also strongly recommended that procedures in relation to approval of Ward Community Meeting funding be reviewed and amended, bearing in mind that the current guidance is unclear about the role of "voting" or seeking "indications" from the community at Ward meetings regarding specific funding bids.

Members thanked the independent investigator for undertaking what had proved to be a difficult and protracted investigation and for the thorough, fair and honest appraisal of the findings.

Caroline Roberts, as the Independent Person advising the Board, was not able to attend the meeting, but had submitted her comments in writing to the Board which were conveyed at the meeting. She stated that she agreed with the Investigating Officer's findings. She did however share the Board's concerns with regard to the representation in the Ward in terms of the public perceptions of this on-going dispute. She was clear that the Committee should consider whether further complaint should be accepted.

The Board Members discussed the findings of each element of the complaint and agreed with the investigator's findings on each account.

On another matter, the Board were firmly of the opinion that they did not wish to receive additional information, comment or advice from either the complainant, the councillor complained about or any witnesses following the publication of the investigators report.

RESOLVED:

- 1) that the findings of the Investigating Officer as stated in paragraph 6.2 of the investigator's report that, on the balance of probabilities, there had not been a breach of the Council's Code of Conduct be endorsed;
- 2) that the outcome letter from the Board's consideration of this complaint be made available on the Council's webpages on the basis that although the actions alleged fell short of a definable breach of the Code of Conduct, the underlying problems in that Ward merit particular attention and comment;
- 3) that the Board recommends that procedures with regard to the approval of Ward Community Meeting funding be reviewed following the evidence provided as part of this investigation; and
- 4) that in future the Board are not to receive additional information/comment provided by the complainant or the subject Member which may be sent to the Monitoring Officer following the publication of the investigator's report.

## **15. CLOSE OF MEETING**

The Chair declared the meeting closed at 7.40pm.



# Appendix D

## **A Councillors' guide to using social media**

(January 2014)

Social media is a collective term used to describe easy ways to create and publish on the internet. People generally use the term to describe how organisations and individuals share content – text, video and pictures – and create conversations on the web. It is transforming the way that companies do business and individuals interact with each other. It is providing a voice for those who weren't well heard before. Social media will change the way that councillors and councils interact with local people. Councillors, councils and their partners are using social media for a wide range of purposes. It is being used as a way to spark innovation, drive efficiency and engage in conversations with local people. As well as using social media themselves, members should ensure that their local authority as an organisation is using it well.

Social media is usually fairly open, meaning a wide variety of people can see, comment on or collaborate on materials. The tools are usually free or low-cost and very often easy-to use, requiring no more skill than adding an attachment to an email or creating a Word document. And most importantly, social media is designed to be shareable, meaning that it's very easy for people to forward, link to or even re-publish content. This means there are very low barriers to entry for sharing opinions with a potentially very wide audience.

Attached at Appendix 1 is more detail about the types of social media that exist.

Attached at Appendix 2 are some tips for establishing a presence online.

### **Legal issues... staying out of trouble online**

Any form of communication is rife with the possibility of misunderstandings. Social media is perhaps no more or no less vulnerable to this, but there are some new ways to misfire with your message. Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you've 'said' on the web is written down and it's permanent.

In the main, councillors have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences. There are some additional duties around using their social media for electoral campaigning and extra care needs to be taken when writing on planning matters.

- **Libel**

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.

- **Copyright**

Placing images or text from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about, or seek permission in advance. Breach of copyright may result in an award of damages against you.

- **Data Protection**

Do not publish the personal data of individuals unless you have their express written permission.

- **Bias and pre-determination**

If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything that might suggest you have a closed mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.

- **Obscene material**

It goes without saying that you should avoid publishing anything that people would consider obscene. Publication of obscene material is a criminal offence.

- **Electoral periods**

The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and that includes web advertising. And there are additional requirements, such as imprint standards for materials which can be downloaded from their website. Lastly, there are much stricter protocols in place during the very specific window of time preceding an election and the Council issues separate guidance about this nearer the time.

- **The council's legal position**

Material published by a local authority as an organisation is, for obvious reasons, restricted in terms of content. It must not contain party political material and, in relation to other material, should not persuade the public to a particular view, promote the personal image of a particular councillor, promote an individual councillor's proposals, decisions or recommendations, or personalise issues. Nor should the council assist in the publication of any material that does any of the above.

