



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 28 February 2022

To: Members of the  
**STANDARDS COMMITTEE**

Councillor Nicholas Bennett MA J.P. (Chairman)

Councillor Vanessa Allen (Vice-Chairman)

Dr Simon Davey, Ken Palmer, Councillor Melanie Stevens, Councillor Michael Tickner and Councillor Stephen Wells

A meeting of the Standards Committee will be held at Bromley Civic Centre on  
**TUESDAY 8 MARCH 2022 AT 7.00 PM**

**PLEASE NOTE:** This meeting will be held in the Council Chamber at the Civic Centre, Stockwell Close, Bromley, BR1 3UH. Members of the public can attend the meeting: you can ask questions submitted in advance (see item 3 on the agenda) or just observe the meeting. There will be limited space for members of the public to attend the meeting – if you wish to attend please contact us, before the day of the meeting if possible, using our web-form:

<https://www.bromley.gov.uk/CouncilMeetingNoticeOfAttendanceForm>

TASNIM SHAWKAT

Director of Corporate Services & Governance

## **A G E N D A**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

### **3 QUESTIONS**

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting.

Questions specifically on reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically on reports on the agenda are received by the Democratic Services Team by **5pm on Wednesday 2<sup>nd</sup> March 2022.**

### **4 MINUTES OF THE MEETING HELD ON 10 JANUARY 2022 (Pages 1 - 10)**

### **5 MONITORING OFFICER'S GENERAL REPORT (Pages 11 - 28)**

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## STANDARDS COMMITTEE

Minutes of the meeting held at 5.30 pm on 10 January 2022

### Present:

Councillor Nicholas Bennett MA J.P. (Chairman)  
Councillor Vanessa Allen (Vice-Chairman)  
Dr Simon Davey, Jonathan Farrell, Kath Nicholson,  
Councillor Melanie Stevens and Councillor Stephen Wells

### Also Present:

Councillor Yvonne Bear and Councillor Alexa Michael

## 11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Ken Palmer (Independent Person).

The Chairman welcomed Ms Kath Nicholson (Independent Person), Mr Jonathan Farrell (Independent Person) and Ms Tasnim Shawkat (Director of Corporate Services and Governance and Monitoring Officer) to their first meeting of the Standards Committee.

## 12 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

## 13 MINUTES OF THE MEETING HELD ON 15 JULY 2021

The minutes of the meeting held on 15 July 2021, were agreed and signed as a correct record.

### Matters Arising

The Committee noted that the Development Control Committee, at its meeting on 11 January 2022, would be considering a recommendation that basic training for all Councillors, before they sit on Planning Committees, be made mandatory.

## 14 QUESTIONS

There were no questions.

**15 MONITORING OFFICER'S GENERAL REPORT**  
**Report CSD21128**

The report updated the Committee on a number of standards issues. The Monitoring Officer introduced the report and drew the Committee's attention to changes that had been made to Appendix 5 of the report. The appendix had previously been considered in Part 2 of the meeting, however recent changes that had been implemented meant that an anonymised schedule of complaints would be considered in Part 1 of the meeting. The schedule would provide details of the substance of the complaint and the outcome. Any emerging trends and training requirements would be picked up through the commentary in the Monitoring Officer's General Report. The Monitoring Officer highlighted that the intention was to move towards a position where very few complaints were submitted as Members understood their obligations under the Code of Conduct and members of the public understood the requirements for a valid Code of Conduct complaint.

Declarations of Interest at Meetings

The Chairman raised the issue of whether there should be additional requirements for Members to declare at meetings such as Planning Sub-Committees whether they knew certain individuals socially in order to improve the public perception of decision-making processes. Noting that elected Members were entitled to a private life, a Member suggested that there had to be openness and transparency and there had to be a clear line in terms of where they were meeting someone in a social capacity and where they become involved in their capacity as a Councillor. Further guidance for Members may be helpful as the perception of how well a Member may know a third party involved in a decision was subjective.

An Independent Person highlighted that it was often difficult to define how well a councillor may know someone and that the matter often came down to the perception of the degree of influence. It was therefore beneficial to have openness and transparency.

Another Independent Person suggested that in the context of gifts and hospitality, in addition to the record of hospitality received there could be a further requirement to declare offers and refusal of gifts and hospitality. It was also noted that in terms of the professional relationships and networks developed by elected Members, the "Clapham Omnibus Test" – the perception of the average person on the street – was often a good measure. It was suggested that in order to avoid any sense of suspicion and reduce complaints arising from public perception, it was often better to be open about any professional connections.

