

Joint Standards Committee

To: Councillor Martin Rowley BEM (Chair), Fisher, Lomas,

Pavlovic and Runciman (CYC Members)

Cllrs M Waudby (Vice Chair), Chambers and Rawlings

(Parish Council Members)

Mr Leigh (Independent Member)

Date: Thursday, 28 September 2023

Time: 4.00 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. Declarations of Interest

(Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]

2. Exclusion of Press and Public

To consider the exclusion of the public and press from the meeting during consideration of exempt Annexes A and B to Agenda Item 9 (Monitoring Report on Complaints Received), on the grounds that they contain information which is likely to reveal the identity of individuals.

This information is classed as exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

3. Minutes (Pages 3 - 6)

To approve and sign the minutes of the meeting of the Joint Standards Committee held on 07 June 2023.

4. Minutes of Sub-Committees

(Pages 7 - 12)

To approve and sign the minutes of the following meetings of the Joint Standards Sub-Committees:

- Assessments Sub-Committee 26 June 2023
- Assessments Sub-Committee 18 September 2023

5. Urgent Business

Any other business which the Chair decides is urgent under the Local Government Act 1972.

6. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 26 September 2023. Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

7. Register of Member Interests Treatment of Sensitive Interests and Civility in Public Life (Pages 13 - 32)

This report outlines the statutory scheme for recording member interests and asks the Committee to consider the approach to councillors home addresses, the Local Government Association's Social Media and Civility in Public Life resources and the use of social media guidance to members.

8. Review of Work Plan

(Pages 33 - 34)

To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.

9. Monitoring Report on Complaints Received (Pages 35 - 50) To receive a routine update report on recent standards complaints.

Democracy Officer:

Jane Meller Contact Details:

Telephone: (01904) 555209 Email: <u>jane.meller@york.gov.uk</u>

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

This information can be provided in your own language. 我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)
Ta informacja może być dostarczona w twoim
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

(Urdu) یه معلومات آب کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔

T (01904) 551550



Declarations of Interest – guidance for Members

(1) Members must consider their interests, and act according to the following:

Type of Interest	You must	
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.	
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item only if the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting unless you have a dispensation.	
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item only if the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.	

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council	Minutes	
Meeting	Joint Standards Committee	
Date	7 June 2023	
Present	Councillors Fisher, Pavlovic (present for Agenda Items 1 and 2), Rowley, Runciman and Kilbane (Substitute for Cllr Lomas) (CYC Members)	
	Councillors Chambers, Rawlings and M Waudby (Parish Council Members)	
	Mr Gadd (attending remotely) and Mr Leigh (Independent Persons)	
Apologies	Councillor Lomas	

1. Declarations of Interest

Members were asked at this point to declare any disclosable pecuniary interest, or other registrable interest, which they might have in respect of business on the agenda, unless they had already done so in advance on the Register of Interests.

Cllr Fisher declared an interest in Agenda Item 6 (Minutes of Sub-Committees), as the subject member in the case concerned. He left the room during consideration of that item and took no part in the discussion or decision thereon.

At a later stage in the meeting, Cllr Fisher also declared an interest in respect of one of the complaints referred to in Agenda Item 11 (Monitoring Report on Complaints Received) as he was related to one of the parties concerned. He left the meeting at that point and took no further part in the discussion, nor any part in the decision on the item.

2. Appointment of Chair

Cllr Pavlovic nominated Cllr Rowley to be appointed as Chair. The nomination was seconded by Parish Cllr Rawlings, and it was unanimously

Resolved: That Cllr Rowley be appointed as Chair of the committee for the 2023-24 Municipal Year.

Appointment of Vice-Chair 3.

Parish Cllr Rawlings nominated Parish Cllr Waudby to be appointed as Vice-Chair. The nomination was seconded by Parish Cllr Chambers, and it was unanimously

Resolved: That Parish Cllr Waudby be appointed as Vice-Chair

of the committee for the 2023-24 Municipal Year.

Exclusion of Press and Public 4.

Resolved: That the press and public be excluded from the meeting during consideration of the exempt versions of Annexes A and B to Agenda Item 11 (Monitoring Report in Respect of Complaints Received), on the grounds that they contain information likely to reveal the identity of individuals, which is classed as exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minutes 5.

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 20 April 2023 be approved, and signed by the Chair as a correct record.

Minutes of Sub-Committees 6.

Resolved: That the minutes of the Joint Standards Assessments Sub-Committee meeting held on 30 March 2023 be approved, and signed by the Chair as a correct record.

7. **Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

Update on the Member Training Programme 8.

The Deputy Monitoring Officer gave a verbal update on the Member training programme.

The programme had been ongoing since the start of the current municipal year in May. It was designed to be flexible, offering the opportunity to attend in person or remotely, or to view the recorded sessions later. Sessions had been spread out over a period of time to avoid fatigue. Feedback to date had been positive, and the sessions were also proving to be a valuable training resource for officers. The programme would be subject to a full review after its conclusion.

In response to Members' questions, the Monitoring Officer confirmed that:

- Members were encouraged to attend the training rather than it being mandatory, although they must have up to date training in order to participate in Licensing matters.
- Attendances were monitored via a sign-in sheet for those attending in person and an electronic record on the MyLo system for those attending remotely or on catch-up.
- Arrangements could be made for information on attendances to be shared with Group Leaders.

