

Minutes of the meeting of the **STANDARDS COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 17 December 2014 at 10.02 am.

Present:

Chairman: Councillor B W Butcher

Councillors: M A Russell  
L A Keen  
J M Smith

Officers: Director of Governance  
Corporate Complaints and Resilience Officer  
Democratic Support Officer

Also Present: Mr B P S Dowley (Independent Person)

6 APOLOGIES

An apology for absence was received from Councillor C J Smith.

7 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

8 DECLARATIONS OF INTEREST

There were no declarations of interest.

9 MINUTES

The Minutes of the meeting of the Committee held on 25 June 2014 were approved as a correct record and signed by the Chairman.

10 COMPLAINTS REPORT

The Committee received the report of the Director of Governance on formal complaints received by the Council for the period 1 April to 30 September 2014 that had been investigated by the Corporate Services Team.

The Corporate Complaints and Resilience Officer (CCRO) advised that the report differed from previous ones in that it now covered quarterly periods. 11 complaints had been received in the last two quarters. As a correction to the report, the word 'either' should be deleted in paragraph 1.11. Five investigations or decisions had been made by the Local Government Ombudsman during this period with no findings against the Council being made.

In response to Councillor L A Keen, the CCRO explained that, due to an oversight, Appendix B of the report was not in the revised format which had been agreed by the Committee at its previous meeting, namely with complaints grouped by type (or service) rather than ward. Following further discussion, it was agreed that future reports would group ward information in Appendix A and service information in Appendix B. The CCRO undertook to circulate an amended report to Members. The Director of Governance reminded Members that departments delivering

frontline services were more likely to be the subject of complaints, but this did not necessarily mean that they were 'problem' departments.

- RESOLVED: (a) That future reports group complaints by ward and type in separate appendices.
- (b) That the complaints report be noted and the actions taken endorsed.

## 11 SOCIAL MEDIA POLICY FOR MEMBERS

The Director of Governance presented a report which proposed the introduction of a Social Media Policy for Members. The report had already been to the Governance Committee and was due to go to full Council on 28 January 2015.

In the light of issues raised at a recent Council meeting, Officers had developed the policy in order to have guidelines in place for the new Council in May. The policy was linked to the Members' Model Code of Conduct but there were no sanctions available for breaches of the policy, other than the Code itself. Members were reminded that the Council did not have powers to control or police what Members said or did in their private lives. The key elements of the policy were that Members were requested to set up a separate account for personal use and advised what types of use were prohibited. The Governance Committee had accepted the policy, but Councillor M R Eddy had asked that further definition of the word 'disparage' at paragraph 7.2 of the policy be provided.

It was acknowledged that there was a 'gap' between the relatively weak sanctions permitted by the Code and the sanction at the other extreme that provided for potential criminal action to be taken against a Member failing to register an interest. It was unlikely that the courts would take action against a Member who had simply failed to register an interest, and a much more serious allegation would have to be made before the Police or Crown Prosecution Service were likely to act.

Councillor B W Butcher welcomed that written guidance would now be available to Members. Councillor L A Keen was of the opinion that it cast doubt on a Member's suitability to be a Councillor if they made racist or disparaging comments, and questioned why the Council could not include something in the Code to address this. If this were not possible, then the political parties should expel Members who transgressed.

The Director of Governance explained that there were restrictions on what the Code could cover since the definition of when a Member was acting as a Councillor was extremely narrow. The Livingstone case remained the case law as to how narrowly the courts interpreted public capacity, although there had been some further debate on this recently. The key consideration when assessing any allegation was whether the Member was acting in a private or public capacity.

Mr Dowley mentioned that the Kent Independent Persons' Group had twice raised its concerns with the Department for Communities and Local Government which had responded that there was no intention to change the Code. In comparison with some other Kent authorities, Dover District Council had a good record of Member compliance.

- RESOLVED: (a) That the Social Media Policy for Members be noted.

- (b) That it be recommended to Council that the Social Media Policy for Members be approved and incorporated into the Council's Constitution.

The meeting ended at 10.36 am.