Some councils take a strict line on this and do not provide links to individual councillor social media accounts from councillor profile pages. At Leicester City Council Our corporate stance is relaxed at this time. In addition to councillors' info at <http://www.cabinet.leicester.gov.uk>, we have a longstanding content area at <http://councillor.leicester.gov.uk/councillors.aspx> where councillors can also publish material themselves on what they do, their campaign issues/local interests etc. Those Members who have used this platform have signposted their blogs and social media profiles. The landing page for this area features a disclaimer making it clear that the Council do not endorse or share the views expressed on these pages.



## **The Members' Code of Conduct**

Councillors can have 'blurred identities'. This means you have a social media account where you comment both as a councillor and as an individual. For example a Facebook account where you've posted about a great night out (personal) and another time explained the council position on pothole repair (councillor). It may be clear in your mind when you are posting in a private capacity or as a councillor, but it could be less clear to others. Such blurred identities might for example have implications where your views are taken as those of your organisation or political party, rather than your personal opinion. So it's worth mentioning the need to get your on social media accounts/profiles clear, then you can be confident as to what you can and can't say while you are representing your organisation or party.

How you use your online identity will also determine how online content will be treated in respect of the Members' Code of Conduct. Councillors are expected to communicate politically. There is a difference between communicating on behalf of the council (for example blogging as a councillor) or as a private citizen, and the former will be held to a higher standard than the latter. The key to whether your online activity is subject to the Code of Conduct is whether you are giving the impression that you are acting as a councillor. And that stands whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.

This may be less than clear if you have a private blog or a Facebook profile. There are a number of factors which will come into play which are more a question of judgement than a hard and fast line. For example, a Standards Committee may take into account how well known or high profile you are as a councillor, the privacy settings on your chosen social media platform, the content of the site itself and what you say on it. Most councillors are using their online profile to communicate with citizens about representing their local area so engaging the Code, if necessary, should be a relatively straightforward decision. Since the judgement of whether you are perceived to be acting as a councillor will be taken by someone else, it's safest to assume that any online activity can be linked to your official role.

Unless you've gone to significant effort to keep an online persona completely separate from your councillor identity, you are unlikely to be able to claim that you were acting in a completely private capacity.

Aspects of the Members' Code of Conduct will apply to your online activity in the same way it does to other written or verbal communication you undertake. Members should comply with the general principles of the Code in what they publish and what they allow others to publish.

You will need to be particularly aware of the following sections of the Code:

- **Treat others with respect**  
Avoid personal attacks and disrespectful, rude or offensive comments.
- **Comply with equality laws**  
Take care in publishing anything that might be considered sexist, racist, ageist, homophobic or anti-faith.

- **Refrain from publishing anything you have received in confidence.**
- **Do not use resources improperly**  
For example do not use Council provided technology for party political purposes.
- **Ensure you don't bring the council, or your councillor role, into disrepute**

Members of the public (or other Elected Members or officers) may make a complaint about you if you contravene the Code of Conduct. That complaint, and the sanctions that may be imposed, will be considered by the Standards Committee.

### **Strategies to avoid getting it wrong**

There are few additional things to be aware to ensure you are well-respected online. For those new to the online world it can take a short time to get used to the culture of the web.

Maintain good 'netiquette'

- **Make your commenting policy clear**

You will need to take note of the comments that other people make on your site. It may be a fine line to tread, but if you allow offensive or disrespectful comments to stand on your site then it can put off other members of your community and you may even be called to account under the Code of Conduct. For blogs, the easiest way to handle this is to moderate comments and to state clearly on your site that you're doing so and reasons why comments may be rejected. For Facebook or other social networks, including multi-media sites like YouTube and Flickr where people can post public or semi-public messages to your profile, you will need to regularly check on messages (you can be notified by email) or, far less preferably, disable message posting.

- **Allow disagreement**

Some comments may be out of line, but on the other hand deleting the comments of people who disagree with you will backfire. You can't stop them from posting the same comment elsewhere, then linking back to your site and saying you are gagging those who disagree with you.

- **Think before you publish**

Words can't be unspoken and even if you delete a hastily fired off blog post or tweet it will probably have already been read and will be indexed or duplicated in places on the web beyond your reach.

Few writers are able to communicate sarcasm or irony through short online messages. It's probably best to assume that you're one of those that can't.

- **Own up: Social media is transparent**

The best bloggers admit mistakes rather than try to cover them up (which isn't possible online). Amending your text and acknowledging your mistake – perhaps by putting a line through the

offending words and inserting a correction or providing an update section at the bottom of a blog post – shows you are not pretending it never happened, and is much better than just deleting it when dealing with online misfires.

