



Standards Committee Agenda

Wyre Borough Council
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**Standards Committee meeting on Thursday, 21 June 2018 at 6.00 pm
in the Committee Room 2, Civic Centre, Poulton-le-Fylde**

1. **Election of Chairman**
2. **Election of Vice Chairman**
3. **Apologies for absence**
4. **Declarations of interest**
5. **Confirmation of Minutes** (Pages 1 - 6)

To confirm as a correct record the minutes of the Standards Committee meeting held on 14 March 2018.
6. **Code of Conduct Hearings** (Pages 7 - 20)

Minutes of two Standards Code of Conduct hearings held on 14 March (for information).
7. **Social Media Policy for Councillors** (Pages 21 - 28)

Report of the Monitoring Officer.
8. **Review of Ethical Standards in Local Government: Response to consultation** (Pages 29 - 32)

Response to consultation submitted to the Committee on Standards in Public Life (for information).
9. **Current complaints: summary** (Pages 33 - 34)

Schedule prepared by the Monitoring Officer.

The Monitoring Officer will report verbally the latest position with regard to each of the complaints listed and any issues arising from them.

10. Date of next meeting

The next scheduled meeting of the Committee is at 6pm on Thursday
15 November 2018.



Standards Committee

Minutes of the meeting of the Standards Committee of Wyre Borough Council held on 15 March 2018 at the Civic Centre, Poulton-le-Fylde.

Councillors present: Councillors I Amos, M Anderton, B Birch (Chairman), Catterall, Lees and Moon (Vice Chairman).

Officers present: Liesl Hadgraft (Monitoring Officer and Head of Business Support), Mary Grimshaw (Deputy Monitoring Officer and Senior Solicitor) and Roy Saunders (Democratic Services and Scrutiny Manager).

Also present: Barry Parsonage (Independent Person).

Apologies for absence: None.

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STA.19 **Declarations of interest**

Councillor Moon declared a significant interest (non-pecuniary) in agenda item 6 (Summary of Current Complaints) because he had been informed that he was the subject member in complaint Ref: 2017/06. He said that he would withdraw from the meeting should the complaint be discussed in any detail.

STA.20 **Minutes**

RESOLVED that the Minutes of the meeting of the Committee held on 16 November 2017 be confirmed as a correct record.

The Monitoring Officer reported that the proposed social media policy for councillors, referred to in minute STA 10, had been submitted to Council on 10 December 2017. The Council had resolved that the contents of the proposed policy be reviewed by a working group with a politically balanced membership and brought back to the Council for approval.

The Monitoring Officer stated in response to a question from Cllr M Anderton, that she was not aware of any changes to the qualification criteria for Councillors having yet been implemented following the consultation exercise reported to the last meeting of the Committee (minute STA 11).

STA.21 Review of Ethical Standards in Local Government

The Monitoring Officer submitted a consultation document which had recently been circulated to stakeholders by the Committee on Standards in Public Life (printed on pages 5 – 8 of the agenda).

She said that, as concerns had previously been expressed by the Committee about the effectiveness of the current ethical standards arrangements, she assumed that it would want to take the opportunity to respond to this nationwide review.

Following a wide-ranging discussion on the main elements of the review, the following issues were identified for inclusion in a response:

Background and context

The Committee recognised that there had been widespread support for the abolition of the former Standards Board for England and for the reform of the previous very convoluted and prescriptive standards regime when proposals for change had first been made. However, the Committee noted that it was now widely accepted that, the current arrangements, whilst simpler, were fairly toothless and ineffective.

Q's (a) & (b) Existing structures processes and practices

The Committee stated that at Wyre the main issues were:

1. That the local processes for considering alleged breaches of the Code of Conduct (although sometimes time consuming) were fair and reasonable, but effective outcomes and improved behaviours were often not achievable.
2. That the most significant gap was the lack of sufficient sanctions to deter or improve inappropriate behaviours.
3. That the responsibilities imposed on district council standards committees in areas such as such as Wyre were problematic, because of the large amount of time spent on dealing with complaints relating to parish and town councillors. In Wyre a disproportionate amount of time had been spent on complaints relating to behaviours and relationships with a very small number of Parish/Town Councils, which it had not been possible to resolve under the current arrangements.

Q's (c) and (d) Codes of Conduct

When the Localism Act was implemented, Wyre Council had chosen to adopt a simple, "light touch" Code of Conduct based on the existing model. The Standards Committee recognised that it could consider recommending

to the Council that, in the light of experience, a more rigorous code should now be adopted which could, for example, require councillors to treat others “with respect” or refer more explicitly to situations when Councillors would be considered to be “acting as a Councillor” in the event of alleged breaches of the Code.

Q(e) Investigations and decisions on allegations

The Committee considered that Wyre had adequate processes in place to investigate complaints, but a significant amount of time could still be spent dealing with fairly low level behavioural issues, rather than tackling significant wrongdoing or corruption.

Q(f) Sanctions

The sanctions currently available were considered to be insufficient. Naming and shaming was not always a deterrent. The national review should therefore recommend to the Government that additional, more meaningful, sanctions be made available to local Standards Committees, including consideration of the following:

- Suspensions;
- Enforced removal from Committees or positions of responsibility, without reference to a Group Leader (which it was recognised would have to exclude the Leader of the Council, who can only be removed by a vote of the whole Council);
- Withdrawal of Allowances.

Q(g) Declaring interests and conflicts of interest

The Committee considered that clearer guidance should be given to Councillors on when interests should be declared, particularly when a non-financial interest was “significant”.

Q(h) Whistleblowing

The Committee noted that Wyre’s Whistleblowing Policy was primarily targeted at employees (although Councillors could use it if they felt it necessary). As the policy had originally been approved and was reviewed annually by the Audit Committee, most recently in November 2017 when it had been considered satisfactory, the Standards Committee agreed that there was no need to comment on this issue.