A Member noted that for the vast majority of councillor activities it was adequate to declare that someone was known on a social basis. However, there needed to be more robust requirements for Members involved in the quasi-judicial committees – those dealing with Planning and Licensing matters.

There was recognition that it was almost impossible for elected members to fulfil their roles without developing professional networks and getting to know people. However, it was important that Members were transparent about these professional relationships and free from the appearance of bias. There was general consensus across the Standards Committee that when a Member knew a party to a particular decision, this should be declared in order to protect both the Member and the third party.

#### Feedback from Independent Person

The Standards Committee noted that during the previous summer, some Members of the Committee had held a meeting with Mr Palmer (Independent Person) and the bullet points reflected in the report were a summary of the issues discussed and the outcome.

The Monitoring Officer reported that there had been some more recent email correspondence with Mr Palmer who felt strongly about the changes that had been made to Appendix 5 of the Monitoring Officer's General report. Mr Palmer preferred the previous process of the Committee considering the complaints schedule in Part 2 of the meeting. The Monitoring Officer explained that one of the reasons for introducing the change was to introduce more transparency into the complaints process whilst also complying with requirements to protect personal data. The Standards Committee noted the Monitoring Officer's recommendation that there was no need for personal details to be provided in the report in order to achieve the objectives of the Standards Committee.

An Independent Person highlighted that Mr Palmer's concern had been that there needed to be transparency of complaints for the Independent Persons and the Independent Persons were seeking assurances that they would always have full sight of a complaint.

A Member highlighted that the key issues for the Standards Committee should be the substance of the complaint, any training that may be required, and any lessons that could be learnt. It was not important for the Standards Committee to know the identity of either the complainant or the subject member. Providing an anonymised schedule of complaints increased transparency around the procedure for handling Code of Conduct complaints.

The Chairman proposed that the Standards Committee should receive an anonymised schedule of complaints with the relevant Independent Person, the relevant Group Leader and the Chairman of the Standards Committee copied into any responses to complaints that were sent.

Members of the Committee noted that the current complaints procedure required that the relevant group leader be copied into any response however, Members questioned why the Chairman of the Standards Committee would also need to receive a copy. It was noted that in the past Independent Persons had been able to approach the Chairman of the Standards

Committee and the Monitoring Officer concerning issues where necessary and this informal facility would remain.

The Standards Committee noted that if multiple complaints against the same councillor were received this would be highlighted through the Monitoring Officers report, equally if a complaint from an individual previously deemed vexatious had been received this could also be highlighted. The Standards Committee would then be in a position to consider a specific issue in more detail if necessary.

An Independent Person highlighted that in order to fulfil the role and have full clarity about complaints, Independent Persons would need to have access to the complete schedule of complaints. The Monitoring Officer explained that when complaints were received, an Independent Person would be consulted. If it was the second, third or fourth complaint that had been received the Independent Person would be advised of this and provided with the relevant history. It was further highlighted that where it was deemed that there was evidence of a breach of the Code of Conduct, the matter would be referred to the Standards Committee for further consideration and investigation and at this point the parties to the complaint would no longer be anonymised.

It was therefore AGREED that an anonymised schedule of complaints be provided to future meetings of the Standards Committee.

Turning to the issues arising from the meeting with Mr Palmer during the summer, the Monitoring Officer highlighted that many of the suggestions/recommendations were already in place and the Committee considered each of the points in turn:

- *The Monitoring Officer should be encouraged to give “words of advice” to councillors in appropriate cases where there is no formal breach of the Code of Conduct.*

The Committee noted that in specific cases words of advice had been given. In addition, there had been some circumstances where group leaders had been asked to offer words of advice to Members subject to complaints.

- *Complaints that are obviously vexatious should be closed down at an early stage.*

An Independent Member urged caution with respect to vexation complaints advising that care needed to be taken with respect to what was considered to be an “obviously vexatious” complaint. In respect of ethical standards, the bar for vexatious should be set very high as whilst a complainant may have been deemed vexatious, there may be some substance to the complaint which merited consideration.