- **Avoid the trolls**

As you begin to use social media, you'll find some argumentative characters out there. Don't get bogged down. You don't have to respond to everything. Ignore if necessary.

### What is Social Media?

When people talk about social media, they often make reference to some well-known tools or products. Although there are many more than we can list here, we'll highlight a few of the general approaches and the most widely used products which are characterised by their ease of use and are free or low cost. We've attempted to categorise these tools below.

#### A. Written communication

##### Blogs

Blogs are easily updated web journals, usually published by an individual or a small group. They are almost always commentable, meaning readers can share their opinions about what the author has written. Blogs have been used by councillors to share their views on public policy, share information about council services or issues of local interest, and canvas opinion. Even very 'business-oriented' local government blogs have a personal feel with bloggers sharing some detail of their daily lives, for example sharing how changes in local services have affected them, how much they enjoyed taking their kids to the village fete, or sharing pictures of tasty local produce.

Blogging has been around longer than most of the tools described here, but it is still one of the most powerful. Many councillors use a blog as the bedrock of their social media strategy.

##### Twitter

Twitter was the social media phenomenon of 2009 and is still growing. It's a way of sharing short snippets of information, links to interesting resources, telling people what you are doing or asking for help. Users are limited to 140 characters (letters, numbers, spaces and punctuation), so it's ideal for sending and receiving text information on the go. It can be used as a one-way publishing tool, pushing out short bursts of information, and many councils use it this way through corporate accounts. However, it's more powerful as a conversational tool, with councillors and local people sharing information and getting feedback.

Many councillors are already using Twitter. You can see a growing list at [www.tweetyhall.com](http://www.tweetyhall.com), a website that features councillors' use of social media to support local engagement.

On Twitter, people are all identified in the same way, by an @ sign and their username. For example, someone could be registered as @jonsmith, or @governmentmike. You can find their Twitter address by using their full user name without the @ sign

#### B. Social networking (Facebook)

All of the tools we describe in this guide have an element of social networking, but there are a number of very popular sites dedicated to building social networks. Social networking means using online tools to build communities of individuals who are interested in sharing information and support. Networks like Facebook can be used to facilitate connections between people who already know each other, usually in a social context. But it can also be used by organisations and businesses to share information about products, services or events with a range of interested individuals. Other

social networking tools like LinkedIn are built around professional identities, where the focus is specifically on an individual's career, and often their job search or developing business leads.

Using social networks as a councillor requires a different approach to using it as an ordinary citizen. Many councillors use Facebook in a personal capacity in the same way as anyone else would – to share personal news, information and holiday snaps with people they already know. Other councillors use their Facebook accounts more openly, 'friending' (that is, by allowing them to view their accounts, sharing information with) people they don't know personally. Facebook now allows politicians to create 'pages' which is a way of keeping personal use and professional use separate. A 'page' is similar to a regular Facebook account in style, but it is open for anyone registered on Facebook to see. On a page you can provide a political profile and can share information with supporters without disclosing personal networks or worrying that the wrong people will see the 'funny' pictures of you as a child that your friends are showing each other.

### **C. Listening**

Perhaps the most valuable use of social media is using it to listen (and perhaps engage) with conversations that are already happening. Your area, your council and maybe even you yourself are being talked about online, but do you know when and how that's happening?

Most interactive websites have something called RSS (Really Simple Syndication) feeds. This is a way that websites can automatically 'push out' new material as soon as it's published. This means you don't have to actually go a website to find out if there is new information on there; instead, the websites tell you with RSS. Free tools called feed readers (Google Reader and Bloglines are examples) can help you collect and subscribe to feeds in a single accessible place. Most mainstream media outlets have RSS feeds. Blogs and social networking sites almost always have them, too. You can even generate an RSS feed from an internet search. Leicester City Council has RSS feeds for its website RSS: <http://news.leicester.gov.uk/latestnews.aspx>

Google also allows you to set up something called an 'alert'. Instead of you having to type a specific word or phrase into Google each day to check if anything new has been written about it, the website sends you an email detailing all the new instances of that word online. Alerts can provide daily or instant news about local issues straight to your email inbox. You can set up alerts for the name of your council, your ward, hot local issues or even your own name.