Q’s (i) and (j) What steps could be taken by central government or the Council to improve standards?

The Committee reiterated its view that the measures referred to above should be considered, particularly the need for more effective sanctions.

Q(k) Intimidation of local councillors

The Committee noted that this question had been included in the consultation as a follow up to a separate review recently undertaken by the Committee on Standards in Public Life on intimidation of candidates during the 2017 elections (and that for that review, intimidation had been interpreted as “*words and/or behaviour intended or likely to block or deter participation, which could reasonably lead to an individual wanting to withdraw from public life*”). The review had revealed that some candidates had experienced physical violence, damage to property, threats and abusive online and offline communication. Women, particularly black and Asian women, candidates and MPs were found to be disproportionately subjected to intimidation. A large amount of concern about intimidation via social media had also been reported.

The intimidation of candidates at elections was not considered to be a particular problem in Wyre, but concerns were expressed about the potential impact of increasingly vitriolic social media attacks on individual Councillors.

RESOLVED:

1. That the Monitoring Officer be asked to prepare a response to the consultation document, in line with the views expressed at the meeting (as listed above), to send copies to members of the Committee for information and then to submit it to the Committee on Standards in Public Life by the deadline of 18 May 2018.
2. That the Monitoring Officer be requested to report to a future meeting of the Standards Committee on possible revisions to the Council's current Code of Conduct.

STA.22 Current Complaints: Summary

The Monitoring Officer submitted a schedule summarising complaints of alleged breaches of the Council's Code of Conduct which were currently being processed or had been completed since the last report to the Standards Committee. The Monitoring Officer said that brief details of each of the complaints were included in the schedule. She provided further information to the Committee at the meeting, as follows:

Ref: 2016/18

A Standards hearing had been held the previous day to consider a complaint made by Cllr Rita Hewitt against Cllr Terry Rogers.

The Panel had concluded that Fleetwood Town Council had used its Standing Order relating to disruption of meetings inappropriately, but did

not find that Councillor Terry Rogers had breached the Councillors Code of Conduct.

In light of this finding, the Panel had recommended that the following actions be taken:

- That Members of the Town Council receive training on the Council's Standing Orders.
- That it be minuted at a future Town Council meeting that Standing Order 29 had been used inappropriately on 3 previous occasions.
- That Standing Order 29 should be reviewed by the Town Council with a view to making it clearer and to remove any ambiguities.
- That the Town Council give consideration to arranging mediation between Councillor Rogers and Councillor Hewitt.

The decision letter to be sent to both parties would also indicate that any future complaints from either party concerning each other's behaviour would not be considered. Such complaints would be put on hold until the mediation recommended by the Standards Committee at the hearing had been satisfactorily completed.

Ref: 2017/04

A Standards hearing had been held the previous day to consider a complaint made by four Wyre Councillors against Cllr Evelyn Stephenson. The Standards Committee had accepted the Investigating Officer's findings and concluded that the behaviour of Councillor Evelyn Stephenson at the Planning Committee meeting on 5 July 2017, at which applicants, objectors and members of the public were present, had failed the meet her requirement to "*promote and support high standards of conduct when serving in your public post*" and that she had therefore breached the Council's Code of Conduct.

The Panel had decided to recommend to Cllr E Stephenson that she agree to the following wording being included on the agenda for a future meeting of the Planning Committee:

"At the Planning Committee on 5 July 2017 I made some comments in relation to the Fleetwood Pier application. As you will no doubt recall, it was a very controversial meeting which was noisy, heated and emotional. I was very much aware of the strength of public feeling in Fleetwood about the impact the proposed development would have and having heard the debate felt passionately that it should have been refused. However, a Panel of Standards Committee Members has now informed me that some of my behaviour at that meeting amounted to a breach of the Councillors Code of Conduct.

I apologise for that breach."

Ref: 2017/05

An initial investigation had been completed and the complainants have been updated. However, additional questions had been raised by the complainants and these were currently being considered.

Ref: 2017/06

An initial investigation has been completed and the complainants have been updated. However, additional questions had been raised by the complainants and these were currently being considered.

Ref: 2017/09

There was nothing further to report on this case at this moment in time.

Ref: 2018/01

There was nothing further to report on this case at this moment in time.

RESOLVED:

That the summary of current complaints submitted by the Monitoring Officer and her verbal report on each of the complaints referred to, be noted.

STA.23 Next meeting

The Committee noted that its next scheduled meeting was currently due to be held at 6pm on Thursday 21 June 2018.

The meeting started at 6.00pm and finished at 7.10pm.

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Standards Committee

Minutes of the meeting of the Standards Committee of Wyre Borough Council held on 14 March 2018 at the Civic Centre, Poulton-le-Fylde.

Councillors present: Councillors M Anderton, Lady Atkins and Catterall.

Present to advise the Committee: Helen Kay (Independent Person), Mary Grimshaw (Senior Solicitor and Deputy Monitoring Officer), and Roy Saunders (Democratic Services and Scrutiny Manager).

Also present: Liesl Hadgraft (Investigating Officer), Barry Parsonage (Independent Person) and seven members of the public.

STA.14 Election of Chairman

Resolved that Councillor M Anderton be elected to Chair the meeting

STA.15 Declarations of interest

None.

STA.16 Code of Conduct: alleged breach by Councillor Evelyn Stephenson, Wyre Borough Council

Cllr Anderton explained the purpose of the hearing, the procedures to be followed and the documents to be considered, as set out on the agenda.

Cllr E Stephenson explained that she had asked Cllr B Stephenson (her husband) to be her representative and to help present her case. She confirmed that she did not intend to call any witnesses, but said Fleetwood Town Councillor Mary Stirzaker had come with her to the meeting and was sitting in the public gallery.