- *Anonymous complaints should not be accepted (although in some cases it may be appropriate to withhold the complainant’s details from the councillor they are complaining about.)*

An Independent Member highlighted that there may be some circumstances where an anonymous complaint should be considered. Consequently, the Committee agreed that the recommendation to be amended to:

Anonymous complaints should not *normally* be accepted (although in some cases it may be appropriate to withhold the complainant's details from the councillor they are complaining about.)

- *All complaints should be submitted via a complaints form (currently complaints are accepted via the form, letter or email).*

The Standards Committee noted that a web form was already in place for submission of complaints to the Council, although complaints were routinely accepted by letter or more usually by email. An Independent Person highlighted that in certain circumstances, requiring a complainant to complete a form could be onerous. What was important was that the complainant was able to provide the necessary information and evidence to substantiate the complaint.

It was therefore agreed that the recommendation should be amended to: Complaints should *normally* be submitted via a complaints form.

- *There should be a rota for Independent Persons to look at complaints.*

The Committee noted that a rota had been in place since February 2020 and had now been extended to include the two newly appointed Independent Persons.

- *Where there is a disagreement between the Monitoring Officer and an Independent Person about a complaint, another Independent Person, the Chairman and a Minority Group Member should be asked to look at the complaint.*

An Independent Person highlighted that in the rare instances where there was disagreement, the Standards Committee or a Sub-Committee of the Standards Committee should arbitrate.

The Monitoring Officer highlighted that instances of disagreement were rare. If there happened to be a disagreement during the course of an investigation the usual procedure would be for the Monitoring Officer to produce a report reflecting both the view of the Monitoring Officer and the relevant Independent Person.

- *All decision letters should be copied to the Chairman and a Minority Group Councillor.*

This issue had been considered earlier in the meeting when it had been agreed that there would be no changes to the current procedure.

- *There should be an induction process for new Independent Persons.*

Arrangements would be put in place for the induction of new Independent Persons and the Monitoring Officer would be in touch to offer dates in due course.

- *There should be compulsory induction (as with Planning and Licensing) for all Members on standards, probity and the complaints procedure.*

The Induction Process for ethical standards would be one of the first induction sessions to be delivered following the election.

An Independent Person queried whether it would be possible for details to be provided of the number of councillors attended any training.

The Committee agreed that a record of attendees at training should be taken, especially for those training sessions deemed mandatory. In addition, it was suggested that newly elected councillors should be encouraged to attend all available training. It was further suggested that where possible training sessions should be recorded and made available for elected members to view online.

The Monitoring Officer confirmed that every effort would be made to provide plenty of opportunities for Members to attend training. It was highlighted that failure to attend training could be taken into consideration in the event that a complaint against a member was received.

- *Advertisements for the Independent Person role should be targeted at a wider range of potential candidates, and up to three Independent Persons should be appointed if there are suitable candidates.*

The Chairman noted that following a successful advertising campaign, two new Independent Persons had been appointed.

#### Consideration of Appeals Process for Members subject to complaints

The Chairman noted that this issue had been scheduled for debate at the next meeting.

LGA Guide for Councillors on Handling Intimidation (including online intimidation)

In relation to the issue of publishing the home addresses of councillors online, the Monitoring Officer confirmed that over time the position had changed. If councillors did not want their home addresses published, they were encouraged to contact the Monitoring Officer who would take action to unpublish the information.

It was noted that in the event that an issue affecting the street on which a councillor lived was discussed at committee the councillor would be required to declare the interest.

It was agreed that the LGA document should be circulated to all Councillors and provided to newly elected councillors following the election.

Social Media Guidance for Councillors

The Standards Committee agreed that training should be provided to all councillors on the use of social media.

It was noted that the document provided was a draft, once further work had been completed it could be presented to the Standards Committee and circulated to all councillors for information.

In drawing the discussion to a close, the Chairman raised the issue of the way in which a councillor at a recent meeting of the Development Control Committee had addressed a member of the public. It was suggested that some guidance should be provided to Members to remind them that they needed to be polite at all times when attending committee meetings. It would be helpful to remind councillors that when they were at committee meetings, they were in a position of authority compared to the members of the public present and therefore councillors should behave accordingly.

It was also suggested that Chairmen of committees should also be reminded that they had a responsibility to require Committee Members to apologise where necessary.

An Independent Person suggested that it may be helpful to have a mechanism in place to refer low level unacceptable behaviour to the Monitoring Officer for informal review.

