

Date: 27 September 2013
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To: Members of the Standards Committee:
(Councillors Susie Bond, Peter Bowden, Geoff Chamberlain,
Graham Godbeer and Frances Newth)

Substitute members for information:
Councillors Alan Dent and Douglas Hull

Co-opted non-voting members (Parish/Town Councillors):
Councillors David Mason and Courtney Richards

Co-opted non-voting member (Independent):
Ray Davison and Tim Swarbrick

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Appointed Independent Person (non-voting) - Alison Willan
Appointed Reserve Independent Person (non-voting) – John Walpole

Standards Committee
Wednesday 9 October 2013
10 am
Council Chamber

Members of the Council who do not sit on this Committee and members of the public are welcome to attend this meeting.

- There is a period of 15 minutes at the beginning of the meeting to allow members of the public to ask questions.
- The Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.
- All individual contributions will be limited to a maximum period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Hannah Whitfield (contact details at top of page).

Councillors and members of the public are reminded to switch their mobile phones to silent during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

AGENDA

Page/s

- | | | | |
|---|---|---|---------|
| 1 | Public question time – standard agenda item (15 minutes)
Members of the public are invited to put questions to the Committee through the Chairman. | | |
| 2 | To receive any apologies for absence. | | |
| 3 | To confirm the minutes of the Special Standards Committee meeting held on 23 July 2013. | | 6 - 12 |
| 4 | To receive any declarations of interests relating to items on the agenda. | | |
| 5 | To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which Officers recommend should be dealt with in this way. | | |
| 6 | To consider any items which in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances. (Note: Such circumstances need to be identified in the minutes. If you wish to raise a matter under this item, please do so in advance of the meeting by notifying the Chief Executive who will then consult with the Chairman). | | |
| 7 | Social Media Use Policy – This policy has been updated to incorporate the recommendations of the Committee at their special meeting in July and also following discussion at the Council meeting also in July. | Corporate Legal and Democratic Services Manager | 13 - 28 |
| | Recommendation:
That the Standards Committee endorses the Social Media Use Policy and recommends it for adoption by Council. | | |
| 8 | Public speaking at committee meetings | Chairman | 29 - 32 |

At their last meeting the Committee had a lengthy discussion about public speaking at committee meetings and generally supported the following changes being introduced to the 'public question time' element of the public speaking arrangements (excluding Licensing Committee and Development Management Committee):

- a) Public Question Time be amended to 'Public Speaking' and statements to be accepted as well as questions. All contributions to be limited to a total of 3 minutes;
- b) Where a question is put, the question be put first, with any explanation of background to follow;
- c) Where possible, questions to be submitted in writing to Democratic Services in advance (two clear working days before the meeting) to enable a considered response to be given in writing at the meeting if time permits. The speaker who submitted the question to be able to ask a supplementary question
- d) Where questions were submitted in advance they should be displayed on a screen to help the public to see what the issue was together with the written answer, if available (otherwise a

verbal reply would be given);

- e) Questions to relate to matters that were within the remit of the Council or related to matters the Council could influence.

- ***The Committee is asked to confirm whether they wish to take the changes outlined above (a-e) forward as recommendations to Council.***

Development Management Committee – speaking arrangements

The Committee resolved at their last meeting that they wished to give further consideration to the public speaking arrangements for Development Management Committee at this meeting.

The report on public speaking arrangements which was considered at the last Standards Committee meeting is included for information.

- ***There was a general support for introducing public speaking on policy items considered the Development Management Committee. The Committee is asked to confirm whether they wish to take this forward as a recommendation to Council.***

An additional suggestion which the Committee may wish to consider in relation to public speaking at Development Management Committee is the requirement for members of the public to register to speak on applications before the final agenda is published. Having this information would allow officers to order agendas so that applications that are of public interest are taken earlier in the agenda. It would also give officers an indication of how long each item would take and whether the Committee will realistically be able to consider all the applications in one meeting.

Under the current arrangements any member of the public can turn up and register to speak on an application at a Development Management Committee meeting. By introducing the suggestion outlined above, members of the public that could register to speak would be restricted to those that had already commented on the application as an objector or a supporter. (An officer would write to those that had commented and ask them whether they wished to speak at the meeting. Those that wished to speak would need to register with Democratic Services by phone or email by a specified cut of date).

If the Committee wishes to take forward the suggestion forward it is recommended that this is done on a trial basis (4 months) and is then reviewed.

It is recognised that the number of applications being considered at Development Management Committee meetings is currently very high and this is leading to longer meetings. The number of applications being considered by the Committee is advised to be reflective of the work levels currently being experienced by the Planning Department. Officers are currently working with the Chairman of Development Management Committee to try to manage future agendas.

			Page/s
9	Progress update on the Councillor paper light initiative	Member Development Champion	Verbal update
10	Protocol for Audio Recording of Council Meetings – for information. Standards Committee will be recorded from the New Year.	Monitoring Officer	33 - 35
11	Complaints update	Monitoring Officer	36 - 41
12	Updated guidance from DCLG (Department for Communities and Local Government) on openness and transparency on personal interests. The update covers the following: In addition to registering Disclosable Pecuniary Interests and any other interests in their authority's code, Members will also need to register any further interests that they may have to ensure that they comply with the seven principles of public life. These interests will necessarily include Members' membership of any Trade Union.	Monitoring Officer	42 - 52
13	Forward Plan	Monitoring Officer	53

Members and co-opted members remember!

- ❑ You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- ❑ You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- ❑ If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

Decision making and equality duties

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.

Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.

Where there is a high or medium equalities impact Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

Please check your local timetable for times.

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The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a special meeting of the Standards Committee held at Knowle, Sidmouth on 23 July 2013

Present:

Councillors:

Graham Godbeer (Chairman)

Susie Bond

Peter Bowden

Geoff Chamberlain

Frances Newth

Co-opted non-voting members:

Cllr David Mason, Parish/Town Council member

Cllr Courtney Richards, Parish/Town Council member

Ray Davison, Independent member

Tim Swarbrick, Independent Member

Also

present:

Alison Willan, Independent Person

John Walpole, Reserve Independent Person

Councillors:

Ray Bloxham, Portfolio Holder – Corporate Business

Maddy Chapman

Alan Dent, substitute Standards Committee Member

Christine Drew

Roger Giles

Tony Howard

David Key

Helen Parr

Peter Sullivan

Brenda Taylor

Graham Troman

Tim Wood

Claire Wright

Officers:

Jamie Buckley, Engagement and Funding Officer

Denise Lyon, Monitoring Officer and Deputy Chief Executive

Karen Jenkins, Corporate Organisational Development Officer

Debbie Meakin, Democratic Services Officer

Rachel Pocock, Deputy Monitoring Officer and Corporate Legal
and Democratic Services Manager

Hannah Whitfield, Democratic Services Officer

Apologies:

Councillors:

Derek Button

David Cox

The meeting started at 10:00 am and ended at 12.45pm

***10 Public question time**

Jessica Bailey raised what she felt to be an omission in the minutes of the last Committee meeting regarding a point she had made during Public Question Time. She stated she had said that planning applications where a councillor was the applicant had not always been referred to the Development Management Committee for consideration. She stated that by not doing so the Council was not following its Constitution. In response, the Chairman advised that he felt the point had been covered in the minutes, but would be repeated in the minutes of this meeting.

***11 Minutes**

The minutes of the meeting of the Standards Committee held on 18 June 2013 were confirmed and signed as a true record.