The Investigating Officer, Liesl Hadgraft, said that she had indicated during the pre-hearing process that she had intended to call Garry Payne (Wyre Council's Chief Executive) as a witness but, as Cllr Stephenson had accepted that she had made the comments referred to in paragraph 4.3 of her investigation report, she did not now think it would be necessary to call him as a witness.

The Investigating Officer, Liesl Hadgraft, presented her report and findings. In doing so, she made the following points:

- Following a planning meeting in July last year, she had received a total of 4 complaints from members, who had expressed concerns about Cllr Stephenson behaviour at the Planning Committee meeting on 5 July 2017.
- Two of the complainants were members of the Planning Committee who had been at the meeting in question in that capacity and two had been there to observe the meeting.
- The preliminary test she and the Independent Person (Barry Parsonage) had concluded that, as Cllr Stephenson was a member of the Planning Committee, she had clearly been acting in her capacity as a Cllr at the time of the alleged behaviour and, therefore, that the complaints should be investigated further
- She had met with Cllr E Stephenson in October 2017, who had been accompanied by Cllr Beavers and her husband, Cllr Brian Stephenson.
- There had been an acknowledgement from all three Councillors that, at the planning meeting, Cllr E Stephenson had made comments after the vote had taken place on the Fleetwood Pier application.
- Cllr E Stephenson had admitted to saying at the Planning Committee meeting "*it's a stitch up*" and both Cllr Beavers and Cllr B Stephenson had acknowledged that they had also heard this
- Cllr E Stephenson had also admitted to saying "*you've got no backbone*" Cllr Beavers and Cllr B Stephenson had stated that they did not hear her say those words.
- Cllr E Stephenson had denied saying "*you're all a shower of shites*", and both Cllr Beavers and Cllr B Stephenson had also said she did not say that.
- During the meeting, a lot of emphasis had been put on the last comment and in particular the words used.

- Whilst this was perhaps unpleasant terminology, as Monitoring Officer, this was not her concern.
- The main issue was around Cllr E Stephenson's behaviour towards her fellow committee members, the perception that those comments would give to members of the public and to all those present at the meeting (including applicants and objectors) and, ultimately, the impact that this would have on the council's reputation. As such, she regarded the comments made by Cllr E Stephenson to be a breach the code of conduct.
- Ms Hadgraft said that Councillors' must have regard for their conduct and how this was likely to be perceived. Part 5.01/2 of the Councils Constitution (appendix 10) stated that "*when acting in your capacity as a member/co-opted member....you must promote and support high standards of conduct when serving in your public post*". In addition, particular care needed to be taken at forums such as the Planning Committee, where the rules of natural justice applied.
- There had been an admission by Cllr Stephenson that she had made derogatory comments about fellow planning committee members. That was not being questioned.
- The IP had been of the same view and an informal resolution had therefore been sought by way of a written apology to be read out at the next planning committee meeting on behalf of Councillor E Stephenson.
- Due to the differing views of the comments made, reference to them had not been include in the suggested apology.
- After some consideration, Cllr E Stephenson had declined to make the apology. As Investigating Officer, she had been left with no option, other than to submit her findings to a standards hearing.

Cllr E Stephenson said that she did not wish to ask any questions to Ms Hadgraft and acknowledged that the contents of her presentation had been accurate.

Cllr B Stephenson made an initial presentation in support of Cllr E Stephenson during which he emphasised the following points.

- The Code of Conduct comprised "general guidelines" for councillors and there was a degree of subjectivity about what constituted "inappropriate behaviour".

- It was the part of the role of an elected councillor and an essential element of free speech in a democracy, to argue passionately for the things they believed in.
- “Shite” was not a swear word and was used frequently on the television and in regular conversation.
- Cllr E Stephenson did not remember using the word “shite” and a number of people present at the Planning Committee meeting in July 2017, including Cllr Beavers and Terry Rogers and Mary Stirzaker (from Fleetwood Town Council) had stated that they had not heard that word used.

Ms Hadgraft was invited to make comments or ask questions on the case made by Cllr B Stephenson. Ms Hadgraft stressed that:

- As she had stated in her investigation report and in her initial presentation at this hearing, the use of the word “*shites*” was not the main issue. Her concern was about the impression given to the applicants, objectors and other members present, that the decision made by the Council’s Planning Committee improperly because it had been “*a stitch up*” and that some members of the Committee had “*no backbone*” – terminology which Cllr E Stephenson had admitted using.

The Committee retired (at 2.40pm) with the Deputy Monitoring Officer, the Independent Person (Helen Kay) and the Democratic Services Manager, to consider in private session, the information that had been presented to them. They returned (at 3.00pm) and the Chairman announced the Committee’s findings, as follows:

“The Panel, having considered all the evidence presented, had accepted the Investigating Officer’s findings and had concluded that the behaviour of Councillor Evelyn Stephenson at the Planning Committee meeting on 5 July 2017, at which applicants, objectors and members of the public were present, had failed the meet her requirement to “*promote and support high standards of conduct when serving in your public post*” and that she had therefore breached the Council’s Code of Conduct.”

The Chairman then asked the Investigating Officer and the Subject Member if they wished to make any further representations before the Committee considered the sanctions to be imposed.

Ms Hadgraft said that she considered that an apology from Cllr E Stephenson should be submitted to and read out at the next Planning Committee meeting.

Cllr E Stephenson said that she had felt very strongly about the matters discussed at the Committee meeting and had been very emotional when she had made her comments. She would have to reflect on the findings of this hearing.

The Committee then retired again (at 3.05pm) with the Deputy Monitoring Officer, the Independent Person and the Democratic Services Manager, to consider in private session, what sanctions to impose.