**16 PROBITY IN PLANNING  
Report CSD21133**

At its last meeting on 15 July 2021, the Standards Committee discussed the review undertaken by the Planning Advisory Service and the Council's recently implemented Planning Protocol with the Chairman of the Development Control Committee. At the conclusion of the discussion the

Committee resolved that issues of probity of planning be further considered by the Standards Committee at its next meeting in December 2021.

The Chairman welcomed the Chairman and Vice-Chairman of the Development Control Committee and the Assistant Director for Planning to the meeting.

The Chairman of the Development Control Committee reported that she was pleased to confirm that all the recommendations made by the Standards Committee in July 2021, were on the agenda for the Development Control Committee on 11 January 2022, and were all recommended for approval.

One of the recommendations from the Planning Advisory Service (PAS) was that all Members involved in planning decision making should have basic training. The Chairman of the Development Control Committee set out the scope of the training and noted that there was support amongst Members that any councillor sitting on planning committees must undertake basic training. It was noted that training would take place early after the May 2022 elections. The general view was that there would not be a Member of the Council who was not involved in planning one way or another, due to the nature of the role of local ward members. Consequently, all Members of the Council would be strongly encouraged to engage with and undertake the planning training provided, however the training would be mandatory for members sitting on Planning Committees.

The Standards Committee noted that on 11 January 2022, the Development Control Committee would consider and vote on the 19 recommendations from the PAS and this would include the issue of training. Members further noted that PAS recommendation 13 called for impartial substitutions at Planning meeting and once agreed, this would be added to the Local Planning Protocol with no more than two Members from one ward being permitted on a 9 member Plans Sub-Committee. The Standards Committee noted that the 2 ward member restriction would also needed to be taken into consideration at the start of the municipal year when committee memberships were proposed and agreed.

The Vice-Chairman of the Development Control Committee highlighted that the Local Planning Protocol was a continuously evolving document and policies and procedures could be updated as learning occurred. Members sitting on Planning Committees would also be required to formally confirm that they had read the Local Planning Protocol and would comply with all the provisions within.

The Standards Committee noted that once considered by the Development Control Committee on 11 January 2022, a report with recommendations for approval would be presented to Full Council in February 2022.

The Chairman thanked the Chairman and Vice-Chairman of the Development Control Committee and the Assistant Director for their attendance at and participation in the meeting.

**RESOLVED: That the Standards Committee endorse the recommendations of the Planning Advisory Service in respect of ethical standards.**

The Meeting ended at 7.30 pm

Chairman

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Report No.  
CSD22022

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:**        **STANDARDS COMMITTEE**

**Date:**                    **Tuesday 8<sup>th</sup> March 2022**

**Decision Type:**        Non-Urgent                    Non-Executive                    Non-Key

**Title:**                    **MONITORING OFFICER'S GENERAL REPORT**

**Contact Officer:**        Philippa Gibbs, Deputy Democratic Services Manager  
Tel: 020 8461 7638    E-mail: Philippa.Gibbs@bromley.gov.uk

**Chief Officer:**            Director of Corporate Services and Governance

**Ward:**                    All Wards

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1.    Reason for report

1.1 To update the Committee on a number of standards issues -

- Dispensations granted
- Gifts and Hospitality declarations
- Register of Interests
- Work Programme and Matters Outstanding
- Consideration of Appeals Process for Members subject to complaints (committee to discuss)
- Election 2022: Induction for Members
- Social Media Guidance for Councillors
- Complaints

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2.    **RECOMMENDATION(S)**

**That the Committee notes and comments on the Monitoring Officer's report.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
- 

## Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council:
- 

## Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £359k
  5. Source of funding: Revenue budget
- 

## Personnel

1. Number of staff (current and additional): 6.67fte (although Standards Complaints are filtered by either the Democratic Services Manager or Deputy Democratic Services Manager in consultation with the Monitoring Officer)
  2. If from existing staff resources, number of staff hours: The number of staff hours requires fluctuates depending on the volume of complaints received at any given time.
- 

## Legal

1. Legal Requirement: Statutory Requirement: Local Government Acts 1972 and 2000 and subsequent legislation.
  2. Call-in: Not Applicable: This report does not involve an executive decision.
- 

## Procurement

1. Summary of Procurement Implications: Not Applicable
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The standards system affects all Members of the Council, and potentially any member of the public who considers that a member may have breached the Code of Conduct.
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

## COMMENTARY

### **Dispensations Granted**

- 3.1 The Council has delegated to the Monitoring Officer, in consultation with members of the Urgency Committee, the authority to grant dispensations to Councillors to attend and speak at meetings of the authority in circumstances where, under the Code of Conduct, they have a disclosable pecuniary interest (Scheme of Delegation to Officer, Part 2A, 3 (xxv)). Where these dispensations have been sought, they are typically about town planning issues, where the Code of Conduct means that councillors have less opportunity to assert their interests than other residents, or about employment, where technically there is a disclosable pecuniary interest, but in practice that interest is not significant.
- 3.2 No dispensations have been granted since the last meeting.

