

Title of Report:	Revised Code of Conduct for Members (including a Social Media Protocol)
Report to be considered by:	Council
Date of Meeting:	12 December 2013
Forward Plan Ref:	C2737

Purpose of Report: To agree any recommended changes to the Members Code of Conduct following the scheduled review by the Standards Committee and to consider the introduction of an associated Social Media Protocol for Members.

Recommended Action: To consider and if appropriate amend Appendix H (the Code of Conduct for Members) as set out in Part 13 (Codes and Protocols) of the Councils Constitution and to consider the introduction of a Social Media Protocol for Members (Appendix K Social Media Protocol for Councillors to Part 13 of the Constitution (Codes and Protocols)).

Reason for decision to be taken: A review date for the Code of Conduct was agreed at the time of its adoption.

Other options considered: Not to adopt the Social Media Protocol
Not to amend the Code of Conduct

Key background documentation: Localism Act 2011

The proposals will also help achieve the following Council Strategy principles:	
<input checked="" type="checkbox"/>	CSP7 - Empowering people and communities
<input checked="" type="checkbox"/>	CSP9 - Doing what's important well
The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by: ensuring that the constitution is up to date and accords with the relevant legislation	

Member Details	
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Date Member agreed report:	25 September 2013/e-mailed on 29 October 2013

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Implications

Policy:	Will require Part 13 (Codes and Protocols) of the Constitution to be amended
Financial:	None – will be undertaken within existing resources
Personnel:	None
Legal/Procurement:	Will require changes to the Constitution in accordance with relevant Local Government Acts
Property:	None
Risk Management:	None

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input checked="" type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Executive Summary and Report

1. Introduction

- 1.1 West Berkshire Council's Code of Conduct for Councillors was adopted by Full Council at its meeting on 10th May 2012 and came into effect from 1st July 2012. The new processes have now been in operation for over a year and as suggested in the original report the Code and underpinning processes has been subject to a thorough review by a Task Group of the Standards Committee to reflect on its effectiveness. The Task Group comprised Councillors David Allen and Peter Argyle, James Rees (Independent Person) and Tony Renouf (Parish Councillor). The Task Group concluded that overall the revised Code and underpinning processes have worked well. A number of minor amendments to the existing Code of Conduct (Appendix A) are therefore set out in the attached document.
- 1.2 In addition blogging and social networking have become increasingly popular and effective methods for councillors to interact with parishioners. Used effectively, they can engage those who would not normally have access to local councillors. However, it is not always clear whether such activities are covered by the Code of Conduct. A draft Social Media Protocol for Councillors (Appendix C) I has therefore been drafted to assist Members in complying with the Code and ensuring that the use of online media is well received.
- 1.3 The revised Code of Conduct and the Social Media Protocol were also discussed at the Governance and Audit Committee meeting on the 25 November 2013 who recommended the changes to Council for approval.

2. Proposals

- 2.1 The following amendments to the existing Code of Conduct were proposed by the Task Group:
 - a) The scope of when the code was applicable should be reviewed and if appropriate clarified;
 - b) Footnotes pertaining to the Bribery Act 2010 and the Local Authority Code of Publicity should be inserted;
 - c) The terms 'you must' and 'you must not' to be inserted into the Code relating to the obligations of Members;
 - d) The level at which gifts and hospitality should be declared to be reviewed and if appropriate amended;
- 2.2 The following amendments to the existing procedures were proposed by the Task Group:
 - a) In future there would be an assumption that hearings should take place in public, in reality Members would be asked to vote on whether to go into Part II or not after hearing representations from the subject member or complainant;

- b) The flowchart (Appendix B) to be amended to allow the Advisory Panel to refer an investigation back to the investigator if appropriate; and
- c) The flowchart to be amended to include naming the meeting between the Monitoring Officer and the Independent Person as the 'Individual Assessment Meeting'.

2.3 The Standards Committee met on the 14 October 2013 to consider the proposals and agreed to make the following recommendations to Council.

- a) that the scope of when the Code was applicable should be amended as set out in the revised document;
- b) the insertion of the footnotes relating to the Bribery Act 2010 and the Local Authority Code of Publicity should be retained;
- c) the layout using the terms 'you must' and 'must not' clarified the document;
- d) the level at which Members should declare the receipt of a gift or hospitality should remain at £25.00 and that mention be inserted of 'serial givers';
- e) the typographical error on page 24 to be amended with the word 'vacation' being replaced by 'vocation' notwithstanding that this is contained in the Regulations;
- f) the suggested amendments to the flowchart be accepted;
- g) the Social Media Protocol is a useful tool and guidance for Members and it should therefore be adopted.

2.4 The Governance and Audit Committee met on the 25 November 2013 to consider the proposals and agreed to make the following recommendations to Council.

Revised Code of Conduct for Members (Para 1.1)	Replace the text in the third line 'It is effective from' with 'It came into effect on'
Revised Code of Conduct for Members 3(d)	The words disclosable pecuniary interests should be written with a capital at the start of each word.
Revised Code of Conduct for Members (Para 4.1.1)	Insert the word 'of' at the end of the first paragraph and insert semicolons after items (b) and (c) and a full stop at the end of (c).
Revised Code of Conduct for Members (Para 7.1)	In the third line replace the word 'of' with 'or' after the word 'receipt'.
Revised Code of Conduct for Members (Para 2.2 (i))	Insert a hyphen into the word 'decision-making'
Revised Code of Conduct for Members (Para 2.2 (iv))	Delete the words 'They suggest that'.
Revised Code of Conduct for Members (Para 3.1)	Insert the word 'the' before 'Standards Committee'.

Revised Code of Conduct for Members (Para 3.	Insert the words 'these are' after the words 'are objective and' and replace the 'a' before Standards Committee with the word 'the'.
Revised Code of Conduct for Members (Para 5 (ii))	Insert a comma after 'If appropriate' in the first sentence
Revised Code of Conduct for Members (Para 5 (iv))	Delete the word 'the' before 'Monitoring Officer'.
Revised Code of Conduct for Members (Para 5 (ix))	The word 'Act' should not be deleted
Revised Code of Conduct for Members (Flowchart)	Insert the word 'relevant' in front of the word 'committee' under sanction 2
Social Media Protocol	You should not: (d) spell the word 'council' with a capital 'C'.
Social Media Protocol	Align the text with that in paragraph 4.6.2

2.5 Councillors are asked to adopt a Social Media Protocol to assist Councillors with making effective use of social media whilst avoiding potential accusations that they may be breaching the Council's Code of Conduct. It is also designed to ensure that the reputation of the Council is not adversely affected and that the Council is not subject to legal challenge as a result of information posted on social networking sites or blogs.

3. Equalities Impact Assessment Outcomes

3.1 This item is not relevant to equality.

4. Conclusion

4.1 The Council is asked to agree the amended Code of Conduct and the new Social Media Protocol for Councillors.

Appendices

Appendix A – Code of Conduct for Members of West Berkshire District Council

Appendix B – Flowchart of processes underpinning the processes

Appendix C - Social Media Protocol for Councillors

Consultees

Local Stakeholders: Standards Committee Task Group, Standards Committee, Governance and Audit Committee

Officers Consulted: Andy Day, Sarah Clarke, Keith Ulyatt, Phil Rumens, Moira Fraser, Corporate Board

Trade Union: Not consulted.