Resolved: That the presentation, and the information provided, be noted.

Review of Work Plan 9.

Members considered the committee's work plan for the 2023-24 municipal year.

- Resolved: (i) That the Chair and Vice-Chair, together with one of the Independent Persons, form a working group to consider the Joint Standards policies and procedures.
 - That the work plan be approved subject to the (ii) following additions:

Meeting on 21 September 2023

- Report on the Member training programme
- Preliminary report on review of Joint Standards policies and procedures

Meeting on 21 November 2023

 Presentation on the LGA's Civility in Public Life programme.

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Reason: To ensure that the committee has a planned

programme of work in place.

10. Monitoring Report on Complaints Received

Members considered a report which provided an update on current business as regards complaints.

Resolved: That the report be noted.

Reason: To ensure that the committee is aware of current

levels of activity.

Cllr M Rowley BEM, Chair The meeting started at 4.02 pm and finished at 5.16 pm.

Page 7 Agenda Item 4

City of York Council	Committee Minutes
Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	26 June 2023
Present	Councillors Fisher and Lomas (CYC Members) Councillor Chambers (Parish Council Member)
	Mr Leigh (Independent Person)
Officer in Attendance	Frances Harrison – Deputy Monitoring Officer

1. Appointment of Chair (13:31)

That Cllr Fisher be appointed as Chair of the meeting.

2. Declarations of Interest (13:32)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registerable interests they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests.

No interests were declared, but for the sake of transparency Cllr Lomas indicated that she had a connection to two of the people named in the private reports which would not affect her decision and which she would expand upon in the private session. Cllr Fisher made a similar statement with regard to one of the people named in the private reports.

3. Exclusion of Press and Public (13:33)

Resolved: That the press and public be excluded from the meeting during consideration of the private reports at Agenda Items 4, 5 and 6 (Code of Conduct Complaints received in respect of two Parish Councillors and a City of York Councillor), on the grounds that they contain information relating to individuals and information likely to reveal the identity of individuals, which is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as

amended by the Local Government (Access to Information) (Variation) Order 2006.

[Note: following the above resolution, the Deputy Monitoring Officer confirmed that she had nothing further to add in respect of the public reports in the agenda papers, and the remainder of the meeting took place in private session.]

4. Code of Conduct Complaint received in respect of a Parish Councillor (13:34)

Members considered a report which set out a Code of Conduct complaint received in respect of a Parish Councillor. Details of the complaint were presented in the private report referred to in Minute 3 above.

Members were asked to decide whether to:

- A. rule that the complaint is out of scope, or
- B. rule that the complaint is in scope and choose either to:
 - i) take no further action
 - ii) seek to resolve the matter informally, or
 - iii) refer the matter for investigation.

Having considered all the information provided, and the advice of the Independent Person at the meeting, it was

Resolved: That Option B(iii) be approved and the matter be referred for investigation.

Reason: The Sub-Committee considers that this matter is capable of being a breach of the Code of Conduct and that an investigation is required.

5. Code of Conduct Complaint received in respect of a Parish Councillor (13:41)

Members considered a report which set out a Code of Conduct complaint received in respect of a Parish Councillor. Details of the complaint were presented in the private report referred to in Minute 3 above.

Members were asked to decide whether to:

- A. rule that the complaint is out of scope, or
- B. rule that the complaint is in scope and choose either to:
 - i) take no further action

- ii) seek to resolve the matter informally, or
- iii) refer the matter for investigation.

Having considered all the information provided, and the advice of the Independent Person at the meeting, it was

Resolved: That Option B(ii) be approved and the matter be

resolved informally by way of a written apology.

Reason: The Sub-Committee considers that, although the

matter is capable of being a breach of the Code of Conduct, in the circumstances of the case an informal resolution is the best way forward.

6. Code of Conduct Complaint received in respect of a City of York Councillor (13:48)

Members considered a report which set out a Code of Conduct complaint received in respect of a City of York Councillor. Details of the complaint were presented in the private report referred to in Minute 3 above.

Members were asked to decide whether to:

- A. rule that the complaint is out of scope, or
- B. rule that the complaint is in scope and choose either to:
 - i) take no further action
 - ii) seek to resolve the matter informally, or
 - iii) refer the matter for investigation.

Having considered all the information provided, and the advice of the Independent Person at the meeting, it was

Resolved: (i) That Option A be approved and the complaint

be ruled out of scope.

Reason: The Sub-Committee does not consider that there has been a potential breach of the Code in this case, as the subject member was not acting in their capacity as a councillor.

(ii) That a letter be sent to political groups suggesting guidelines on the standards of behaviour expected from Members in public, including on

social media.

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Reason: To prevent similar complaints in the future.

Cllr T Fisher, Chair [The meeting started at 1.32 pm and finished at 2.02 pm].

City of York Council	Committee Minutes
Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	18 September 2023
Present	Councillors Fisher, Pavlovic, Rowley and Leigh
	Mr Leigh (Independent Person)
In attendance	Frances Harrison – Deputy Monitoring Officer

7. Appointment of Chair (10:30)

Resolved: That Cllr Fisher be appointed as Chair of the meeting.