***12 Declarations of interest**

There were none.

***13 Social Media Use Policy**

At the Standards Committee meeting held on 29 January 2013, Members had endorsed the principles set out in the draft Social Media Use Policy. Since that meeting the Policy had been further refined and an updated version had been circulated to the Committee for consideration before being referred to Council the following day.

The Corporate Organisational Development Manager introduced the Policy. The Committee heard that the Policy supported the Council's Communications Plan, which had included a Council commitment to increasing its social media presence. The ways in which the Council already engaged through social media were outlined; these included Facebook and Twitter. Twitter had been particularly effective during events of flooding. The Policy aimed to ensure that employees, councillors and third party contractors could actively take part in social networks so that the Council could keep pace with the ways in which people increasingly liked to engage.

The Policy included important guidance for officers and councillors on the acceptable use of social media in both a councillor/council employee and personal capacity. The Corporate Organisational Development Manager advised that the Policy was also being supported with training.

The Corporate Legal and Democratic Services Manager drew the Committee's attention to the section of the Councillor guidance which referred to the Member's Code of Conduct. Aspects of the Code would apply to a Councillor's social media activity as it did with any other written or verbal communication. The Committee's attention was also drawn to the part of the guidance which stated that Members should also comply with the Code of Recommended Practice on Local Authority Publicity when using social media.

The Committee discussed the Policy in detail and made a number of recommendations regarding minor changes to the content of the Policy. General points raised during the discussion included:

- The cost of monitoring content posted on social media networks by Members, Officers and third party contractors and provision of training was raised. In response the Corporate Organisational Development Manager advised that training was being delivered at no additional cost to the Council as it was included as part of the learning and development partnership package. The Council's Communication Team would authorise the implementation of the Policy, as well as manage the Council's corporate social media sites and oversee official sites which were service specific. The Communications Team included a Social Media Apprentice.
- The Policy was clear in setting out what was expected of Officers and Councillors when using social media. Compliance with the policy would minimise the likelihood of legal claims against the Council for social media postings.
- Practical training on how to use social media sites would be beneficial.
- The Policy required regular review as the use of social media was continually changing.
- Concern was raised about the use of social media during Council meetings, particularly during consideration of Part B (confidential) items. It needed to be made explicitly clear in the Policy that confidential information could not be released.
- Concern that the Policy restricted Councillors from being able to give an opinion regarding issues related to the Council.
- The Policy did not override the Member Code of Conduct – for example social media posts must be respectful, not bring the Council into disrepute or be misleading..
- The response flow chart for Offices and Councillors in Appendix D was highlighted as being very helpful.

RECOMMENDATION

that Standards Committee endorses and recommends Council adoption of the Social Media Use Policy, subject to the following minor changes:

- The review date being shown as 'September 2014';
- 'Standing Orders' being added to the list of related policies/strategies and legislation;
- Para 1.2 being amended to read '...is communicating on behalf of the Council or as an individual.'
- Para 2.2 being amended to read 'Material published by the Council will not contain party political material and will not persuade the public to a particular *political* view,...'
- Removal of the word 'is' from the last sentence in Para 3.2;
- The word 'Members' being replaced with the word 'Officers' in paragraph 4.1 in Appendix B;
- Guidance for Councillors being re-titled as Appendix C;

- The penultimate sentence of paragraph 1.5 in Appendix C, being amended to read 'Councillor profiles, website and use of social media should clearly *be* either 1) private *or* personal or 2) in their capacity as a councillor';
- A brief summary of the 'Code of Recommended Practice on Local Authority Publicity' being included in paragraph 2.4 in Appendix C;
- A bullet point being added to Appendix C, paragraph 3.2 under 'you must not' that emphasises that Councillors must not disclose confidential information, including matters considered under Part B of any Council meeting;
- Correction of typographical errors in Appendix D.

***14 Public input in Council business**

This item had been deferred from the previous Committee meeting.

The Committee had asked for the item to be placed on the forward plan following the issue of public input in council business being raised by a member of the public at the Standards Committee meeting held in April 2013. The Corporate Organisational Development Manager and Engagement and Funding Officer had produced a short report summarising the ways in which the Council ensured 'public input' in Council business and this was presented to the Committee. The Committee noted that the list was not comprehensive, however the report sought to give examples of how the Council engaged.

The Corporate Business Portfolio Holder added that the Equalities Partner Group met on a regular basis and helped the Council to engage with harder to reach groups within communities. Equalities Impact Assessments were also carried out when reviewing policies.

Councillors were highlighted as an important link between Council and the residents of East Devon.

The report was welcomed by the Committee and the Engagement and Funding Officer was thanked for the work she had done to date in engaging the public in Council matters.

RESOLVED that the Standards Committee notes the report on public input in Council business.

14 Public speaking at committee meetings

At the last Committee meeting members had discussed public speaking at committee meetings and asked Officers to prepare a report and recommendations based on the proposals made by the Committee. Overview and Scrutiny members had been asked to attend the meeting to comment on the recommendations.

Members considered the report of the Corporate Legal and Democratic Service Manager which provided advice on the issues raised at the last meeting and put forward recommendations/options on public speaking at committee meetings for Committee consideration. Members noted that the Standards Committee's remit included considering reports on governance matters referred to it by the Monitoring Officer. Any recommendations on changing the Constitution would require full Council approval.

Points raised during Committee and wider Member discussion about the recommendations/options presented included:

Public Question Time

- Support for allowing statements as well as questions at the beginning of meetings.
- Support for allowing questions to be submitted in advance and a considered response being given to that question at the meeting.
- Questions/statements should not be vexatious or disrespectful.
- The reason for reviewing current arrangements was to extend the remit on public speaking and not restrict or take away public speaking;

Development Management Committee (DMC)

- Support for introducing public speaking on policy items;
- Non-committee members should be allowed to speak on policy items – The Corporate Legal and Democratic Services Manager advised Members that the Constitution allowed non-committee members to speak at meetings with the consent of the meeting.
- The necessity to split DMC meetings into policy items and applications was questioned as policy items were usually straight forward and did not delay applications being heard.
- There was a suggestion that 15 minutes of public speaking on individual applications be introduced. A summary of comments received from members of the public during the consultation period was included in the Committee report and listed on the Council's website.
- Rather than allocating a maximum time for speakers on planning applications it was suggested that the time per speaker could be reduced.
- Re-introduction of pre-registration would help meeting management.
- The number of applications being considered by DMC would reduce when the Local Plan was adopted and therefore the excessive length of meetings was a temporary issue.
- Concern that under the current DMC arrangements some applicants/speakers were having to wait hours for applications to be considered.
- Management of agendas for DMC meetings required further attention.

The Standards Committee generally supported the following changes being introduced to the 'public question time' element of the public speaking arrangements (excluding Licensing Committee and Development Management Committee):

- a) Public Question Time be amended to 'Public Speaking' and statements to be accepted as well as questions. All contributions to be limited to a total of 3 minutes;
- b) Where a question is put, the question be put first, with any explanation of background to follow;
- c) Where possible, questions to be submitted in writing to Democratic Services in advance (two clear working days before the meeting) to enable a considered response to be given in writing at the meeting if

time permits. The speaker who submitted the question to be able to ask a supplementary question;

- d) Where questions were submitted in advance they should be displayed on a screen to help the public to see what the issue was together with the written answer, if available (otherwise a verbal reply would be given);
- e) Questions to relate to matters that were within the remit of the Council or related to matters the Council could influence.

