

Report of	Meeting	Date
Monitoring Officer	Governance Committee	14 March 2013

STANDARDS UPDATE

PURPOSE OF REPORT

- To update members on Standards matters concluded in the preceding 3 months.

RECOMMENDATION(S)

- To note the content of the report.
- To consider the recommendations of the Independent Member and where appropriate approve their adoption or implementation.

EXECUTIVE SUMMARY OF REPORT

- Two standards complaints have been concluded in the previous 3 months.
 - The first relates to members of a parish council. This was not recommended to pursue to investigation as it related to specific conduct of the Clerk not Members and the complainant was unable to particularise the complaint in such a way that Councillors had breached the code of conduct.
 - The second related to the conduct of a District Councillor in a public exchange of correspondence and use of twitter. Whilst this was not recommended for investigation the Independent Member has made some recommendations with respect to guidance for members in the future. These recommendations are contained in the body of the report.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

- As part of the ongoing review of the effectiveness of the Council's standards regime, the numbers and results of standards complaints for the preceding 3 months are reported to the Governance Committee.
- In this period 2 complaints have been considered and concluded.
- Historically, it has not been the practice of this authority to publicise details of complaints where they have not be pursued to investigation. The reason for this it to prevent Standards

being used as a tool by complainants whereby the complaint itself is in the public domain and the decision not to investigate, for whatever reason, is overlooked. For this reason the detail in relation to the facts of the complaint is scant unless it is pertinent to decision the Committee are asked to take.

PARISH COUNCIL - COMPLAINT

9. The nature of this complaint was fundamentally that a Parish Council was failing to treat one of the residents in its area with respect.
10. On consideration of the complaint it was apparent that much of the issue in fact related to the conduct of the clerk. The complainant was advised that the clerk was not bound by the code of conduct. He had previously been provided with advice on how to complain about the clerk's conduct to the Parish Council. The Deputy Monitoring Officer erred in seeking the views of the Chair of Governance Committee before responding to the complainant rather than consulting with the Independent Member.
11. A subsequent complaint was received which recast the complaint. It was now that the members (most notably the Chair) were permitting this conduct and therefore contravening the code of conduct.
12. The matter was reviewed by the Deputy Monitoring Officer and the Independent Member (as is proper under the procedure adopted by the Council in July 2012) and they were unable to find that the complaint had been particularised enough to be maintained against the Chair or individual parish councillors and the code could not be breached "en masse" by councillors in the way alleged i.e. it happened therefore one of them had to be responsible. The Independent Member arrived at his conclusion via a slightly different route than the Deputy Monitoring Officer who had first considered the complaint. The Independent Member found that words used in correspondence from the Parish Council had clearly failed to treat the complainant with respect but agreed with the Deputy Monitoring Officer that the Code had not been breached because the Clerk rather than an elected member had authored the letter.

DISTRICT COUNCILLOR COMPLAINT

13. This complaint related to a letter placed in the local newspaper by a Chorley BC Councillor and in relation to their use of Twitter.
14. The complaint was in 4 parts
 - a. That the Councillor made misleading comments;
 - b. That the Councillor by blocking a resident from his twitter feed was restricting their access to information;
 - c. That the Councillor was refusing to represent all residents impartially; and
 - d. That the Councillor was failing to treat the resident with respect.
15. Whilst many of the points raised were factually correct, the context, an exchange of correspondence on an issue, meant that the Monitoring Officer and the Independent Member were unable to ascribe the same interpretation as the complainant. As a result the Independent Member was unable to recommend the matter proceed to investigation.
16. However, the Independent Member did express opinions on actions that both the Monitoring Officer could take to improve guidance to members on the use of social media and to the Councillor themselves to consider unblocking the complainant.
17. The use of social media is a difficult one. Twitter in particular is a method of expressing an opinion instantly. This benefit is also a danger as there is no period of reflection, and the limited number of characters makes particularising that view difficult. It leaves tweets open to interpretation.
18. Chorley Council have not issued a protocol on the use of Twitter. We have issued a brief guide. It is proposed to amend this to include the following
 - a. Twitter should be used to pass messages and receive information. Members should avoid using it for conversation;
 - b. Members should recognise the communication is a 2 way process and may receive tweets that they do not agree with;

- c. Members should be reluctant to block other twitter users who they know to be residents of their ward.
19. There should also be clarity as to when the Councillor is acting in that capacity. Case law under the previous code was clear on the issue of when a councillor was acting as a councillor. Given the light touch scope of the new code it is the view of the Monitoring Officer that this restrictive approach should continue. Therefore, Members are only subject to the code of conduct when they are using an account in their name as a Councillor ie @chorleycouncillorabloggs. The local code will not apply where the account is personal ie @abloggs or if relating to a different authority @countycouncillorabloggs or @parishcouncillorabloggs. This applies even if they are expressing a view on a council matter. The Independent Member had indicated that this may be too restrictive and the Committee are invited to consider the application of the code of conduct to twitter.
20. The Monitoring Officer has previously advised that blocking another twitter user is not in itself a breach of the code of conduct. It may form part of a pattern of behaviour which would do however. It is recognised though that Councillors should not be expected to experience personal attacks or insults and the like.

IMPLICATIONS OF REPORT

21. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

22. None

COMMENTS OF THE MONITORING OFFICER

23. Contained in the body of the report.

CHRIS MOISTER
MONITORING OFFICER

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	5 March 2013	***

OR