8. Declarations of Interest (10:31)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registerable interests they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. None were declared.

9. Exclusion of Press and Public (10:31)

Resolved: That the press and public be excluded from the meeting during consideration of the private report at Agenda Item 4 (Code of Conduct Complaints received in respect a City of York Councillor), on the grounds that it contains information relating to individuals and information likely to reveal the identity of individuals. This information is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

10. Code of Conduct Complaint received in respect of a City of York Councillor (10:31)

Members considered a report which set out a Code of Conduct complaints received in respect of a City of York Councillor. Details of the complaints and circumstances were presented in the private report referred to in Minute 9 above.

Members were asked to consider whether to:

- A. Rule that the complaint is out of scope, or
- B. Rule that the complaint is in scope and choose either to:
 - i. take no further action
 - ii. seek to resolve the matter informally, or
 - iii. refer the matter for investigation

Having considered all the information provided, and the advice of the Independent Person at the meeting, it was

Resolved: That option A be approved and the complaint be ruled out of scope.

Reason: The Sub-Committee does not consider that this matter is capable of being a breach of the Code of Conduct.

Councillor Fisher, Chair [The meeting started at 10.30 am and finished at 10.49 am].



Joint Standards Committee

28 September 2023

Report of the Monitoring Officer

Register of Member Interests Treatment of Sensitive Interests and Civility in Public Life

Summary

 This report sets out: (a) the statutory scheme for recording member interests and invites the Committee to endorse the Monitoring Officer's approach under which councillors home addresses may be treated as sensitive interests; (b) invites the Committee to consider promoting guidance from the LGA's Social Media and Civility in Public Life resources; and (c) invites the Committee to endorse guidance to all members on the use of social media.

Background

- 2. Section 29 of the Localism Act 2011 provides for the compilation of and publicity for the register of members' interests. The register must be available for public inspection locally and be published on the authority's website.
- 3. It is for a relevant authority to determine what is to be entered in the authority's register (Section 29(2)) save that Disclosable Pecuniary Interests ("DPIs") are defined in secondary legislation, namely the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464).
- 4. City of York Council has adopted the Local Government Association Model Code of Conduct ("the Code") which identifies all interests to be recorded on the Register of Interests. They appear in Appendix B of the Code and include as DPIs "any beneficial interest in land which is within the area of the council, any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer and any corporate tenancies."

5. This in practice means that every member's home address, be they an owner occupier, or private or council tenant, should be included in their register of interests.

Sensitive Interests

- 6. There is, however, provision in Section 32 of the Localism Act 2011 for sensitive interests (whether or not DPIs) not to be published if "the nature of the interest is such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation".
- 7. In these cases, the interest is registered but not published and the requirement for members to declare such interest under Section 31 becomes an obligation to declare merely the fact that the member has a disclosable pecuniary interest in the matter concerned but not the interest itself.
- 8. Some members of CYC have expressed concern about the publication of their home addresses and have requested that these be treated as sensitive interests and withheld from the register.
- 9. This concern echoes the sad but seemingly prevalent¹ phenomenon of public figures experiencing violence, threats of violence, verbal attacks and or harassment and intimidation. There is some evidence that this threat to public servants has increased with the rise in use of social media.
- 10. In light of evidence of widespread abuse and intimidation of elected representatives nationally, and concerns raised locally, the Monitoring Officer has been minded to interpret the sensitive interest provision broadly and has agreed to withhold member addresses from the register on request. It is important that members are aware of this provision and their ability to make such requests. The Committee is invited to endorse this approach, in the interests of member safety.

LGA Guidance

11. The Jo Cox Foundation promotes respectful politics seeking to end the abuse and intimation that discourages people from entering political life, and to tackle all forms of abuse and intimidation against

¹ https://www.theguardian.com/uk-news/2021/oct/17/abuse-threats-aggression-the-fear-that-stalks-mps-on-britains-streets; https://www.amnesty.org.uk/online-violence-women-mps; https://www.bbc.co.uk/news/uk-63330885

- elected representatives. The Foundation website publishes a civility pledge pack and invites submissions to its commission with a view to producing practical recommendations to combat the problem.
- 12. The LGA has produced a range of guidance to support councillors to deal with behaviours they may encounter while fulfilling their role and engaging with residents.² These include resources around digital citizenship for example downloadable infographics which can be pinned by councillors to their social media profiles to set expectations for their online engagement. (See Annex 1.)
- 13. The Committee is invited to consider the LGA guidance, and to agree to its promotion to all members.