### **Gifts and Hospitality Register**

- 3.3 Under the Code of Conduct, Councillors are required to declare gifts and hospitality received due to their role as Councillors over the value of £25. These are published on the Council website, with a link from each Member's page. A schedule of the gifts and hospitality declarations made since the Committee's last meeting, is attached as [Appendix 1](#). Only one declaration has been registered in this period.

### **Register of Interests**

- 3.4 Under the Localism Act 2011, the Register of Interests is required to be published on the Council's website, and a link to each Councillor's declaration is provided on their page. Members of the Standards Committee are asked to review the Register of Interest prior to the meeting. The online Register of Interest will also be available at the meeting.

### **Work Programme and Matters Outstanding from Previous Meetings**

- 3.5 Full Council at its meeting on 8<sup>th</sup> April 2019 decided that all Council Committees and Sub-Committees should include provision at scheduled meetings to consider matters outstanding from previous meetings. These matters will often form part of the future work programme. A summary of matters outstanding from previous meetings is attached at [Appendix 2](#).
- 3.6 The Council's 2022/23 programme of meetings includes three scheduled meetings of this Committee. The Committee's next meeting is scheduled to take place on Tuesday 5<sup>th</sup> July 2022.

### **Consideration of Appeals Process for Members subject to complaints**

- 3.7 The Chairman of the Standards Committee has requested that consideration be given to introducing an appeals process for Members subject to complaints. The Monitoring Officer has agreed to give this further detailed consideration and report back to the Standards Committee on 8<sup>th</sup> March 2022.

### **Election 2022: Member's Induction**

- 3.8 Preparations are being made for the Member's Induction following the Local Elections in May 2022. The draft induction programme is attached at Appendix 3.

## **Social Media Guidance for Councillors**

- 3.9 An increasing number of Code of Conduct (Standards) complaints that are received relate to councillor's activities on social media. In response to this a short guide for councillors (attached at [Appendix 4](#)) has been developed for consideration by the Standards Committee. It is proposed that the guide is included in the post-election induction pack for Members.

## **Complaints**

- 3.10 An anonymised summary of complaints against Councillors, received since the Committee's last meeting, is included at [Appendix 5](#).
- 3.11 There are no formal standards investigations at present.

**Appendix 1**

**Gifts and Hospitality Declarations (12 February 2022)**

<b>Councillor</b>	<b>Date</b>	<b>Provider</b>	<b>Gift or hospitality</b>
<b>Kathy Bance</b>	January 2022	SE20 Magazine	Two articles published with cost of £70 waived.

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**Work Programme and Matters Outstanding from Previous Meetings**

**Matters Outstanding from Previous Meetings:**

<b>Minute No.</b>	<b>Issue</b>	<b>Update</b>
3. (27.10.20)	That training attended by Members be reviewed at a future meeting.	It is suggested that this issue is reviewed at the meeting on 8 <sup>th</sup> March when the Committee will consider the May 2022 Councillor Induction Programme. Comments from the Standards Committee will be sought as requested by the Committee particularly in relation to training on Code of Conduct, Planning and Licensing.
5. (27.10.20)	That consideration be given to developing a Code of Practice for Members around the use of social media and the need to maintain high ethical standards.	A draft guide/code of practice is included in the Monitoring Officer's General Report.
16. (10.01.22)	Arrangements to be put in place for the induction of new Independent Persons - the Monitoring Officer would be in touch to offer dates in due course.	The induction was arranged for February but is now due to be held on 2 <sup>nd</sup> March 2022.
16. (10.01.22)	That the LGA Guide for Councillors on Handling Intimidation be circulated to all Councillors and provided to newly elected councillors following the election.	After consultation with the Chairman of the Standards Committee, the guide will be included in the Induction Pack provided to all Councillors following the local elections in May 2022.
16. (10.01.22)	That guidance be provided to Members to remind them that they needed to be polite at all	This can be picked up through the Members Induction sessions in May 2022.

	times when attending committee meetings. That Chairmen of committees be reminded that they have a responsibility to require Committee Members to apologise where necessary.	
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Work Programme:

The proposed dates for the 2022/23 municipal year are:

5<sup>th</sup> July 2022

1<sup>st</sup> November 2022

21<sup>st</sup> February 2023

These will be confirmed at Annual Council in May 2022.