RESOLVED

that the public speaking arrangements for Development Management Committee be given further consideration at the next Standards Committee meeting.

15 Councillors acting as agents for planning applications for land within East Devon

At the last Committee meeting, members had considered recently issued Local Government Association and Planning Advisory Service guidance on probity in planning. The guidance echoed most of what the Council already had in place. However, the advice that Officers and serving Councillors must not act as agents for people pursuing planning matters within their authority even if they are not involved in planning decision-making was new guidance. The Corporate Legal and Democratic Services Manager had drawn this to the attention of the Committee, along with other matters.

The Committee had resolved that Members should be consulted about a possible change to bar councillors from acting as planning agents in respect of East Devon planning matters. If agreed the introduction of a bar would most likely be through inclusion in the Council's Code of Conduct and appropriate protocols and full Council agreement would be required.

Currently the Council did not have a bar on councillors acting as planning agents for applications in East Devon - this reflected general practice across the country. However, it was considered likely that many councils would review their current practice in light of the recent guidance. Members were reminded that there were already restrictions in the Code of Conduct to deal with potential conflicts of interest and the Constitution dealt with member and officer planning applications in a way that subjected them to greater scrutiny than would otherwise be the case.

The Corporate Legal and Democratic Services Manager reported that she had emailed all Members to seek their views on the introduction of a bar on councillors acting as planning agents for East Devon planning matters and received three responses, all of which supported the introduction of a bar. The Committee was advised that Officers would need to be consulted through the Staff Joint Forum.

In response to a question regarding appropriateness of Councillors meeting with developers without Officers being present, the Corporate Legal and Democratic Services Manager referred Members to the latest version of Probity in Planning guidance issued by the Local Government Association and Planning Advisory Service.

RECOMMENDED that the Standards Committee recommends to Council that serving councillors should not act as agents for people pursuing planning matters within their authority, even if they are not involved in the decision making on it and that this provision be included in the Members' Code of Conduct and the updated Code of Good Practice on Planning Matters, and that similar arrangements be put in place for officers

RESOLVED that the Local Government Association and Planning Advisory Service guidance on Probity in Planning be circulated to Town and Parish Councils.

***16 Dispensation request from Councillor Peter Bowden**

The Committee considered a request from Cllr Peter Bowden seeking a dispensation to allow him to debate fully flooding issues which affect him personally.

RESOLVED that a dispensation be granted to Councillor Bowden to enable him to participate fully in meetings when acting as an East Devon District councillor or where acting as an East Devon appointee in relation to flood prevention matters for the reason the Committee considered a dispensation to be in the interests of the persons living in the local authority's area.

Chairman Date

East Devon District Council

Social Media Policy

Purpose of the policy	Social Media - its use by Council Employees and Members and Third Party Contractors
Officer responsible	Corporate Organisational Development Manager
Authorisation	Council
Authorisation date	23 October 2013
Review date	October 2014

Related Policies/Strategies, Procedures and Legislation

Communications Plan

ICT Plan

Customer Plan

Acceptable Behaviour Policy

Equality and Diversity Policy

Codes of Conduct for Councillors and Employees

Disciplinary Policy and Procedure

Standing Orders

Whistle Blowing Policy

Information Security Policy

Information Protection Policy

Data Protection Policy

Council's Constitution

1. Why has the Council introduced this policy?

1.1 This policy supports our Communications Plan and together these policies aim to improve the Council's communication with customers and residents (including harder to reach groups) through the effective use of social media.

1.2 The policy aims to ensure that the public are clear at all times about whether the employee, councillor or third party contractor is communicating on behalf of the Council or as an individual.

1.3 Councils can use social media in many ways, including:

- Providing information about services
- Supporting local democracy
- Gathering customer insight and managing customer relationships
- Promoting cultural and leisure events
- Supporting local communities and developing a neighbourly approach.

1.4 Councillors who wish to help build a sense of belonging in a neighbourhood, increase resident satisfaction levels and reduce social problems can do much with social media as it is a way of connecting people, encouraging conversation and building trust.

1.5 Social media includes (but is not limited to) social networking sites (such as Facebook and LinkedIn); video and photo sharing websites (such as Flickr, YouTube and Instagram); blogs and microblogs (such as Twitter); 'wiki' sites that can be edited by the public (such as Wikipedia) and forums or discussion boards.

1.6 This policy aims to make sure that employees, councillors and third party contractors can actively take part in social networks so that local government keeps pace with the ways in which people like to engage.

1.7 This policy and associated guides will help ensure that employees, councillors and third parties understand and comply with all relevant legislation and Council policies which are relevant to the use of social media - whether the use is for official council business or personal.

1.8 Contractors are required to comply with this policy in the same way as employees and Members of the Council and this requirement will form part of contractual agreements.

2. What is the Council's policy?

2.1 The Council is keen to maximise its use of social media wherever this is helpful to our customers and residents as a communication channel. This policy is consistent with our Communications Plan and operates within the guidelines set out in the Council's Information Security Policy.

2.2 Material published by the Council will not contain party political material and will not persuade the public to a particular political view, promote the personal image of a particular councillor, promote a particular councillor's proposals, decisions or recommendations or personalise issues.

2.3 The Council's Communication Team will manage the implementation of this policy as well as manage the Council's corporate social media site and oversee other official sites which are service specific. Other methods of communication, such as press releases and the Council's website will continue to be used as appropriate.

2.4 Service specific social media sites may only be created if agreed by a Deputy Chief Executive, Head of Service or Corporate Manager. The Council's Corporate Communications Team will be consulted to ensure that sites are consistent with the Council's Communications Plan and to confirm whether or not the sites are actually required or whether the Council's corporate site should be used.

2.5 The Communications Team will maintain a register of all Council social media sites and their users and the Communications Team will have access and administration rights to these.

2.6 Appendix A lists current authorised sites used by the Council.

2.7 Official Sites may only be accessed and edited by those who have been authorised to do so by their Head of Service or Corporate Manager.

2.8 Those accessing and editing sites must attend Social Media training organised by the Council.

2.9 Heads of Service and Corporate Managers who have an Official Site which allows for the posting of material by third parties must:

- put in place a system for moderating or removing unacceptable material;
- notify the Communications Team of Authorised Users; and
- ensure that there is cover in the event of sickness or absence.

3. Legal considerations – staying out of trouble online

3.1 Any form of communication is rife with the possibility of misunderstandings. Social media is perhaps no more or less vulnerable to this but there are some new ways to misfire with your message!

3.2 Although the best use of social media is conversational in tone, publishing on the web is still publishing. It is important to remember that you are responsible for what you publish on social media. Authorised Users need to be acutely aware that anything on an Official Site, published on behalf of the Council, reflects upon the Council and its reputation.

3.3 In general terms, content must not be published which may result in actions which may be discriminatory, defamatory, breach copyright, data protection or other claims for damages. This includes (but is not limited to) material of an illegal, sexual or offensive nature.

3.4 Content for the promotion of personal financial interests, personal commercial ventures or personal campaigns must not be published.

3.5 Authorised Users must never publish pictures of children or young people aged under-18 on social media unless they have express written parental permission as part of a signed official permission form. This form is available from the Communications Team.

3.6 Officers should refer to the **Guidance for Officers (Appendix B)** which forms part of the Council's Social Media Policy. This outlines important rules when using social media in either a Council or personal capacity.