Social Media

- 14. In addition, the Committee will be aware of a number of recent complaints emanating from social media, and the Committee has previously indicated its concern about the potential for harm to be caused through inappropriate use of social media.
- 15. Social media can be an extremely valuable medium for engaging with citizens. Unfortunately, by virtue of its almost limitless audience, use carries risks. Those risks are to the reputation of individuals and organisations, as well as to the wellbeing, and sometimes safety, of users.
- 16. The distinction between a councillor acting in their personal capacity and as a councillor is not always clear. Whilst the Code of Conduct does not apply in the former case, public perception may be that it does, or should. For this reason, uncivil online communications between councillors and the public, officers, or other Councillors can have an adverse effect on the reputation of City of York Council and the standards it upholds. There is also a serious risk of councillors becoming victims of harassment.
- 17. The LGA guidance covers staying safe online and promoting digital citizenship/rules of engagement through the use of specifically designed infographics. The Monitoring Officer would urge all members to read this guidance and to bear in mind the golden rule: "if you are unsure about posting something, stop and ask for advice first before doing anything else". Certainly, good

² http://www.pas.gov.uk/our-support/guidance-and-resources/civility-public-life-resources-councillors/handling-abuse-and

practice would suggest that members should refrain from becoming embroiled in online arguments.

18. The Committee is therefore invited to consider the LGA's guidance as it relates to social media, together with the above general guidance, and to endorse that guidance to all members.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

None applicable to this report.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

- 19. It is recommended that:
 - a. The Committee notes and endorses the Monitoring Officer's approach to Sensitive Interests
 - b. The Committee notes and endorses the LGA's general guidance in relation to member safety and security; and
 - c. The Committee notes and endorses the LGA specific guidance in relation to the use of social media/digital citizenship "Improving digital citizenship: A practical guide for councillors" at Appendix 1.

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Author:	Chief Officer Responsible for the
Frances Harrison	report:

Frances Harrison
Head of Legal Services &
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01904 551988

Bryn Roberts
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Monitoring Officer

01904 555521

Report	✓	Date	18 September
Approved			2023

Specialist Implications Officer(s):

Wards Affected: All ✓

For further information please contact the author of the report

Background Papers:

Annex 1 Improving digital citizenship: A practical guide for councillors



Annex 1



Improving digital citizenship: A practical guide for councillors

Social media has become an important public space, where councillors share political information and engage with other councillors, support officers and residents. But it also opens the door for abuse, harassment and intimidation, along with the spread of misinformation. This guide provides practical advice and resources for councillors as they continue to navigate this space.

26 Aug 2021

What is digital citizenship?

Social media has become an important public space, a place where councillors share political information and engage with other councillors, support officers and residents. Social media has the potential to improve democracy by facilitating bigger, freer and more open conversations and by allowing representatives to communicate directly with citizens. But it also opens the door for abuse, harassment and intimidation, along with the swift spread of mis and disinformation that can impact local democracy.

The UK Government's **Online Harms White Paper (https://www.gov.u k/government/consultations/online-harms-white-paper/online-harms-white-paper)** defines disinformation as the spread of false information to deceive deliberately. Misinformation is referred to as the inadvertent sharing of false information. Both can refer to false information about a

policy or an issue (for example, misleading or false information about COVID-19) or the spread of rumours about a person (this includes, for example, character assassination).

Online harassment, intimidation and abuse, and the spread of mis and disinformation, are now major challenges to local democracy. They undermine productive engagement between candidates or elected officials and citizens, exacerbate distrust and polarisation in politics, and present further barriers to political participation. With those from underrepresented groups reporting disproportionate levels of both online and offline abuse and intimidation, this represents a challenge to increasing the diversity of our local representatives.

Due to its pervasive nature and wide reach, the harassment, abuse and intimidation of individuals in public life are attracting attention in the UK and worldwide. National and international efforts have been made to improve police training and increase awareness and protection. But the majority of initiatives deal with the abuse once it has already occurred. Meanwhile, the nature and far-reaching consequences of harassment and intimidation demand a different approach; one that is preventive, proactive and positive.

Improving digital citizenship is a key element of the civility in public life work by the LGA, WLGA, COSLA and NILGA, and is becoming increasingly important as our online interactions grow and as new information technologies are becoming major forms in which citizens, councillors and officials communicate.

Digital citizenship is about engaging in appropriate and responsible behaviour when using technology and encouraging others to do so as well. It encompasses digital literacy, ethics, etiquette, online safety, norms, rights, culture and more.

Developing digital citizenship requires us to improve online political communications. It is about expressing our opinions while respecting others' rights and personas and avoiding putting them at risk or causing unnecessary distress. It is about respecting freedom of speech and disagreement while condemning abuse.

This guide provides practical advice and resources for councillors, while its partner publication 'Improving Digital Citizenship – Research and Best Practice' provides helpful background and research, and looks at the good work going on in the UK and abroad to make a difference.

The following advice and resources are based on the most recent research and best practice available, and on advice from councillors and officers themselves on what has worked.

Advice from councillors and officers Choosing platforms

It is helpful to understand that there are differences in the way platforms are designed that make them more or less suitable for certain purposes. For example:

- platforms such as Facebook serve as micro-blogs, better suited for local groups.
- Twitter is more suitable to engage with larger, general audiences.
 Information on Twitter tends to travel faster and further but the character limit makes it difficult to use it to engage in meaningful discussions.
- Instagram facilitates photo and video sharing via its mobile app and it is quickly growing in political importance. However, while its visual nature makes it a helpful tool to engage audiences, it limits its use for substantive engagement.

There will be other platforms relevant to this arena as technology and trends develop, but this guide provides universally applicable principles which should help users to competently navigate online interactions.