They returned (at 3.20pm) and the Chairman announced that the Committee had **RESOLVED**:

To recommend to Cllr E Stephenson that she agree to the following wording being included on the agenda for a future meeting of the Planning Committee:

“At the Planning Committee on 5 July 2017 I made some comments in relation to the Fleetwood Pier application. As you will no doubt recall, it was a very controversial meeting which was noisy, heated and emotional. I was very much aware of the strength of public feeling in Fleetwood about the impact the proposed development would have and having heard the debate felt passionately that it should have been refused. However, a Panel of Standards Committee Members has now informed me that some of my behaviour at that meeting amounted to a breach of the Councillors Code of Conduct.

I apologise for that breach.”

The Chairman informed Cllr E Stephenson that a written decision letter would be sent to her as soon as possible.

Cllr E Stephenson indicated that she would be willing to agree to comply with the sanction imposed.

The meeting started at 2pm and finished at 3.22pm.

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Standards Committee

Minutes of the meeting of the Standards Committee of Wyre Borough Council held on 14 March 2018 at the Civic Centre, Poulton-le-Fylde.

Councillors present: Councillors B Birch (Chairman), Catterall and Fail.

Officers present to advise the Committee: Helen Kay (Independent Person), Mary Grimshaw (Senior Solicitor and Deputy Monitoring Officer), and Roy Saunders (Democratic Services and Scrutiny Manager).

Also present: Liesl Hadgraft (Investigating Officer), Barry Parsonage (Independent Person), Cllr E Anderton (witness for the subject member).

Four members of the public, including the complainant (Cllr Rita Hewiitt).

STA.17 Declarations of interest

None.

STA.18 Code of Conduct: alleged breach by Councillor Terry Rogers, Fleetwood Town Council

Cllr B Birch introduced those present, explained the purpose of the hearing, the procedures to be followed and the documents to be considered, as set out on the agenda.

The Democratic Services and Scrutiny Manager submitted further copies of pages 30, 44, 45 and 76 of the agenda pack, printed in colour, because the highlighted sections of those documents had not been clearly visible on the black and white versions previously circulated.

Cllr Rogers confirmed that he intended to call Cllr Emma Anderton as a witness, but he would not now be calling Cllr Michael Barrowclough who was unable to attend because of work commitments.

The Investigating Officer, Liesl Hadgraft, confirmed that she would not be calling any witnesses.

Mrs Hadgraft, presented her report and findings. In doing so, she made the following comments:

- This case was incredibly complex and therefore difficult to unravel.
- As stated in her report, there was a substantial amount of background information, about issues which had been ongoing for a number of years.
- To add to the complexity, historical issues had been dealt with by the previous Monitoring Officer.
- Over the years a large amount of documentation had been provided by the complainant. This had all been reviewed, either by her or the previous Monitoring Officer to understand its relevance.
- To help build a picture of the overall situation and the relationship issues between the subject member, the complainant and a third party over the last few years, some background documentation had been included in the agenda for this hearing, some of which, relating to a third party, had been printed on green paper and had not been made publically available.
- During the course of her interview with Cllr Hewitt, a matter was discussed which highlighted an area of concern that would require further investigation.
- Standing Order 29 of Fleetwood Town Council's procedural rules dealt with disorderly conduct at meetings and how such behaviour would be dealt with.
- Her interview with Cllr Hewitt had highlighted that Cllr Rogers may have used this standing order inappropriately at various councils meetings to prevent Cllr Hewitt from speaking.
- She stressed that the issues was not that Cllr Rogers had used this Standing Order - clearly it is there to enable the Chairman to keep order at meetings – it was more a question of the circumstances surrounding how the Standing Order had been used.
- Section A of SO 29 stipulated that all members must observe the code of conduct adopted by the Town Council
- Section B stated that *“No member shall persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute”*.
- The minutes of the meeting of the Town Council held on 23rd February 2017 (submitted as Appendix 14 of her report), showed that the meeting had been opened by Cllr Rogers, Following the receipt of apologies for absence and declarations of interest, Cllr Rogers had adjourned the meeting, retired to a private room with all the Members

of the Council to “*discuss internal business*”. When they had returned some 20 minutes later, Cllr Rogers had re-opened the meeting and invoked SO 29 on Cllr Hewitt, who was then not allowed to speak for the rest of the meeting.

- Following her meeting with Cllr Rogers, further investigation had indicated that a similar situation had occurred on two earlier occasions, at an extraordinary Council meeting on 19 January and a regular Council meeting on 26 January 2016 (submitted as appendices 23 and 24 of her report).
- The minutes from all of these meetings indicated that prior to the Standing Order being invoked, there had not been an obvious persistent disregard of any ruling, wilful obstruction of business or irregular, offensive or improper behaviour by Cllr Hewitt at the meeting.
- When interviewed, Cllr Rogers had readily acknowledged that this was the case, stating that the behaviour issues had occurred in the lead up to the meeting and not at it, in the main via emails to himself and the former Clerk.
- He had said that, as a result of these emails and conversations with the former Clerk, he had decided to invoke SO 29 prior to the meeting.
- Cllr Hewitt had been duly elected and as such should be allowed to speak on matters concerning Fleetwood Town Council at their meetings.
- Despite the fact that Cllr Rogers was of the view that Cllr Hewitt’s behaviour leading up to the meeting had been unacceptable, this behaviour did not take place at the meeting, in the public arena and therefore those attending the meeting would have been unaware of what had gone on before.
- At the February meeting the discussion regarding the use of Standing Order 29 had been held in private and therefore the public had not been aware of the reason behind her being not allowed to speak. As a result, it would have appeared to them that Cllr Hewitt has been silenced for no reason.
- Whilst there might be personality clashes, disagreements or a difference in political opinions within the Town Council it was not appropriate to use the procedural rules to silence another elected member.
- When this had been explained to Cllr Rogers, he had admitted that he could see how this might look from the public perspective, as they had not been privy to any of the communication prior to the meeting

and what had been happening behind the scenes. Cllr Rogers had, at that time, freely offered to publically apologise at the next Fleetwood Town Council meeting in order to resolve this matter.