3.7 Councillors should refer to the **Guidance for Councillors (Appendix C)** which forms part of the Council's Social Media Policy. This outlines important rules for using social media either as a Councillor or as an individual.

4. General application of this policy

4.1 All employees, whether Authorised Users or not, are required to adhere to this policy and guidance which forms part of the policy even when they are using social media for personal use. Employees should note that any breaches of the policy and guidance, for example, bullying of colleagues or social media activity causing serious damage to the organisation, may constitute gross misconduct and lead to summary dismissal.

4.2 If you discover defamatory, confidential, obscene or otherwise unlawful material that you consider affects the Council or any of its employees you should draw it to the attention of the Communications Team immediately. You must take their advice [and that of the legal team where necessary] before taking any action on the social media site in question.

5. Appendices and where to find out more

Appendix A Official Council Social Media Sites

Appendix B Guidance for Officers

Appendix C Guidance for Councillors

Appendix D Flowchart for Officers and Councillors

Appendix E Social Media Application Form

www.geturvoiceheard.co.uk/doc/sn.php – provides advice on safeguarding children and vulnerable adults: any Official Sites set up by the Council must ensure that these groups are closely monitored.

www.thinkuknow.co.uk – provides advice information and resources about online safety, including how to use custom settings.

Appendix A

Official Social Media Sites Twitter (www.twitter.com)

Corporate	@eastdevon
Waste and Recycling	@recyclingEDDC
Procurement	@EDDCprocurement



Facebook (www.facebook.com)

Corporate:	/eastdevon
Waste and Recycling:	/eddc recycle
Tenant Participation:	/ EDDCtenantparticipation
Switch Project:	www.facebook.com/pages/SWITCH/124817784260256

YouTube (www.youtube.com)

Growth Point:	/user/EEDGP
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Appendix B

Guidance for officers (this guidance forms part of the Council's Social Media Policy)

1 What to bear in mind to keep you protected online either at work or at home

- 1.1 When you engage online it is important to use your common sense. The things that can get you into hot water anywhere else are just the same things to avoid in social media.
- 1.2 You are personally responsible for what you publish on social media. It is important that you think before you publish as words can't be unspoken. Even if you delete a hastily fired off blog or tweet, it will probably already have been read and will be indexed or duplicated in places beyond your reach.
- 1.3 Remember that the law of defamation applies to social media in the same way as written or spoken communication and people can sue you personally for damages if they consider their reputation has been or may be harmed.

2 Use of Social Media at work

- 2.1 When using any Official Site, **Authorised Users must:**
 - Clearly identify yourself as a Council employee and either include your name or job title as appropriate where you have been authorised by your Head of Service or Corporate Manager to act as a representative of the Council or to comment on behalf of the Council and are making comments on a social media site not specifically branded as belonging to the Council;
 - Make sure all content published is accurate, not misleading and complies with any relevant Council policy;
 - Comply with the terms and conditions of the social media site being used;
 - Be polite and treat other users of the social media site with respect;
 - Use the flowchart at the end of this guide to decide how and if to respond to customer comments, particularly negative ones;
 - Remember to keep key Members and other officers updated on your work.

2.2 When using any Official Site, **Authorised Users must not:**

- Make any comment or post any material that may cause damage to the Council's reputation or bring it into disrepute. This includes making negative or disparaging comments about the Council or its employees;
- Make any political comment; state any political preference or make any kind of partisan comment that may compromise the reputation of the Council or appear to put the Council in a conflict of interest;
- Post, publish or respond to any material that is defamatory, offensive, obscene, harassing or bullying; racist, sexist or otherwise discriminatory; infringes copyright or any person's right to privacy; constitutes contempt of court or is otherwise unlawful.

3 Monitoring use of social media at work

- 3.1 Authorised Users should not spend more time using social media sites in the course of their employment than is necessary for the purposes of Council public communication. Priority should be given to sites which are widely read by the general public and communicate information about services or service changes that relate to key Council proposals or affect significant numbers of residents.
- 3.2 They should ensure that the use of social media does not interfere with their other duties. Authorised Users spending an unnecessary or excessive amount of time using social media sites may be subject to disciplinary action.

4 Open Access Editable "Wiki" Sites Such As Wikipedia

- 4.1 Most wiki sites record the IP address of the editing computer. Alterations to such wiki sites may appear as if they have come from the Council itself. Officers should not act in a manner that may bring the Council into disrepute and should not post derogatory or offensive comments on any online wiki sites.
- 4.2 Prior to altering any wiki site entry about the Council or any entry which might be deemed a conflict of interest, employees should read the terms and conditions of the site concerned and, if necessary, ask permission from the relevant wiki editor. They should also seek advice from the Communications Team.

5 Personal use of social media

- 5.1 Access to social media sites for personal use using the Council's IT systems is not allowed.
- 5.2 Employees should be aware and recognise that there is a risk of damage being caused to the Council through their personal use of social media when they can be identified as an employee of the Council. This may be by direct identification (because a profile or content expressly states a Council association) or indirect identification (because friends, family or others know the user works for the Council).
- 5.3 If in respect of any personal use of social media an employee can be identified as associated with the Council by the profile or content then the following guidance should be complied with:

You should:

- Expressly state (through a disclaimer) on any profile or content that identifies you as an employee (or otherwise refers to or implies a relationship with the Council) that the stated views are your own personal views and are not those of the Council. You can use something like 'the views I express here are mine alone and do not reflect the views of my employer' or 'all tweets personal';
- Ensure that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not;
- Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy;
- Comply with the terms and conditions of the social media site being used;
- Be polite and treat other users of the social media site with respect;
- Tell the Communications Team if you discover defamatory, confidential, obscene or otherwise unlawful material that you consider affects the Council or any of its employees.

In addition to the provisions outlined in point 3 of the main body of the Social Media Policy, you must not:

- Publish content for the promotion of personal financial interests, personal commercial ventures or personal campaigns;
- Publish content in an abusive manner or in a way that contravenes the Council's Acceptable Behaviour Policy;
- Publish content in a way which appears as if the Council has endorsed it;
- Share sensitive or confidential information about the Council or its employees or councillors nor upload any photos or videos of colleagues without their express permission;
- Use your Council email address or any Council logos or copyright material for personal use.

The Council's Acceptable Behaviour Policy must be complied with at all times.

Appendix C

Guidance for Councillors (this guidance forms part of the Council's Social Media Policy)

1 What to bear in mind

- 1.1 When you engage online it is important to use your common sense. The things that can get you into hot water anywhere else are just the same things to avoid in social media.
- 1.2 You are personally responsible for what you publish on social media. It is important that you think before you publish as words can't be unspoken. Even if you delete a hastily fired off blog or tweet, it will probably already have been read and will be indexed or duplicated in places beyond your reach.
- 1.3 Remember that the law of defamation applies to social media in the same way as written or spoken communication and people can sue you for damages if they consider their reputation has been or may be harmed.
- 1.4 Be mindful if using social media during an official Council meeting or event that the use does not negatively impact on the proceedings or contravene the Constitution or other Council protocol.
- 1.5 At all times, whether posting in a personal or professional capacity, councillors must be clear whether they are writing as an elected member or private individual. Including 'Cllr' or 'Councillor' in a name is taken to mean that the councillor is writing in the capacity as an elected member. Councillor profiles, websites and use of social media should clearly be either 1) private and personal or 2) in their capacity as a councillor. This is particularly important as mixing these uses is likely to cause confusion to the electorate.