Setting boundaries

Elected councillors and support officers frequently mention that members of the public have different opinions or understanding of what is and is not acceptable online behaviour. While some individuals engage in abusive behaviour intending to intimidate, some others simply fail to understand the impact of their behaviour. This, of course, does not excuse any abuse, but can explain why it can be challenging for some people to recognise when they are being abusive.

Councillors suggest that having clear guidelines on what constitutes online harassment, abuse and intimidation will help to call out abuse and to implement consistent measures to tackle it. It was noted that councillors are influential in their communities and that by communicating respectfully with others they can help to generate positive engagement between councillors and residents.

Some councillors indicate that they find it useful to limit their interactions with individuals behaving poorly by responding once with factual information and/or to refer back to the code of conduct or rules of engagement and not responding again if the abuse continues. In cases when abuse continues despite the polite response from the councillor, they find it useful to start screenshotting comments so they cannot be deleted and denied later on but without further engagement. On the occasions that the abuse escalates, it is useful to have a record of such communications that will serve as evidence if there is a need to raise a formal complaint.

Setting expectations

Support officers mentioned that councillors often do not know or feel that being active on social media is a choice and not a statutory requirement of the job. It is important that councillors are reassured that while social media can be a helpful tool for engagement, it is not essential and alternative methods of communication including email or surgeries are also valid.

It is important that councillors work with their council communications teams to understand local approaches to the use of social media.

Guidance and protocols will often be available to help members engage

with the public and each other.

The fast-moving nature of social media has raised the expectation of constant engagement. It has been noted by councillors and support officers that it is useful to set times to check and respond to social media messages and to set clear expectations about what members of the public can and cannot expect from councillors on each platform.

In a detailed review of a random sample of Facebook pages of different elected representatives, it was noted that some include clear messages on the aim and scope of the page. For example, some indicate that the page aims to communicate activities related to the role of councillor, that the councillor prefers all casework sent over email or that they will respond during particular hours and days of the week. Others plainly state that the aim is to communicate information and that they will not engage in any discussion in the forum. Setting specific rules of engagement, as the ones presented later in this report, sends a clear message to users on what to expect and help councillors set boundaries.

Tone

Setting clear boundaries concerning times to engage on social media also help councillors to practice self-restraint. Support officers indicate that they frequently encourage councillors not to respond immediately to any post, especially if they are abusive, and to add "be kind" messages when issues arise which offers a clear reminder to those engaging. Additionally, taking time before answering improves assertiveness - expressing any point of view in a way that is clear and direct while still respecting others - helping councillors to minimise conflict and gain back control over the emotional reactions that can initially be triggered by a post.

Assertive communication is a very good way to defuse conflict by detaching emotions from content. Controversial issues are more likely to attract disagreement and, unfortunately, motivate some individuals to engage in abusive behaviour. Disagreement and persuasion are at the core of politics. When confrontation happens, it can prove useful as

both parties need to negotiate to reach an agreement. But the line between confrontation, intimidation and abuse needs to be respected and not confused with freedom of expression.

An assertive approach to communicate could be to ask individuals to specifically indicate what elements of the policy or decision they do not like. This strategy, in most cases, redirects the conversation to the policy realm, providing the councillor with opportunities to explain the decision-making process or to refer the individual to relevant information.

Accuracy

Additionally, support officers and councillors mentioned the importance of ensuring that the information they share is accurate. For this purpose, they recommend using official press statements and avoiding ambiguity in information shared. Councillors are leaders in their community and as such, they should aim to lead by example, which includes avoiding the spread of unverified rumours, mis and disinformation as that would undermine the legitimacy of decision-making and cause problems within communities, such as in relation to public health or community safety.

Rumours about fellow councillors can also be very damaging for their reputation, safety and mental health. The guidelines listed in the next section present some useful steps to follow to prevent sharing mis and disinformation and can also be applied to avoid the spread of rumours about councillors.

Online meetings

After the COVID-19 pandemic started and especially during the lockdown, meetings have moved to a great degree online. This presented councillors and support officers with important challenges on how to foster positive and fruitful interactions in such settings. Some useful practices identified include:

- know who is participating in online meetings by registering users and monitoring the chat
- establish a digital protocol to mute users when necessary, manage interventions, assign the role of moderators and established

- consequences for breaching the protocol
- record meetings as they discourage certain people saying things out of order and also, it serves as evidence when abuse happens.

In Wales, The Local Government and Elections (Wales) Act 2021 (ht tps://www.legislation.gov.uk/wsi/2021/297/made) establishes the legal basis for holding multi location meetings of Councils and committees. The Act enables Councils to choose the method of attending meetings ranging from wholly physical, through hybrid to wholly virtual. The requirements for broadcasting are also set out in the Act. The statutory guidance from the Welsh Government (forthcoming) sets out in more detail how members can participate in multi-location meetings.

Proper training on online communication and technologies of information has been identified as a key element in improving digital citizenship. The Councillors' guide to handling intimidation (https:// www.local.gov.uk/councillors-guide-handling-intimidation) includes practical advice on how to use privacy settings and other tools on different social media platforms. The LGA Online and hybrid meeting (https://www.local.gov.uk/our-support/guidance-and-resources/onli ne-and-hybrid-meetings) hub has information about various video and audio platforms, case studies and access to support for councils and councillors using online meeting technologies. In Scotland, the Improvement Service has published a resource for political groups on remote working (https://www.improvementservice.org.uk/__dat a/assets/pdf file/0012/21225/Working-remotely-wtith-political-grou ps.pdf) and guidance for councillors on holding virtual surgeries (http s://www.improvementservice.org.uk/ data/assets/pdf file/0020/14 519/Virtual-Surgeries.pdf).