- This was considered to be an appropriate resolution, given that it was at three previous public meetings of the Council that his action had led to Cllr Hewitt being prevented from speaking.
- In view of his willingness to make amends and resolve the matter under an informal process, prior to sending out the letters to Cllr Rogers and Cllr Hewitt, she had invited Cllr Rogers to view her suggested wording for the apology, which he had agreed to.
- Letters were then sent to both parties 17 August 2017.
- However, she had received an email from Cllr Rogers on 23 August 2017 with a list of demands he required to take place prior to him making his apology.
- The demands made were a series of apologies from Cllr Hewitt to a number of different individuals, including herself, as Monitoring Officer (although, so far, no additional complaints had been received from any of the individuals referred to).
- At the end of his email Cllr Rogers had suggested that he would *“defend his reasons for not having her heard now and if she continues with unfounded accusations in future”* _ implying that he would do it again even though he was fully aware it was a wrong application of the Standing Order.
- With his email Cllr Rogers had also sent in numerous snap shots of a social media site where comments had been made about this matter. However, the comments did not change the position that he that he had used the Standing Order incorrectly.
- She had hoped that Cllr Rogers would make the apology as requested and she had given him two opportunities to do so in order to prevent it coming to a full hearing scenario. But, he declined both opportunities, leaving her with no alternative but to bring her findings to a Standards Hearing.
- She did not doubt that, given the period of time that this situation had been on-going and the complex issues involved that Cllr Rogers had had to deal with, he had at times he had felt frustrated. However, at the start of her meeting with Cllr Rogers, he had displayed some of the aggressive tendencies that Cllr Hewitt had complained of.

- During this process there had been times when Cllr Hewitt had been difficult to deal with and she had declined to come in for a meeting to allow her the opportunity to clarify some facts. She had also been unavailable for periods of time.
- Both had been un-cooperative at times during the process of dealing with this complaint and she believed that some of this could be put down to their very strained relationship.
- She was firmly of the belief that, by using Standing Order 29 in the way that he had, Cllrs Rogers had breached the code of conduct.
- He had initially accepted that breach and had offered an apology, but he had subsequently declined to do so, showing a continued disregard for the code of conduct and ethical standards.
- She therefore recommended to the Committee that it should support the resolution she had tried to obtain by informal action, by requiring as a sanction that Cllr Rogers be required to make an apology and the next Fleetwood Town Council meeting.

Cllr Rogers was invited to ask questions or make comments on the Investigating Officer's presentation and he made the following points.

- He acknowledged that Ms Hadgraft had given a true account of the meetings he had attended with her and accepted that he had "got a bit worked up" but, he did not think he had been "aggressive".
- He did not agree that the decision to prevent Cllr Hewitt from speaking at the meeting in February 2016 had been taken "behind closed doors" – a formal resolution to invoke Standing Order 29 had been taken in public. He said that the 20 minute recess prior to that decision being made was to discuss another issue – although he accepted that the perception of members of the public present might have been different.

Ms Hadgraft responded to questions from members of the Panel.

Cllr Rogers then made a presentation to the Committee during which he emphasised the following points.

- He explained, at length, the background circumstances which had given rise to a decision eventually being taken to stop Cllr Hewitt being heard, in particular, her inappropriate behaviour over an extended period of time towards the former Clerk, including: publicly questioning ~~the~~ her accounting methods, suggesting that she had needlessly worked extra hours and had constantly disrupted her with numerous unnecessary email comments and enquiries. He stressed that the actions he had taken had been to protect a member of staff who was unable to answer back and for whom he, as Chairman of the Town Council, had responsibilities as an employer.

- He had obtained advice from the Lancashire Association of Local Councils (LALC) on how to deal with the disruption to meetings being caused by Councillor Hewitt. The advice received had indicated that Standing Order 29 could potentially be used to prevent Cllr Hewitt speaking.
- He maintained that, on the first two occasions Standing Order 29 had been used, the proper procedure had been followed. He now accepted, on the basis of the points made by the Investigating Officer and with the benefit of hindsight, that on the third occasion the use of Standing Order 29 had been predetermined and had been invoked before Cllr Hewitt had spoken or caused any disruption at the meeting. However, whilst he now acknowledged that the correct procedure had been followed, he had made a realistic assumption that Cllr Hewitt would again be disruptive, because of a “waterfall” of emails she had sent during the week before the meeting.
- He confirmed that, at his initial meeting with the Investigating Officer, he had agreed to make a public apology to Cllr Hewitt, but he had subsequently changed his mind because of further derogatory comments made by Cllr Hewitt about Fleetwood Town Council and Wyre Borough Council on social media and in the press. He had thought, following those further comments, that it would be detrimental to the reputation of the Town Council if he then made an apology.

Cllr Rogers called Cllr E Anderton (an elected member of both Fleetwood Town and Wyre Borough Council) to give evidence in support of his case.

Cllr E Anderton made the following comments:

- She said she had been a member of Fleetwood Town Centre since 2015 and it was very sad that this situation had resulted in a standards hearing.
- She confirmed that she had witnessed some of Cllr Hewitt’s behaviours towards the former Clerk referred to by Cllr Rogers, including: comments about her working hours and her method of accounting for the festive lights as well as making disparaging comments in emails to councillors and members of the public.
- Cllr E Anderton said that she had an accountancy qualification and had tried to explain to Cllr Hewitt that the accounts compiled by the former Clerk had been presented in the correct way.
- She had been present at the meeting when Cllr Hewitt had accused Cllr Rogers of his “hands being dirty”.