2 Members' Code of Conduct

- 2.1 This applies to your online activity in the same way it does to other written or verbal communication. You should comply with the general principles of the Code in what you publish and what you allow others to publish.

- 2.2 You will need to be particularly aware of the following sections of the code and their practical application:
- Treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments;
 - Avoid conducting yourself in a manner or behaving in such a way so as to give a reasonable person the impression you have brought your office or the Council into disrepute.
 - Comply with equality laws. Take care not to publish anything that might be considered as sexist, racist, ageist, homophobic or anti-faith;
 - Refrain from publishing anything which is confidential or breaches the Data Protection Act;
 - Ensure that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not;
 - Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy;
 - Comply with the terms and conditions of the social media site being used.
- 2.3 Members of the public (or other members or officers) may make a complaint about you if you contravene the Code of Conduct. You should also follow the guidance in the **Protocol for Relationships between Members and Officers** which is contained in **Part V of the Constitution** and can be found on the Council's website. This includes media relations.
- 2.4 You should also comply with the Code of Recommended Practice on Local Authority Publicity when publishing material which is hosted by the Council. Section 2 of the Local Government Act 1986 prohibits the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Local authorities are required by section 4(1) of the Act to have regard to the Code of Recommended Practice in coming to any decision on publicity.

The principles of the Code of Recommended Practice are that publicity by local authorities should be lawful, cost effective, objective, even-handed, appropriate, have regard to equality and diversity, and be issued with care during periods of heightened sensitivity [such as election periods].

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf

3 **Personal use of social media**

- 3.1 Councillors should be aware and recognise that there is a risk of damage being caused to the Council via their personal use of social media when they can be identified as an elected Councillor. This may be by direct identification (because a profile or content expressly states a Council association) or indirect identification (because friends, family or others know the user works for the Council).
- 3.2 If in respect of any personal use of social media a Councillor can be identified as associated with the Council by the profile or content then the following guidance should be complied with:

You should:

- Expressly state (through a prominent disclaimer) on any profile or content that identifies you as a Councillor (or otherwise refers to or implies a relationship with the Council) that the stated views are your own personal views and are not those of the Council;
- Ensure that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not;
- Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy;
- Comply with the terms and conditions of the social media site being used.

In addition to the provisions outlined in point 3 of the main body of the Social Media Policy, **you must not:**

- Make any comment or post material so as to give a reasonable person the impression that you have brought your office as Councillor or the Council into disrepute;
- Present political or personal opinion as fact or as representative of the Council;
- Imply that you are authorised to speak as a representative of the Council nor give the impression that the views you express are those of the Council;
- Post or publish any material that is harassing or bullying. Harassment may include personal attacks on officers;
- Publish content for the promotion of personal financial interests, personal commercial ventures or personal campaigns;
- Publish content in a way which appears as if the Council has endorsed it;
- Publish content in an abusive manner or contravenes the Council's Acceptable Behaviour Policy;

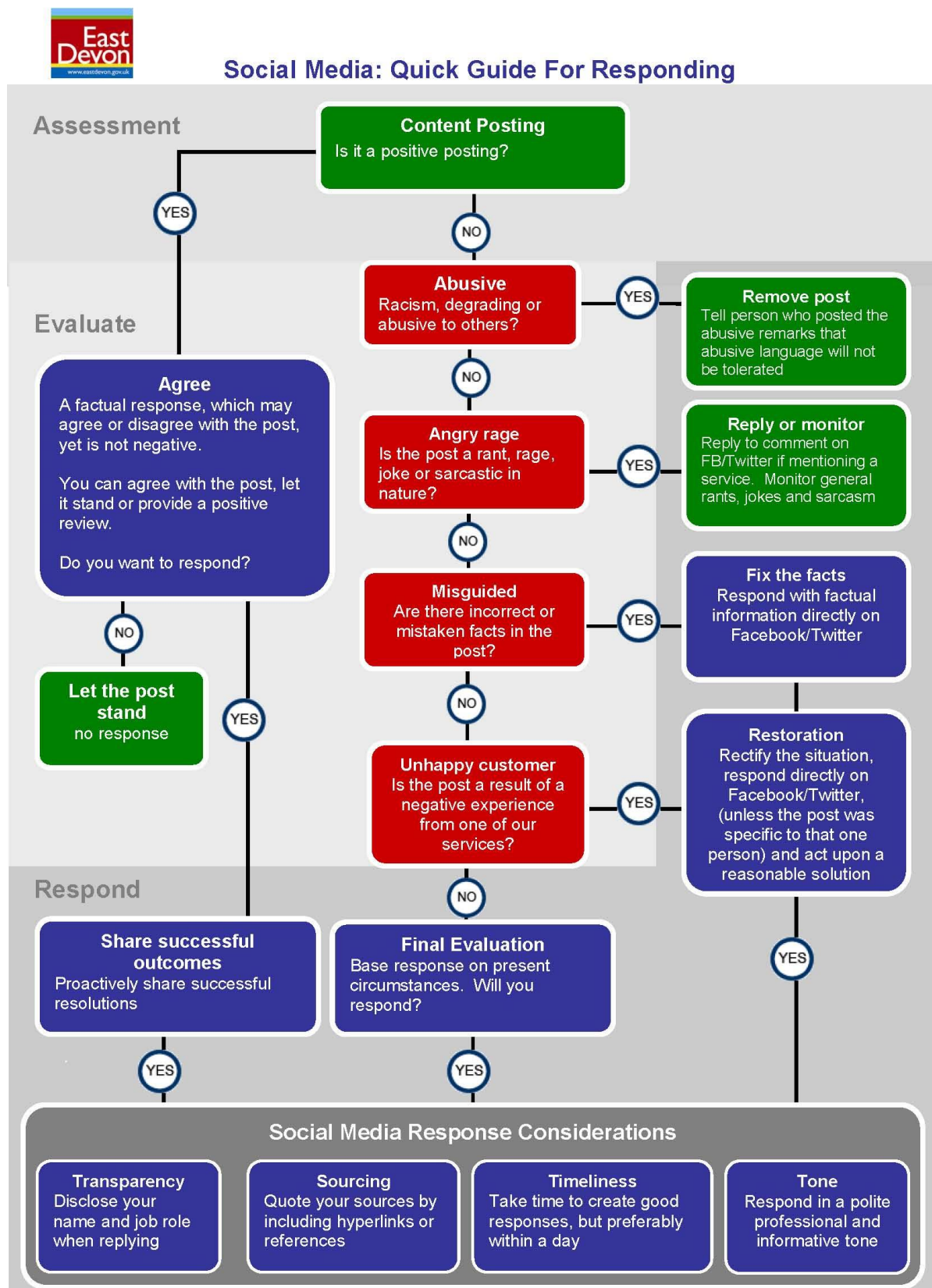
- Disclose confidential information, including matters considered under Part B of any Council meeting. If you are in any doubt about this you should first speak to the Monitoring Officer.

4 Open Access Editable “Wiki” Sites Such As Wikipedia

- 4.1 Most wiki sites record the IP address of the editing computer. Alterations to such wiki sites may appear as if they have come from the Council itself. You should not act in a manner that may bring the Council into disrepute and should not post derogatory or offensive comments on any online wiki sites.
- 4.2 Prior to altering any wiki site entry about the Council or any entry which might be deemed a conflict of interest, you should read the terms and conditions of the site concerned and, if necessary, ask permission from the relevant wiki editor. You should also seek advice from the Communications Team.