Tools for councillors

Councillors' guide to handling intimidation

The LGA and the Welsh Local Government Association (WLGA) (htt ps://www.wlga.gov.uk/) jointly developed this resource following advice from councils, councillors and other council

representative organisations, as well as national organisations such as the Suzy Lamplugh Trust and National Counter Terrorism Security Organisation.

The guide covers topics such as how to handle abuse, both face-toface, letters or online, and the legal and practical remedies, including the nature of the criminal offences involved and will be continuously updated with the latest advice and information available.

We will shortly be updating this guide to ensure it is also applicable across Scotland and Northern Ireland.

Handling online abuse

The councillors' guide to handling intimidation (https://www.local.g ov.uk/councillors-guide-handling-intimidation) includes advice on handling online abuse. This is available in graphic format (https://www.local.gov.uk/sites/default/files/images/43.5%20Online%20abuse.png) in both English and Welsh (https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life-resources-councillors/digital-citizenship), and is summarised in 10 easy steps to follow:

- 1. **Set expectations** point people to your rules of engagement and apply these consistently.
- 2. **Lead by example** do not post comments that could be considered abusive, and avoid posting false or unverified information.
- 3. **Consider content** some content will be more controversial than others. Consider before posting how you will manage engagement with this, for example only engaging in comments on the policy itself or directing people to consultation documents.
- 4. **Defuse conflict** waiting to respond can take the heat out of situations, as can reframing your own language.
- 5. **Know when to step back -** Remember you do not have to engage with abusive or threatening behaviour. You can set the record straight with factual information if you wish, but you can step away when you want to.
- 6. **Protect your privacy** set different passwords for different accounts, and do not post information that can allow people to identify your whereabouts outside of official council business.

- 7. **Understand privacy settings** there is a range of settings to help you manage who can see or comment on your posts.
- 8. **Get and give support** where you feel able, provide support to fellow councillors online, and reach out to colleagues and your council for support where needed.
- 9. **Record abuse-** screenshot comments and keep a record of abusive or threatening communications.
- 10. **Report serious issues** if you feel unable to deal with online abuse yourself or have any concerns about your safety, report this to your council or the police.



Rules of engagement

These rules are designed to give all users a clear 'code' by which they should operate, with consequences for users who fail to abide by them. We have produced accompanying digital citizenship infographics (https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life-resources-councillors/digital-citizenship) in English and Welsh so that the rules can be pinned to the social media profile of a councillor or candidate. The rules of engagement should include:

- a) a clear message with regards to the aim of the forum, page or account
- b) acknowledgement of terms and conditions of participation

c) rules of participation

Rule 1:

 Debate and disagreement are welcome on this page, but only if expressed with courtesy, respect and politeness.

Rule 2:

 Posts should not contain abuse, harassment, intimidation or threats of any form.

Rule 3:

 Posts should not contain any form of discrimination – including racism, sexism, ageism, ableism, homophobia, transphobia or religious intolerance.

Rule 4:

Posts should not spread false or unverified information.

Rule 5:

- For transparency reasons, users should not post anonymously
- d) consequences for rule-breaking
- e) information about what users can expect in terms of responses and or preferred form of contact.



Councillors should aim to avoid the spread of unverified rumours, mis and disinformation. Engaging in such practices undermines the reputation of the council and can endanger the lives and wellbeing of others. Current times are characterised by the need to process and appraise large volumes of information constantly but information can be compromised easily. Moreover, technology does not always facilitate identifying what information is true and which information is not. This short guide supports councillors to be mindful when reading and posting information online.

Step 1 check the source:

 Look for the source and be suspicious of unrecognised websites, even if they look professional.

Step 2 triangulate information:

 Check if the same information has been published on other known, reliable websites

Step 3 read beyond the headlines:

 Never share information if you have not read the full article. False information often hides below attention-grabbing headlines.

Step 4 correct falsehoods:

 If you see something on social media that is not true, calmingly correct it by providing factual information, especially where people may look to you as a trusted community representative.

Step 5 be constructive:

Websites and articles can mix facts with inaccurate information.
 Before sharing, check that the content conveys a constructive message that matches the headline

If you are not sure if something is accurate, it is best not to share or circulate.

Model Code of Conduct

All councillors must follow a code of conduct to protect the democratic role of councillors, encourage good conduct and safeguard the public's trust in local government. These encourage councillors to act with integrity and honesty, treat people fairly and with respect and lead by example in a way that secures public confidence in the role of councillor.