- With regard to the use of Standing Order 29, Cllr E Anderton said that she was aware that Cllr Rogers had received advice from LALC about the possibility of using that rule to deal with Cllr Hewitt's disruptive behaviour, but she did not think clear guidance had been given to him on how the procedure should be invoked. She also said that the Standing Order was also ambiguously written and open to interpretation. She confirmed that she and other Town Councillors had voted on the implementation of Standing Order 29, with the intention of protecting the former Clerk.

When invited to make comments or ask questions on the case made by Cllr Rogers, Ms Hadgraft said that she did not dispute that there had been a lot of complex issues leading up to action taken by Cllr Rogers when chairing meetings, but stressed that her main concern was that Cllr Rogers had invoked Standing Order incorrectly on more than one occasion and had used it to improperly prevent Cllr Hewitt, as an elected Member, from speaking in anticipation of disruptive behaviour, rather than as a response to it.

Cllr Rogers said in response to a question from Ms Hadgraft that Cllr Hewitt had not made any accusations since the previous Clerk had left, although she had questioned petty cash arrangements with the new Clerk.

Cllr Rogers also said that the last time that Standing Order 29 had been invoked was about two years ago, but Cllr Hewitt had not attended many meetings since then and had said in the press that she had been gagged.

Cllr Rogers answered a number of questions from members of the Panel.

The Committee retired (at 5.20pm) with the Deputy Monitoring Officer, the Independent Person and the Democratic Services Manager, to consider in private session, the information that had been presented to them. They returned (at 5.45pm) and the Chairman announced the Committee's findings, as follows:

The Panel, having considered all the evidence presented, had concluded that Fleetwood Town Council had used Standing Order 29 inappropriately, but had found that Councillor Terry Rogers had not breached the Councillors Code of Conduct.

In light of this finding, the Panel had **RESOLVED** to recommend to Fleetwood Town Council that the following actions be taken:

1. That Members of the Town Council be provided with training on the Council's Standing Orders.
2. That it be minuted at a future Town Council meeting that Standing Order 29 had been used inappropriately on three previous occasions.

3. That Standing Order 29 should be reviewed by the Town Council with a view to making it clearer and to remove any ambiguities.
4. That the Town Council give consideration to arranging mediation between Councillor Rogers and Councillor Hewitt.

The Chairman said that a written decision letter would be sent to Cllr Rogers as soon as possible and that a copy would be sent to the Clerk to Fleetwood Town Council, Deborah Thornton, asking her to report these findings to the Town Council for consideration.

The meeting started at 4pm and finished at 5.50pm.

arm/rg/sta/mi/140318 Hearing 2



Report of:	Meeting	Date	Item no.
The Monitoring Officer (Liesl Hadgraft)	Standards Committee	21 June 2018	7

Social Media Policy for Councillors
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1. Purpose of report

1.1 To enable the Committee to consider a revised proposed social media policy for Councillors to be considered by the Committee, prior to its submission to Council.

2. Outcomes

2.1 More effective communication and public engagement and improved standards of behaviour by Councillors

3. Recommendations

3.1 That the contents of the revised Social Media Policy for Councillors, attached as Appendix 1, be endorsed for submission to Council for approval on 19 July 2018.

4. Background

4.1 At its meeting on 16 November 2017 the Standards Committee considered a proposed a social media policy for Councillors, based largely on a policy recently introduced by South Ribble and recommended that it be approved. However, at the subsequent Council meeting on 7 December 2017 it was agreed that the proposed policy be reviewed by a councillor group, with a politically balanced membership, and brought back to the Council for approval.

5. Key issues and proposals

5.1 The Working Party, which comprised of Councillors Ellison (Chairman), Bridge, Fail, Jones, Kay, Raynor and Matthew Vincent has considered the

proposals in detail and is recommending that a revised version of the policy, attached as Appendix 1, be approved.

Financial and legal implications	
Finance	None.
Legal	General legal issues to be considered when using social media are included in paragraph 4 of the proposed policy.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Roy Saunders	01253 887481	roy.saunders@wyre.gov.uk	30/5/18

List of background papers:		
name of document	date	where available for inspection
None	-	-

List of appendices

Appendix 1: Social Media Policy for Wyre Councillors

Social Media Policy for Councillors

1. Introduction

1.1 Definition – what is social media?

This is a term used to describe websites and applications for social networking. Popular social media platforms include Facebook, Twitter, LinkedIn, YouTube, Flickr, Instagram, Snapchat, WhatsApp and blogs. This is not an exhaustive list and is likely to lengthen over time. On social media sites users share information, discuss opinions and build online communities and networks.

1.2 Purpose

Social Media is a very powerful method of engagement which many councillors now use as a platform to enhance their profile and communicate with the public. It allows you to open up new conversations with the people you represent, understand and respond swiftly to local concerns, coordinate campaigns, assist with casework and let your residents know what you are doing as their local councillor.

1.3 This policy focuses on your use of social media in your role as a Wyre councillor, to reduce potential pitfalls and risks.

1.4 Who this policy covers

This policy covers the councillors of Wyre Council.

1.5 In the absence of Town and Parish Councils having their own social media policy for councillors, when considering any complaints or alleged breaches of the Code of Conduct in relation to social media matters, this policy will be used as guidance.

2. Social Media Policy

2.1 The Code of Conduct

The Code of Conduct for members will apply to your online activity in just the same way as it does to any other written or verbal communication. The key to whether the Code applies is whether you are, or appear to be, acting in your capacity as a councillor.