Appendix D

Response Flow Chart for Officers and Councillors



Appendix E: Social Media Application Form

Please ensure all content providers, moderators and your service lead have read the Social Media Policy and Guidance before completing this form.

Project Details	
Platform: Facebook, Blog, Twitter?	
Proposed URL or page name:	
Business Purpose/Objective: What are you hoping to achieve?	
Target audience: Who are you targeting with your social media communications and what is your strategy for engaging with them?	

Frequency of use: How often will you update your chosen platform? (please tick).
Once a day 3 times week Once a week
Moderation: How often will you moderate the site for offensive or negative posts?
Once a day 3 times a day More
E Evaluation - How will you evaluate the success of your social media communications and whether the social media presence is sustainable?

Please return the completed form to:

Communications and Public Affairs Manager
Room 36, Knowle

Item 8

Report provided for information – this report was considered at the Special meeting on 23 July 2013.

Standards Committee

23 July 2013

RP



Public speaking

Summary

At the last meeting of Standards Committee on 18 June, members discussed public speaking and asked for an officer report. This report provides advice on the issues raised, and puts forward recommendations/options for member consideration. Standards Committee's remit includes considering reports on governance matters referred to it by the Monitoring Officer. Any recommendations on changing the Constitution will require full Council approval.

Recommendation

Members consider the report and make appropriate recommendations.

a) Reasons for Recommendation

To revise the current arrangements.

b) Alternative Options

Annual Council asked Standards Committee to review public speaking; doing nothing is not recommended.

c) Risk Considerations

Well thought out public speaking arrangements can enhance democratic participation and Council reputation. However, repetition of the same issues or the introduction of issues that are not relevant to the Council or the decision being made can result in overly long meetings where the quality of decision making can be adversely affected.

d) Policy and Budgetary Considerations

Additional meetings, if such be recommended, involve additional officer and member costs and resources.

e) Date for Review of Decision

Members may wish to trial new arrangements or alternatively recommend a specific review date.

1 Main Body of the Report

- 1.1 The current public speaking arrangements were introduced in 2008 and are due for review. In general the arrangements worked very well and raised no significant comment until the last year.
- 1.2 Elsewhere on the Agenda is a report which sets out other existing Council initiatives for public engagement and involvement. These underline the council's commitment in this area. Public speaking may therefore be seen in the wider context of a two way exchange between the Council and the community it seeks to lead and serve.
- 1.3 This report seeks to address possible changes in public speaking in two different areas:
 - A) Cabinet, Overview and Scrutiny, Audit and Governance and Standards meetings
 - B) Development Management

2 Council, Cabinet, Overview and Scrutiny, Audit and Governance and Standards meetings

2.1 Public question time at beginning of meetings

A period of 15 minutes is provided currently which allows for public questions, with individual questions being limited to three minutes, and the expectation that where there is an interest group a spokesperson will be appointed to speak. In general 15 minutes has provided enough time for questions. However, as identified by members at the last meeting, the following recommendations for change may lead to more effective use of time:

- 1) Question to be put first, with any explanation of background to follow, still limited to a total of three minutes
- 2) Where possible, questions to be submitted in writing to Democratic Services in advance (two clear days before the meeting). (This enables a considered response to be given, in writing at the meeting if time permits).
- 3) Where questions are available in advance they could be displayed on a screen (if meeting in Council chamber) which will help the public gallery see what the issue is, together with the written answer, if available (otherwise a verbal reply will be given).
- 4) Questions to relate to matters that are within the remit of the Council or relate to matters that the Council could influence.
- 5) Questions asked in the last six months should not be repeated.

2.2 What is clear is that some people really wish to make a statement during question time rather than ask a question. Members could decide:

- To leave questions as questions, and not allow statements;
- Or simply to call it 'public speaking' rather than 'questions' at the beginning of meetings, so the public can decide how to use their three minutes as they wish; for questions and/or statements. There would still be the option to ask for questions to be received by democratic services in advance.

2.3 Public speaking/questions on individual items on the Agenda

At Cabinet, Overview and Scrutiny and Audit and Governance, the public may speak and/or ask questions on individual agenda items, and contributions are limited to three minutes. The public have the option whether to ask their question at the beginning of the meeting or when the meeting gets to a relevant Agenda item, if there is one. This process appears to work well; members are invited to consider whether any change is needed.

3 Development Management Committee

- 3.1 Public participation is obviously at the heart of the Development Management process. The officer report will include a summary of the written consultation responses received from neighbours and others, identifying what can properly be taken into account in the planning process.
- 3.2 Following the Systems Thinking review of the planning service, and approval at Annual Council in 2008, public speaking was introduced at Development Management committee for individual planning applications.
- 3.3 Members of the public wishing to speak enter their name on the sheets located near the entrance to the Council Chamber. There is currently no requirement to register to speak before the day of the meeting. All individual contributions are limited to a period of 3 minutes – where there is an interested group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.
- 3.4 As in any meeting, the Chairman has the right and discretion to control questions and irrelevant points being raised to avoid disruption, repetition and to make best use of the meeting time. Speakers are asked not to come to the microphone if their points have already been covered.
- 3.5 The new National Planning Policy Framework [NPPF], which expects a greater level of sustainable development than hitherto, and intends to produce a 'step change' in the speed of planning delivery, has reduced the Council's discretion to refuse development although the position should improve once an up to date Local Plan is in place. In turn this has understandably produced a greater level of interest in local planning. The length of recent Development Management meetings [up to 13 hours] is a matter for concern in terms of the wait involved for applicants and public, and the ability of a committee to remain focused and function at the optimum level for that period of time. Such a meeting length is obviously physically gruelling, and even more so for the Chairman. Three to four hours maximum length for a committee is in my view a reasonable yardstick but difficult to achieve at the present time.
- 3.6 Possible recommendations are:
 - 1) The reasons for the increase in the number and types of applications going to Development Management Committee should be investigated [this may be due in part to technical departures from the NPPF currently being sent to Committee, a matter which is due for discussion at DM on 16 July].
 - 2) Arrangements be introduced to take first on the agenda those items where planning applicants and/or public wishing to speak are present.
 - 3) A total period of time for public speaking on each individual planning application be introduced, for example 15 minutes. [This effectively means allowing 2 supporters and 2 objectors for each application, and is one of the most common means nationally of managing the volume of planning

committee business]. This could be linked with requiring those wishing to speak on planning applications to register two days in advance, which would give an opportunity for objectors/supporters to appoint a spokesperson in advance. Members may wish to consider this on a pilot basis, given the particular time pressures on Development Management Committee at the current time.

- 4) Where a spokesperson for a group of objectors is appointed they be allowed 5 minutes to speak; the same time being given to the applicant
- 5) Special meeting arrangements continue be made in advance for public speaking on major applications
- 6) Information or statistical reports be dealt with after the planning applications
- 7) Policy items be listed in a separate section of the Agenda
- 8) Public speaking on policy items be introduced, limited to three minutes per contribution, with the Chairman having the ability to advise the meeting of the number of speakers it is possible to take on any particular occasion in the light of time available. Meeting arrangements will be publicised in advance for issues of major public concern.

3.7 Non Committee member speaking at Committee

The current Constitutional provision is that Standing Orders provide that a member who is not on the Committee shall not be entitled to speak at that meeting except with the consent of the meeting. In practice non-committee members do speak at Development Management Committee on a regular basis as Ward members and at other committees on a fairly free basis with the consent of the meeting when time allows.