Each nation has its own councillor code of conduct: in England, the LGA has developed a model code for local adaptation; in Wales there is a statutory Code; in Scotland the Code is approved by the Scottish Parliament and applies to all councillors; and in Northern Ireland each council adopts the same code:

- England, via the LGA (https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020)
- Wales Statutory Model Code (https://www.legislation.gov.uk/wsi/2008/788/made#:~:text=Section%2050%20%283%29%20of%20the%20Act%20entitles%20the,section%2050%20%282%29%20and%20%283%29%20of%20the%20Act.)and Guidance from the Public Services Ombudsman for Wales (https://www.ombudsman.wales/guidance-policies/)
- Scotland The Standards Commission for Scotland (https://w ww.standardscommissionscotland.org.uk/codes-of-conduct/c ouncillors-code-of-conduct)
- Northern Ireland (https://www.communities-ni.gov.uk/publicat ions/ni-local-government-code-conduct-councillors)

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- Tambini D. The differentiated duty of care: a response to the Online Harms White Paper. J Media Law 2019;11:28–40. doi:10.1080/17577632.2019.1666488

 Parmelee JH, Roman N. Insta-Politicos: Motivations for Following Political Leaders on Instagram. Soc Media + Soc 2019;5:205630511983766. doi:10.1177/2056305119837662.



Work Plan for Joint Standards Committee 2023-24

Meeting Date (4.00pm start time)	<u>Items</u>	<u>Notes</u>
28 September 2023	 Monitoring report in respect of complaints received Review of Work Plan Preliminary Report on review of Joint Standards policies and procedures 	Standard Item
21 November 2023	 Monitoring report in respect of complaints received Review of Work Plan Presentation on the LGA's Civility in Public Life programme Report on Member training programme 	Standard Item
31 January 2024	 Monitoring report in respect of complaints received Review of Work Plan 	Standard Item
21 March 2024	 Monitoring report in respect of complaints received Draft Annual Report for Municipal Year 2023-2024 Review of Work Plan 	Standard Item



Joint Standards Committee

28 September 2023

Report of the Deputy Monitoring Officer

Monitoring Report in respect of Complaints Received

Summary

1. This report is to update the Committee on the position regarding ongoing complaints.

Background

- 2. The Joint Standards Committee is responsible for promoting a culture of openness, accountability, probity and the maintenance of high standards of conduct by members. In order to do this, it reviews all code of conduct complaints. This enables, amongst other things:
 - Monitoring overall numbers of complaints allowing comparison with similar authorities
 - Monitoring trends of increasing/decreasing levels of complaints and identifying links to key events or triggers
 - Identifying common types of complaints which may illustrate a need for enhanced training and information
 - Assessing the efficacy of sanctions imposed by linking an increase/decrease in complaints regarding a particular member or from a particular locus to intervention or sanctions previously imposed.
 - Assessing the efficacy of the complaints procedure and identifying possible improvements.

Commentary on Case Logs

Open cases

3. Case reference 2023/07 is under investigation by a CYC lawyer. Witness Interviews have been completed and the investigator

expects to complete a draft report by the end of September 2023.

4. Case reference 2023/13 has been assessed by the Monitoring Officer in consultation with the Independent Person and it has been determined that the complaints should progress to investigation.

Cases closed since last JSC

- 5. Case reference 2022/18 has been closed by the Monitoring Officer. Following an investigation, informal resolution was proposed but rejected by the subject Councillor. In consultation with the Chair of the Standards Committee and the Independent Person, the decision was made to close the case due to the fact that expectations of conduct have been effectively outlined to the subject member in the report and the sanctions which could be imposed by a hearing panel are minimal.
- 6. Case reference 2023/04 was assessed and informal resolution was proposed. A letter of advice was sent to the subject Councillor and the informal resolution was accepted.
- 7. Case reference 2023/06 was assessed by the Monitoring Officer in consultation with the Independent Person and will be closed with no further action due to the matters complained of not constituting a breach of the code.
- 8. Case reference 2023/08 was deliberated by a JSC sub committee in accordance with paragraph 5 of the complaints handling process. Informal resolution was proposed and accepted.
- Case reference 2023/10 was assessed by the Monitoring Officer in consultation with the Independent Person and will be closed with no further action due to passage of time and the tit for tat nature of the allegations.
- 10. Case reference 2023/11 was deliberated by a JSC sub committee in accordance with paragraph 5 of the complaints handling process. The sub committee determined the Code of Conduct had

not been breached as the Councillor was acting in a personal capacity.

11. Case reference 2023/12 was filtered by the JSC sub committee in accordance with paragraph 4 of Appendix 29. The complaint failed to demonstrate conduct capable of constituting a breach of the Code of Conduct and has been ruled out of scope. This complaint has been recorded but no further action will be taken.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

Maintaining standards across the City through the Code of Conduct ensures that an ethical framework can be adhered to, including ensuring that equality issues form an integral part of that framework.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

i. That the Joint Standards Committee notes the report

Reason: In order to ensure that the Committee is aware of the current levels of activity and is able to provide oversight of the complaints procedure.

Auth	or &	Officer	Responsible
for th	ne re	port:	

Frances Harrison

Deputy Monitoring Officer

Report	√	Date	19 September
Approved			2023

Wards Affected:

All



For further information please contact the author of the report Background Papers:

- Annex A Table showing open complaints received.
- Annex B Table showing received complaints closed since last JSC.