- 2.2** When considering whether you are acting as a councillor, the Standards Committee would have regard to the following factors, but not inclusive::
- (a) *The privacy settings on your social media site.* Where you have a private, personal blog or social media account, which is used in your personal capacity as a private individual and not as a councillor, there should be the maximum privacy settings in place. This will enable you to control who is able to see, review and comment on your posts. If your account is open to all readers, it may be reasonable for residents, and the Standards Committee, to assume that you are acting in your capacity as a councillor. This would also be the case if you are posting, commenting or replying on an open group or forum on a social media site that any member of the public can see.
 - (b) *Your profile on a social media site.* You need to be aware that it may not always be apparent to a member of the public in which capacity you are commenting. This “blurred identity” may have implications if comments made in a private capacity are taken to be those of the Council itself or your political party. This is because the judgement of whether you are perceived to be acting as a councillor will most likely be taken by someone else. In addition, anything written online can be screenshot and posted publicly.
- 2.3** Profiles, pages and sites, labelled as “Councillor” will automatically be considered as acting in your capacity as a Councillor.
- 2.4** Individual councillors can make their own statements relating to local issues and this policy is not designed to prevent any councillor expressing a personal opinion online. Councillors must make it clear however, that any view expressed which differs from the Council’s policy is a personal view and should be recorded as such.
- 2.5** User responsibility
- Councillors are personally responsible for the content that they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may amount to libel.
- 2.6** Councillors must be aware of their own safety when placing information on the internet and should not publish something that could leave them vulnerable.
- 2.7** Online impressions count; how you portray yourself online is very important. Consider carefully how you may appear to someone who doesn’t know you personally. Is your online profile reflective of who you are and what you represent?

2.8 (i) You should always treat others with respect – if you make personal attacks or indulge in rude or offensive comments this may be interpreted as disrespectful.

(ii) **You must comply with equality legislation** – do not publish anything which might be considered to be discriminatory (for example, anything that is sexist, racist, ageist, homophobic or anti-faith. This is not an exhaustive list).

(iii) **You must not bully or intimidate anyone.**

(iv) **You must not disclose confidential information** – refrain from publishing anything you have received in confidence.

2.9 Elections

During the period leading up to an election (purdah) you cannot use any of the Council's resources, including staff, for support or promotion. However, this does not stop you using social media as part of your campaigning.

If you are intending to make comments on social media during purdah you must abide by any advice about publicity restrictions specified by the Electoral Commission on their website.

Guidance on social media platforms during purdah, as provided by the Local Government Association, should also be followed. You should go to the website local.gov.uk and search for the current advice.

2.10 Legal considerations

There are no new or additional legal burdens when using social media but you are publishing to the web – it's written down and it's permanent so you need to bear the following in mind:

Libel – If you publish an untrue statement about a person which is damaging to their reputation then they may take a libel action against you. This may also happen if someone else publishes something libellous on your website which you know about and don't take prompt action to remove. A successful libel action can result in an award of damages against you.

Copyright – Publishing images or text on your site from a copyrighted source (e.g. photos or extracts from publications) without obtaining permission first is likely to breach copyright laws. Breaching copyright laws can result in damages being awarded against you.

Data Protection – Take care not to publish the personal data of individuals unless you have their specific permission.

Bias and Pre- determination – Whenever you are involved in making planning, licensing or other quasi-judicial decisions do not say anything on

social media which suggests that you have already made up your mind before hearing all the evidence and arguments. Otherwise the decision may be at risk of being challenged and declared invalid.

Obscene material – Obviously you should avoid publishing anything on social media which anyone might consider obscene. Publication of obscene material is a criminal offence.

Harassment – it is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment, nuisance or distress.

3. Use of social media – guidelines

3.1 Most pitfalls can be avoided if your online content is objective, balanced, informative and accurate.

Here are some tips to help you stay out of trouble:

3.2 Do . . .

- i. . . . set appropriate privacy settings for your blog or networking site (especially if you have a private non-political account).
- ii. . . . where possible, consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries.
- iii. . . . look out for defamatory or obscene posts from others on your site and remove them as soon as practicable to avoid any impression that you condone such comments.
- iv. . . . be aware of safeguarding issues, particularly in relation to vulnerable adults and children.
- v. . . . ensure that you seek permission to post information from a copyrighted source.
- vi. . . . respond to any communication in a timely manner

3.3 Do not . . .

- i. . . . post in haste, particularly if your judgement might be impaired.
- ii. . . . post comments that you would not be prepared to make face to face, or put in writing in a formal letter.
- iii. . . . represent your personal views, or those of any political party or specialist interest group you belong to, as being those of the Council.

- iv. . . . publish the personal data of any individual unless you have his/her specific permission
- v. . . . distribute any material which could be considered inappropriate, offensive, illegal or discriminatory.
- vi. . . . forget to consider your wider audience, online posts may be read by younger people who could be distressed at messages which had been intended for their parents or close relatives.
- vii. . . . give the impression that you have already made up your mind before hearing all the evidence and arguments if you are involved in any planning, licensing or other quasi-judicial decision
- viii. . . . forget to consider that anything written online can be screenshot and posted publicly.

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Wyre Council Response to Review of Ethical Standards in Local Government

The following submission is made by Wyre Borough Council's Monitoring Officer, Liesl Hadgraft, as instructed by the Council's Standards Committee following its consideration on 15 March 2018 of the consultation document published by the Committee on Standards in Public Life.

During a wide-ranging discussion on the main elements of the review, the following issues were identified for inclusion in a response to the questions asked in the consultation document.

Background and context

The Committee recognised that there had been widespread support for the abolition of the former Standards Board for England and for the reform of the previous very convoluted and prescriptive standards regime when proposals for change had first been made. However, the Committee noted that it is now widely accepted that, the current arrangements, whilst simpler, are fairly toothless and ineffective.