## MEMBER INDUCTION PROGRAMME SUMMARY 2022 (DRAFT)

Date	Subject
Friday 6 <sup>th</sup> May (Election Count)	Statutory forms & basic welcome/information pack Photographs for website/ID badges IT requirements
(1) 9 <sup>th</sup> or 10 <sup>th</sup> May *	Welcome from the Chief Executive  Key Messages - <ul style="list-style-type: none"> <li>• Making Bromley Even Better</li> <li>• Code of Conduct &amp; Standards</li> <li>• Decision Making &amp; Constitution</li> <li>• Finance</li> <li>• Data Protection</li> <li>• Corporate Parenting</li> </ul>
(2) 11 <sup>th</sup> or 12 <sup>th</sup> May*	Town Planning/Licensing
(3) 16 <sup>th</sup> May	Environment & Community Services
(4) 17 <sup>th</sup> May	Children's Services
(5) 23 <sup>rd</sup> May	Adult Services
(6) 30 <sup>th</sup> May	Public Health
(7) 31 <sup>st</sup> May	Renewal, Recreation & Housing
(8) 1 <sup>st</sup> June	Human Resources & Customer Services
(9) 6 <sup>th</sup> June	Corporate Services
(10) 13 <sup>th</sup> June	(Reserve date)
(11) 20 <sup>th</sup> June	(Reserve date)

\* *Subject to Group meeting dates*

The programme aims to provide Councillors with key information on their role in the first week, then moves on to cover each service in turn. All available evenings in May and into June are being utilised.

Departmental sessions start at 7pm in the Council Chamber (with hybrid facilities and sessions to be recorded) and last a maximum of 2 hours.

A "market-place" format to be used wherever possible, with the opportunity to meet key managers before/after formal presentations, with stalls, display stands etc set out if possible.

Presentations should introduce key officers, describe the services within each department, and summarise future plans – threats and opportunities etc.

All Induction material will be uploaded to the Councillor Intranet pages.

Consideration to be given to visits (Central Depot etc.)

IT equipment to be setup and issued w/c 9<sup>th</sup> May for all new Members.

First meetings of committees may include induction sessions.

Ongoing briefing sessions to be arranged on key issues or skills.

DRAFT

**Guidance on use of Social Media for Elected Members**

**Quick Guide for Councillors**

As a general rule, it is not advisable to post any message on social media that would be inappropriate to say in a public meeting.

**Dos and Don'ts**

*Do:*

- ✓ Be responsible and respectful at all times.
- ✓ Share other people's helpful content and links and credit other people's work.
- ✓ Use social media in the spirit in which it was intended - to engage, openly and honestly.
- ✓ Seek feedback from your residents (but make sure you share the results with them).
- ✓ Listen - social media is designed to be a two-way channel, just like any good conversation.
- ✓ Set and check you have the appropriate privacy settings for your blog or networking site.
- ✓ Do keep an eye out for defamatory or obscene posts on your sites and remove them as soon as possible to avoid the perception that you condone such views.
- ✓ Be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.
- ✓ Do talk to the Communications Team if you need advice - they can consult relevant colleagues if needed.

*Don't:*

- ✗ Don't post social media content in haste, particularly in circumstances where your judgment might be impaired; for example, if you are angered by a comment or tired.
- ✗ Don't post comments that you would not be prepared to make on paper or face to face, or content which will embarrass the Council or yourself.
- ✗ Don't request or accept a Council employee or contractors providing services to the council as a "friend" on a social networking site where this suggests close personal association. For the avoidance of doubt this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn).