Open Complaints Log - Public

Annex A

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/07	CYC	York Resident	16/04/23	The complainant alleges the Councillor used public funds from the Parish Council to produce leaflets that support their personal election campaign.	This complaint is currently being assessed by the Monitoring Officer. Views of the IP sought. This complaint falls under paragraph 5 of the complaints handling process as the subject member is Chairperson of the Parish Council concerned. It will therefore be referred to a JSC Sub Committee. The views of the IP have been sought and will be incorporated into the MO's report to JSC Sub Committee on 26th June 2023. On 26th June the JSC Sub-Committee agreed that the issue complained of is capable of constituting a breach of the



Open Complaints Log - Public

Annex A

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					Member Code of Conduct and merits further investigation in light of the seriousness of the allegation. The DMO has appointed a CYC lawyer to investigate. A draft report is expected to be completed by the end of September 2023.
2023/13	CYC	York resident	23/08/23	The complainant alleges the Councillor's behaviour is disrespectful, distressing and not in line with the code. Example of behaviour provided. The complainant also alleges the Councillor wrongly shared an address of an ongoing enforcement case, breaching data protection.	This complaint is currently being assessed by the Deputy Monitoring Officer. Views of the IP sought. Complaint assessed and will progress to investigation. Parties notified.



Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2022/18 LCB1.981	CYC	Resident	12/08/22	This complaint is as a result of ongoing matters at the Parish Council. The complainant alleges the Cllrs behaviour is not in line with the code of conduct.	This complaint is being assessed by the Deputy Monitoring Officer. Views of the IP sought. Complaint assessed and will progress to investigation. Parties notified. Witness Interviews have been completed and the investigator has submitted his final report with IP and recommendations to the MO on 8th June. MO supports the finding of disrespect and recommendation that the matter be resolved informally through an apology. Informal resolution by way of apology rejected by subject



Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					Councillor. In consultation with the Chair of the Standards Committee and the Independent Person, the decision was made to close the case. The reasons for this include the fact that expectations of conduct have been effectively outlined to the subject member in the report and the sanctions which could be imposed by a hearing panel are minimal. Complaint closed, parties notified.
2023/04 LCB1.1019	CYC & Parish	Parish	15/03/23	The complainant alleges the Councillor breached the code of conduct by not declaring an interest at a Town Council meeting and did not leave the room when the agenda item was discussed and voted on.	This complaint is currently being assessed by the Monitoring Officer. The views of the IP have been sought. The MO has suggested informal resolution by way of a letter of



Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					advice. Letter has been sent to Subject Member and the informal resolution has been accepted. Advice letter shared with complainant for information. Complaint closed. Parties notified.
	CYC & Parish	Parish	24/03/23	The complainant alleges the Councillor breached section 3 paragraph 1 of the code of conduct and has used social media to disrespect a parish council.	The Monitoring Officer has applied a filter to this complaint and concludes that there is no evidence to demonstrate conduct capable of constituting disrespect in breach of the Code. MO has informed the parties
					that there will be no further action in respect of this complaint. Complaint closed. Parties notified.



Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/08 LCB1.1031	Parish	York Resident	20/04/23	The complainant alleges the Councillor breached the code of conduct by restricting public attendance at a Parish Council meeting. The complainant also alleges the Councillor's behaviour at this meeting was in breach of the code.	This complaint falls under paragraph 5 of the complaints handling process as the subject member was, at the time of the events complained of, Chairperson of the Parish Council concerned. It will therefore be referred to a JSC Sub Committee. The views of the IP have been sought (and received) and will be incorporated into the MO's report to JSC Sub Committee on 26th June 2023. The IP recommends investigation. The JSC Sub Committee determined the complaint does fall within scope of the Code of Conduct and suggested informal



Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
	runon		Received		resolution by way of apology. Subject Member invited to personally apologise to the complainant. Subject Member has produced a letter of apology. Letter sent to complainant. Complaint closed. Parties notified.
2023/10	Parish	Parish	30/05/23	The complainant alleges the Councillor made false statements against them at the end of a public meeting.	This complaint is currently being assessed by the Monitoring Officer. Views of the IP sought.
					Complaint assessed, no further action will be taken because the events complained of occurred more than 6 months ago and the complaint is tit for tat/maliciously motivated. Parties notified. Complaint closed.



Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/11	City	York resident	15/06/23	The complainant alleges the Councillor made unprovoked defamatory comments against them on social media.	This complaint falls under paragraph 5 of the complaints handling process, it will therefore be referred to a JSC Sub Committee. The JSC Sub Committee determined the Code of Conduct had not been breached as the Cllr was acting in a personal capacity. Complaint closed. Parties notified.
2023/12	CYC	York Resident	02/08/2023	The complainant alleges the Councillor knowingly misled members of the public in a discussion regarding the implementation of race day traffic barriers at a meeting. The complainant also alleges the	This complaint is currently being assessed by the Monitoring Officer. Views of the IP sought. As the subject member is Chair of a CYC Committee, the



Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
	Parish		Received	Councillor treated them unfairly by refusing to engage with them.	complaint will be referred to a JSC Sub Committee on 18 th September. The JSC Sub Committee concluded that the matters complained of are not capable of constituting breaches of the Member Code of Conduct. There was no evidence of behaviour crossing the boundaries of disrepute or disrespect within the meaning of the Code. Complaint closed.

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