- 3.8 My recommendation is that the meeting management should continue to rest with the Chairman and that if there is time to hear from a broader cross section of members than those appointed by Council to that committee to carry out its functions, then that can be decided at that meeting in relation to that particular item. The Constitution already provides that flexibility.

Legal Implications

None specific; legal issues have been taken account of in preparing the report.

Financial Implications

There are no apparent direct financial implications

Rachel Pocock
Corporate Legal and Democratic Services Manager

Standards Committee
23 July 2013

Draft Protocol for Audio Recording of Council Meetings

The Council is committed to being open and transparent in the way decisions are made. Recording is permitted at certain council meetings but restrictions apply to protect confidential information and those individuals who do not wish to be recorded.

The following protocol sets out how recordings are permitted and managed.

Main provisions

- 1.1 A recording will be made by the Council for the following meetings:

- Council
- Cabinet
- Development Management Committee
- Planning Inspections Committee
- Overview and Scrutiny Committee
- Audit and Governance Committee
- Housing Review Board
- Licensing and Enforcement Committee
- Standards Committee

where held in the Council Chamber of the Council Offices at Knowle, Sidmouth, Devon. At the start of the meeting, the Chairman will remind all present that a recording is being made for subsequent publication online. Press representatives, members of the public and elected Councillors are permitted to make their own audio recordings of these meetings from the public area, subject to the provisions of this protocol, but must notify the Chairman of their intent to record prior to the start of the meeting. No recording of public meetings held in any other room of the Council is permitted.

- 1.2 Recording will not be made by the Council, or any elected Member or any other individual for any part of the meeting where the public and press are excluded.
- 1.3 The Council understands that some members of the public attending its meetings may not wish to be recorded whilst using their right to speak during the public question session or in speaking about a planning or licensing application. The Chairman of the meeting will remind all present at the start of the meeting of the right not to be recorded; and will take all reasonable steps to ensure that any request not to be recorded is complied with.

- 1.4 Any press representative, member of the public, officer, or elected Councillor wishing to make their own audio recording of the meeting, must do so overtly from the public area and inform the Chairman of their wish to record. A press representative or member of the public or elected Councillor making a personal recording must comply with any request to cease recording, as instructed by the Chairman – for example when a request is made by a member of the public not to be recorded. Any member of the public recording the meeting must do so from the public gallery.
- 1.5 Visual recording with audio, and photography, at all meetings is prohibited.
- 1.6 All agendas for the meetings listed in 1.1 above will contain information about recording, both of the Council's recording and that individuals can record. Signs will be displayed at the meetings listed in 1.1 outlining this information.
- 1.7 The Chairman of the meeting has the absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings. This could include but not be restricted to:
- Public disturbance or other suspension of the meeting
 - Exclusion of the public and press being moved and supported
 - Recording by an individual or individuals considered to be disrupting the proceedings of the meeting
 - Recording by an individual or individuals considered to be preventing any other individual from viewing and listening to the meeting
 - Recording by an individual or individuals is not stopped upon request for a member of the public wishing not to be recorded.
- 1.8 Subject to 1.10 below, all archived audio recordings made by the Council will be available on the Council's website.
- 1.9 Published recordings or part of published recordings shall only be removed by the Monitoring Officer if she considers that it is necessary to do so because all or part of the content of the recording is likely to be in breach of any statutory provision such as Data Protection and Human Rights legislation, or libel and defamation laws. Inappropriate language may also be removed. It is anticipated that the need to edit content will only occur on an exceptional basis.
- 1.10 Press representatives, members of the public or individual officers or elected Members making their own full or partial recordings of meetings must respect the law including Human Rights and Data Protection legislation and intellectual property rights. They will be responsible for any allegations of breaches of the law which may result from their use of recorded material and are admitted to the Council Chamber on the basis that they accept this responsibility.
- 1.11 The Council takes no responsibility for any recording made by a third party or its subsequent use. Any third party making a recording of a meeting shall in doing so be taken to have indemnified the Council against all actions, proceedings, costs, claims, demands, liabilities, losses and expenses whatsoever relating to the making of that recording.

Audio recording notice wording

This meeting may be recorded for subsequent publication on the Council's website. At the start of the meeting, the Chairman will confirm if all or part of the meeting will be recorded.

The Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the council's practices under this Act.

Audio recording is permitted by press representatives and members of the public from the public area, subject to their notification to the Chairman prior to the start of the meeting of a wish to record all or part of that meeting.

Recording must cease at the request of the Chairman.

Making a recording must not be disruptive to the meeting.

Photography, and Visual recording with or without audio, is prohibited at all meetings.

If you are exercising your right to speak during Public Question Time, or to an application, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

Item 11 - Code of Conduct complaints update

This paper provides an update for Members on outstanding complaint cases and new cases received since the last Standards Committee meeting (29 April 2013) to date:

Case #	TC/PC or EDDC member	Relevant paragraphs in Code of Conduct and outcome following consultation with Independent Person
Outstanding complaints:		
MO-C003	EDDC Councillor	<p>Allegation member did not treat others with respect/courtesy.</p> <p>A Hearing was held on 3 July 2013.</p> <p>Appendix 1 – At the request of the Standards Hearing Committee the Decision Notice issued following the Hearing is enclosed for information.</p> <p>Case Closed.</p>
MO-C011	Town Councillor	<p>Alleged that during an incident with the complainant, the Subject Member was verbally aggressive and referred to their position as a Councillor inappropriately.</p> <p>5c – you must not bully any person and 5h – you must not conduct yourself in a manner or behave in such a way as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p> <p>Outcome following assessment – Subject Member not considered to have been acting in their official capacity as a Cllr at the time the incident took place.</p> <p>No further action. Case Closed.</p>
MO-C015	Town Councillor	<p>Complaint arisen following an exchange between the complainant and subject member. Complainant alleges that the Subject Member was offensive in their remarks.</p> <p>4a – you must treat others with respect, 5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any person, an advantage or disadvantage, 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>Complaint under assessment – MO working with Subject Member and Complainant to find an informal resolution that is acceptable to both parties.</p>

MO-C016	Parish Councillor	<p>Complainant alleges that the subject member intentionally tried to discredit the Council at a Parish Council meeting.</p> <p>4a – you must treat others with respect, 5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any person, an advantage or disadvantage, 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>Complaint being considered under complaint MO-C021.</p>
MO-C017	District Councillor	<p>Complainant alleges that the subject member was disrespectful at a public meeting.</p> <p>4a – you must treat others with respect</p> <p>No breach. Case closed.</p>
MO-C018	District Councillor	<p>Complainant alleges that the subject member was disrespectful at a public meeting.</p> <p>4a – you must treat others with respect</p> <p>No breach. Case closed.</p>
MO-C019	District Councillor	<p>Alleged that Subject Member had made misrepresentations and been inappropriate and disrespectful in communication.</p> <p>4a – you must treat others with respect, 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>Recommended action undertaken by Subject Member. No further action. Case Closed.</p>
New complaints:		
MO-C020	Town Councillor	<p>Complaint alleges that the Subject Member was disrespectful to the Chairman at a public meeting.</p> <p>4a – you must treat others with respect.</p> <p>Sufficient evidence to suggest potential breach of the Code. Referred for Investigation.</p>
MO-C021	Parish Councillor	<p>Complaint submitted by the Parish Council. Number of allegations made about the Subject Member's behaviour and conduct relating to a planning application in the village.</p> <p>8.2 - You also have a personal interest in any business of your authority where a reasonable person with knowledge of the relevant facts would regard the interest as greater than would affect the majority of residents or inhabitants in the affected area such that it is likely to prejudice your judgment of the public interest</p> <p>8.2 (d) -Where you have any interest in <u>any</u> business of the Council and you attend <u>any</u> meeting at which that business is to be considered, you must not seek to influence improperly any decision about that business.</p>