- × Don't use social media in any way to attack, insult abuse, defame or otherwise make negative, offensive or discriminatory comments about Council staff, service users, their family or friends, colleagues, other professionals, other organisations or the Council.
- × Don't publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends, contractors, council staff as well as council related information.
- × Don't represent your personal views, or those of a political party or interest group you belong to, as being those of the Council.
- × Don't try to cover up mistakes, be honest and you'll get more respect for it in the long run.
- × Don't assume that social media will look after itself - you will need to invest time, enthusiasm, and energy to make it work. Social media is 24/7 - just because you leave at 5.00 pm doesn't mean the world stops or that residents won't be active. If your account is only staffed 9-5 then you should say so on your profile.
- × Don't ignore legal advice, it's there to help you.

## **Further detailed guidance**

1. Bromley Council has its own social media accounts which act as the Council's official channels across Facebook, Twitter and YouTube.
2. You are personally responsible for what you publish on your own social media accounts - whether you do that yourself or someone does it on your behalf. It is important that you think before you publish, as words once published on social media cannot easily be retracted.
3. 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.

## **Member's Code of Conduct**

4. When acting in the capacity of a Councillor, the Member's Code of Conduct 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.
5. You will need to be particularly aware of the following sections of the Code and their practical application:
  - (i) Treating others with respect - avoid personal attacks and any disrespectful, rude or offensive comments.
  - (ii) Refraining from publishing anything you have received in confidence - avoid breaching the Code by disclosing confidential information.
  - (iii) Ensure all content that relates to the Council or Council business is accurate, balanced, not misleading and complies with any relevant Council policy.
  - (iv) Ensure you do not bring the Council or your Councillor role into disrepute, as paragraph 1.8 of the Code requires every Member to "promote and support high standards of conduct ... by leadership and example".

## **Personal use of social media**

6. The key to whether your online activity is subject to the Code of Conduct for Members is whether you are giving the impression that you are acting as a councillor, and that is the case whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.
7. One way to separate your personal/private business from your activities as a councillor is to have two separate accounts - one for personal/private business and the other for councillor activities. However, even then, you still need to be

careful to ensure that what you say on your personal/private business account does not compromise your position as a councillor.

8. If in respect of any personal use of social media you can be identified as associated with the Council by title, profile or content then the following guidance should be complied with.

You should:

- (i) 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 not those of the Council.
- (ii) 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.
- (iii) Ensure all content that relates to the Council or Council business is accurate, balanced, not misleading and complies with any relevant Council policy.
- (iv) Comply with the terms and conditions of the social media site being used.

You must not

- (v) Make any comment or post material to give a reasonable person the impression that you have brought your office as Councillor or the Council into disrepute.
- (vi) Present political or personal opinion as fact or as representative of the Council.
- (vii) 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.
- (viii) Publish content that promotes personal/ family interests, personal financial interests or any personal commercial ventures.

### **Legal considerations**

9. In the main, Members have the same legal duties online as anyone else (see below), but failures to comply with the law may have more serious consequences. There are some additional duties around using a Member's website for electoral campaigning and extra care needs to be taken when writing on planning, licensing and other quasi-judicial matters.

- (i) *Libel* - If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website or social media channels if you know about it and

don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.

- (ii) *Copyright* - Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or alternatively seek advice in advance. Breach of copyright may result in an award of damages against you.
- (iii) *Data Protection* - Avoid publishing the personal data of individuals unless you have their express written permission.
- (iv) *Bias and pre-determination* - If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything on your blog that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.
- (v) *Obscene material* - It goes without saying that you should avoid publishing anything in your blog that people would consider obscene as it is a criminal offence.
- (vi) *Bullying and discriminatory comments* - Behaving in a discriminatory, bullying or harassing way towards any individual including making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age via social media by posting images or links or comments could, in certain circumstances, result in criminal sanction.

10. While the above list is not exhaustive it does highlight some of the more obvious issues. If you are in any doubt, speak to the Monitoring Officer.

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**Standards Complaints against Councillors**

<b>Complainant</b>	<b>Councillor</b>	<b>Date of complaint</b>	<b>Issue</b>	<b>Independent Person</b>	<b>Date of Reply</b>	<b>Summary of Response</b>	<b>Follow Up</b>
<b>2021/22</b>							
<b>Complainant A</b>	<b>Subject Member A</b>	23.12.21	Alleged bias at PDS meeting	Kath Nicholson	10/01/22	The fact that a member of the public may disagree with the views expressed by councillors does not amount to misconduct on their part. It is not possible to take action in the absence of clear evidence of a breach of the Council's Code of Conduct and the complaint does not provide such evidence.	

Updated 11/01/22

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