Q's (a) & (b) Existing structures processes and practices

The Committee stated that, at Wyre, the main issues are:

1. That the local processes for considering alleged breaches of the Code of Conduct (although sometimes time consuming) are fair and reasonable, but effective outcomes and improved behaviours are often not achievable.
2. That the most significant gap is the lack of sufficient sanctions to deter or improve inappropriate behaviours.
3. That the responsibilities imposed on monitoring officers and standards committees' at district councils such as Wyre are onerous, because of the large amount of time spent on dealing with complaints relating to parish and town councillors. In Wyre, a disproportionate amount of time had been spent in recent years on complaints relating to behaviours and relationships within a very small number of Parish/Town Councils, which it has not been possible to resolve under the current arrangements.

Q's (c) and (d) Codes of Conduct

When the Localism Act was implemented, Wyre Council chose to adopt a simple, "light touch" Code of Conduct, based on the previous model. The Standards Committee has now decided, in the light of experience over the last few years and the issues raised in the current review, to consider recommending to the Council that a more rigorous code should now be adopted which could, for example, require councillors to treat others "with

respect” or refer more explicitly to situations when Councillors would be considered to be “acting as a Councillor” in the event of alleged breaches of the Code.

Q(e) Investigations and decisions on allegations

The Standards Committee considers that Wyre has adequate processes in place to investigate complaints, although a significant amount of time is still spent dealing with fairly low level behavioural issues.

The role of Independent Person has worked well at Wyre and provisions for that role could perhaps be strengthened. In particular, it is felt that at least two Independent Persons need to be appointed to ensure effective input to the process for investigating and making decisions on alleged breaches of the Code of Conduct.

In order to provide more protection for Monitoring Officers, provisions could possibly be introduced to make it easier for a Monitoring Officer from another council to be appointed to deal with a complaint in certain circumstances.

Some concerns have been expressed about the overall effectiveness of the locally administered ethical standards regime in preventing or dealing with the relatively rare occurrences of significant wrongdoing, abuses of democracy or potential corruption, which occasionally occur across the country.

Q(f) Sanctions

The sanctions currently available are considered to be insufficient. Naming and shaming is not always a deterrent. The national review should therefore recommend to the Government that additional, more meaningful, sanctions be made available to local Standards Committees, including consideration of the following:

- Suspensions;
- Enforced removal from Committees or positions of responsibility, without reference to a Group Leader;
- Withdrawal of Allowances.

A two tiered approach could perhaps be considered, with Monitoring Officers being given authority to impose a range of fairly low level sanctions without reference to the Standards Committee, with higher level sanctions being made available to Standards Committees to impose following a hearing, if either the subject member has declined to agree with the Monitoring Officer’s initial sanction or, if the Monitoring Officer decides to refer the matter to the Standards Committee because of the seriousness of the allegation.

Q(g) Declaring interests and conflicts of interest

Members of Wyre's Standards Committee felt it would be helpful if clearer national guidance should be given to Councillors on when interests should be declared, particularly on when a non-financial interest is "significant".

Q(h) Whistleblowing

Wyre's Whistleblowing Policy is primarily targeted at employees, although Councillors could use it if they felt it necessary. As the policy was originally approved by and is reviewed annually by the Council's Audit Committee, most recently in November 2017 when it had been considered satisfactory, the Standards Committee agreed that there was no need to comment on this issue.

Q's (i) and (j) Steps could be taken by central government or the Council to improve standards

The Committee reiterated its view that the measures referred to above should be considered, particularly the need for more effective sanctions.

Q(k) Intimidation of local councillors

The Standards Committee noted that this question has been included in the consultation as a follow up to a separate review recently undertaken by the Committee on Standards in Public Life on intimidation of candidates during the 2017 elections. The intimidation of candidates at elections is not considered to be a particular problem in Wyre, but Members of the Committee expressed concern about the potential impact of increasingly vitriolic social media attacks on individual Councillors.

The members of the Standards Committee felt that clarification, at a national level, of when Councillors would be considered to be acting in their capacity as a Councillor when making or responding to comments on social media would be helpful.

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Summary of current complaints: 21 June 2018

The following alleged breaches of the Code of Conduct are either currently being dealt with under the Council's complaints process or have been concluded since the meeting of the Standards Committee held on 15 March 2018.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2017/05	2 Wyre Councillors	A Wyre Councillors	Failure to properly register pecuniary interests.	<p>Preliminary tests considered by the Monitoring Officer and an Independent Person. Initial investigation carried out. No breach of the Code of Conduct found and responses made by the Monitoring Officer to the complainants and the subject member.</p> <p>Further questions subsequently asked by the complainants were considered and responded to by the Monitoring Officer.</p> <p>No further action to be taken.</p>
2017/06	2 Wyre Councillors	A Wyre Councillor	Failure to properly register pecuniary interests.	<p>Preliminary tests considered by the Monitoring Officer and an Independent Person. Initial investigation carried out. No breach of the Code of Conduct found and responses made by the Monitoring Officer to the complainants and the subject member.</p> <p>Further questions subsequently asked by the complainants were considered and responded to by the Monitoring Officer.</p> <p>No further action to be taken.</p>

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2017/09	A Wyre Councillor	A member of the public	Inappropriate comments and behaviour on a social media site.	<p>Preliminary tests considered by the Monitoring Officer and an Independent person. Meetings held with both the complainant and the subject member. Further information submitted by the subject member considered.</p> <p>The Monitoring Officer has written to the complainant and the subject member about the issues raised in the complaint.</p> <p>No further action to be taken.</p>
2018/01	A Parish/Town Councillor	A Parish/Town Councillor	Pursuing personal interests in preference to the public interests of the Council	None of the allegations made in this complaint fell within the criteria covered by the Councillors Code of Conduct and therefore no further action is to be taken.
2018/02	A member of the public	Three Parish Councillors	Failure to follow correct procedures when considering a planning application.	Further information being gathered by the Monitoring Officer.