### **D. Collaborative working**

Wikipedia is the most famous example of people coming together to create a document or information resource. It is built with a tool called a wiki, which means anyone on the internet can go onto the site and add to or edit the content.

### Getting Started

#### 1. Choose your name well

Your name is your political brand, so make sure that your blog name and usernames for networks like Twitter clearly identify you as you. This is particularly important if your real name has already been taken by someone else. Although you will certainly want to identify yourself as a councillor, you may or may not want to use the councillor identity as part of your website address or ID (www.cllrsmith.com for example). Keep in mind that you may not win the next election or may not stay with your current party, but still want to remain in local politics and use your online presence. It's much easier to change a few headers on your blog than to change a URL address such as www.democratpat.com. It's slightly easier to change your Twitter ID.

#### 2. Make your blog search engine-friendly

Most people will be interested in you because of the place you represent. Make sure that your ward, your council and commonly used neighbourhood names are included in any 'about' sections and are frequently mentioned in individual blog posts where relevant. Location, location, location.

#### 3. Content is king

If you're covering local issues well, you may be the only online source of information that's important to local people but not listed in the local newspaper. Local people searching for information about schools, libraries or parking will come to your blog.

#### 4. Get linking

If there are other political bloggers, particularly in your area, start linking to them. Ask members of your own party to link to you. The more linked you are by websites with lots of sites linking to them, the more you'll be found in internet searches.

#### 5. Cross-link

Make sure that all your relevant social media accounts link up. Does your Twitter address link to your blog and vice versa? If you have a Facebook political page, you can set it up to be automatically updated from your blog. Is your website address in your email signature? Leicester City Council's policy on cross-linking from the Council's webpages is set-out at the bottom of page 2 (above)

#### 6. Be reciprocal

The blogosphere (a term to describe the online culture of bloggers) is built as much on reading and commenting as it is on writing and publishing. Good bloggers will leave comments on others' posts and most blogs will allow you to leave a link to your website in the comments section. Some local discussion forums have this functionality, too. But be careful. You can link to your blog in all kinds of online spaces, but make sure that it's relevant to the discussion at hand. If you've written about a specific issue being discussed, link directly to that post. If you just randomly drop links, it looks desperate.

## **7. Leave a paper trail**

Make sure your political leaflets, cards and so on have your web address or social network details.

## **8. Be a champion for your local area**

Nobody is ever too busy to read good things about themselves or their projects. When you post a good news story, email the people involved to let them know. They will likely pass it on to other people too.

## **9. Be a good host**

A good blog can provide a platform for further discussion. A good host will encourage comments, and these are a key driver for repeat visits. That usually means culling comments which are offensive (the racist, sexist, and homophobic ones or those that attack private individuals, for example) but allowing a healthy and vigorous debate, including disagreement with you.

## **10. Be realistic**

If your blog concentrates on local issues, it is going to be of interest only to a relatively small group of people. But those are often precisely the individuals who are likely to make a difference in your area. Quite 'low' numbers can actually mean a huge reach in a small area.





# Appendix E

## Standards Committee 30.01.14: Complaints Update

### Complaints received since 05.11.13

Case name/ number	Date complaint received	Nature of complaint	Outcome	Date completed
2013/14	5.11.13	Complaint from member of public about delays in Member dealing with case to the Housing Ombudsman.	Code of Conduct engaged and resolved through "informal resolution" by way of an apology.	18.12.13
2013/15	20.11.13 (initial complaint) 20.12.13 (subsequent complaint)	Complaint from member of the public about delays in responding to issues raised with Member.	Informal resolution and apology. Initial complaint responded to on 19.12.13 but further issues were subsequently raised by complainant which the Member has been given opportunity to respond to.	19.12.13 (for initial complaint)  Subsequent additional issues ongoing.
2013/16	27.11.13	Complaint by member of public about two Councillors regarding failure to respond to requests for assistance and failure to return phone calls.	Councillor (1) Code of Conduct engaged. Informal resolution by way of apology and physical meeting. Complainant satisfied with this outcome. Councillor (2) has been asked to respond to complaint by 7 <sup>th</sup> February (delay due to period abroad).	Councillor (1) 13.1.13 (date of final face to face meeting)  Councillor (2) Ongoing
2013/17	12.12.13	Complaint by member of public alleging Councillor's actions in dealing with a funding bid were motivated by self-interest and biased as opposed to the public interest. Also failed to declare relevant interests.	Complaint has been referred for full investigation. A suitable investigator is current being sourced.	Ongoing