		<p>5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any person, an advantage or disadvantage</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>Complaint under assessment</p>
MO-C022	Parish Councillor	<p>Complaint alleges that the Subject Member failed to declare a personal interest in relation to a planning application.</p> <p>8.2 - You also have a personal interest in any business of your authority where a reasonable person with knowledge of the relevant facts would regard the interest as greater than would affect the majority of residents or inhabitants in the affected area such that it is likely to prejudice your judgment of the public interest</p> <p>No breach. Case closed.</p>
MO-C023	Town Councillor	<p>Complaint alleges that the Subject Member was disrespectful to the Chairman at a public meeting.</p> <p>4a – you must treat others with respect.</p> <p>Complaint under assessment – MO working with Subject Member and Complainant to find an informal resolution that is acceptable to both parties.</p>
MO-C024	Town Councillor	<p>Complainant alleges that the Subject Member raised an issue that was inappropriate for a public place.</p> <p>Complaint under assessment</p>
MO-C025	Town Councillor	<p>Complaint alleges that the Subject Member was disrespectful to the Chairman at a public meeting.</p> <p>4a – you must treat others with respect.</p> <p>Complaint under assessment – MO working with Subject Member and Complainant to find an informal resolution that is acceptable to both parties.</p>

Standards Committee DECISION NOTICE

Complaint Reference: MO-C003
HEARING FINDINGS

Date of Hearing	3 July 2013
Subject Member	Councillor Eileen Wragg, East Devon District Council
Complainant	Mr Richard Cohen Deputy Chief Executive
Investigating Officer	Tim Darsley
Membership of Standards Sub Committee	Cllr Frances Newth (Chairman) Cllr Peter Bowden Cllr Douglas Hull <u>Non-voting</u> Cllr Courtney Richards – Parish/Town Member Tim Swarbrick – Independent Member
Independent Person	Alison Willan
Monitoring Officer	Denise Lyon
Legal Advisor to Sub Committee	Henry Gordon Lennox, Principal Solicitor
Democratic Services Officer	Hannah Whitfield
Summary of complaint	In her letter to the Exmouth Journal, published on 12 July 2012, Councillor Eileen Wragg made critical personal comments about the Deputy Chief Executive, Richard Cohen.
Any declarations of interest	Cllr Douglas Hull declared that he was Chairman and Deputy Leader of the Liberal Democrats. The subject member was a member of the Liberal Democrat party.
Hearing in public/availability of relevant documents for public inspection	The Hearing was held in public and agenda papers were made available.

<p>Standards Sub Committee decision on whether or not there has been a failure to comply with the Code of Conduct and reasons for their decision</p>	<p>The Sub Committee reached their decision after carefully considering the relevant material evidence and all the representations made at the Hearing.</p> <p>The Sub Committee agreed with the findings of fact set out in the Investigating Officer's report to which no disagreement had been made by Councillor Eileen Wragg, other than Paragraph 5.15.</p> <p>In respect of the Investigating Officer's findings of fact which Councillor Wragg disagreed with (Paragraph 5.15), the Sub Committee agreed with the Investigating Officer that:</p> <ul style="list-style-type: none"> • The final sentence of the penultimate paragraph of Councillor Wragg's letter was referring to Richard Cohen, and • In it Councillor Wragg questions Richard Cohen's competency. <p>The Sub Committee agreed with the Investigating Officer that there were 2 critical elements of Councillor Wragg's letter which referred to Richard Cohen personally, these were:</p> <ul style="list-style-type: none"> • The description of his comments as arrogant; and • Her questioning of his competency <p>The Sub Committee's decisions on whether Councillor Wragg breached the Code of Conduct were as follows:</p> <ul style="list-style-type: none"> • The Sub Committee agreed with the Investigating Officer's reasoning as set out in Paragraphs 6.3-6.5 where the description of 'arrogant' was considered discourteous but not sufficiently disrespectful to have breached the Code of Conduct – and therefore found that she did not breach the Code in this respect. • However, the Sub Committee found that Councillor Wragg's questioning of Richard Cohen's competence was disrespectful and that she therefore failed to follow Paragraph 4(a) of the Code of Conduct for the reasons given in 6.6-6.11 of the Investigating Officer's report; and • Councillor Wragg made significant personal criticism of Richard Cohen in her letter. The criticism was made in public and not well founded. She had not taken up her concerns with Richard Cohen privately in the first instance, as set out in the protocol for relationships between Members and Officers. The Sub Committee concluded that Cllr Wragg therefore failed to follow Paragraph 123 of the protocol for relationships between Members and Officers.
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Any mitigating circumstances taken into account	Councillor Wragg was given the opportunity to address the committee with any mitigating circumstances and notwithstanding that no proper mitigating circumstances were put forward at that time, the Sub Committee did take into account the mitigation referred to in the Investigator's report at paragraphs 6.18 – 6.25.
Sanctions imposed	<p>The Sub Committee had heard representations from the Investigating Officer, Monitoring Officer and Cllr Wragg on whether a sanction should be imposed and if so, what form it should take.</p> <p>The Sub Committee considered the representations and imposed the following sanctions:</p> <ol style="list-style-type: none"> 1. Censure - Councillor Wragg was unwilling to accept the finding of the Sub Committee and advised that she would take the same action again in similar circumstances. The Sub-Committee accepted Councillor Wragg's right to challenge alternative views but this needed to be done in an appropriate way. 2. Reporting - The findings of the Standards Hearing Sub-Committee to be reported to the Standards Committee and published through the Council's press office. The Press Release should include details of the legal advice, and subsequent correction, given to the Hearing regarding the complaint procedure. The Sub-Committee wished to make it clear that the correction to the legal advice was a technicality and did not affect the Sub-Committee's findings that Councillor Wragg had breached the Code of Conduct and had failed to follow the Protocol on Relationships between Members and Officers. <p>The Sub-Committee also made the following recommendations to the District Council:</p> <ol style="list-style-type: none"> 1. All councillors to receive training on the protocol on Relationships between Members and Officers. 2. To review and raise awareness of current Council procedures for Officers publishing letters/articles in the Press.

Signed:

Chairman of the Standards Sub Committee

Date:

[Appendix – Investigating Officer's report](#)



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

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The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority
- the Broads Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

As explained in the following section, your registration of personal interests should be guided by your duty to act in conformity with the seven principles of public life. You should ensure that you register all personal interests that conformity with the seven principles requires. These interests will necessarily include your membership of any Trade Union.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**⁴.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

financial interests they might have (for example trust funds, investments, and assets including land and property).

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests of your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Agenda Item 13

Standards Committee

9 October 2013



Standards Committee

Forward Plan 2013/14

21 January 2014	Complaints update Forward Plan
8 April 2014	Complaints update Forward Plan

These are the main items, but there may be other matters arising through the year that members want to include too.

Items to be included in the Committee's Forward Plan:

- Review of monitoring/complaints procedures