



Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate

Signed off by	Monitoring Officer
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To	Standards Committee
Date	Tuesday 8 th November 2022
Executive Member	Leader of the Council

Key Decision Required	N
Wards Affected	(All Wards);

Subject	Member Complaints 2021-22
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Recommendations
That the Committee receives and notes the Member Complaints Report for 2021-22.
Reasons for Recommendations
To demonstrate the promotion and maintenance of high standards of conduct by Councillors.
Executive Summary
<ol style="list-style-type: none">1. This report summarises the discharge of the Standards function during the 2021-22 municipal year. This report includes but is not limited to:<ol style="list-style-type: none">a. The Member Code of Conductb. Complaints against Membersc. The role of the Monitoring Officerd. Maintenance of the Register of Interests.
The Standards Committee may receive and note this report

Statutory Powers

2. The Localism Act 2011 requires Councils to have in place locally focussed processes for regulating the conduct of Members. The Act also imposes a duty on Councils to promote and maintain high standards of conduct by Members.

Code of conduct

3. All Members were provided with Code of Conduct training after the local elections in May 2022.
4. The Member Code of Conduct was comprehensively reviewed during 2019/20 by the Monitoring Officer and the Governance Task Group, in accordance with the findings of the review conducted by the Committee on Standards in Public Life.
5. The Governance Task Group agreed the revised Code of Conduct in March 2020 and recommended the Code to Council for approval in July 2020 where it was duly approved. A summary of the revisions are set out below for ease of reference and the full amended code is attached:
 - a. Defining Bullying/harassment and examples of such behaviours
 - b. Consideration of the application of the Code of Conduct to Social Media
 - c. Introduction of a requirement to declare gifts and hospitality over £25.

Complaints against Members

6. The Council's Standards Committee is responsible for dealing with allegations that a member may have failed to observe the Council's Member Code of Conduct and has introduced procedures to ensure fairness and transparency whilst, at the same time, providing proportionate, cost effective and timely advice.
7. The procedure for dealing with complaints involves the following four stages:
 - a. initial consideration by the Monitoring Officer (Stage 1).
 - b. local resolution (Stage 2).
 - c. referral to an Assessment Panel (Stage 3).
 - d. determination by a Hearings Sub-Committee (Stage 4).
8. Three councillor complaints were received in the 2021-22 municipal year.
9. One alleged that a Member breached section 1.3(c)(i) of the Code of Conduct, which covers "bullying or harassment, including, without limitation: spreading malicious rumours, or insulting someone by word or behaviour, being offensive, intimidating, or misusing power to undermine, humiliate, denigrate or injure the recipient".
10. At stage 1 of the complaints process, the Monitoring Officer attempted to contact the complainant a number of times to request further information, however no response was given. As there was insufficient information to consider the complaint further, the investigation of the complaint was therefore closed.
11. The remaining two complaints alleged that a Member breached section 1.3(c) of the Code of Conduct as a result of posting inflammatory comments on social media, including:

- (xv) “making abusive, derogatory, patronising, suggestive or sexualised comments”.
 - (xviii) “offensive e-mails, tweets or comments on social networking sites, where you are acting in your role as a Member”.
 - (xix): “trolling via social networking sites, where you are acting in your role as a Member”.
 - (xxiii) "display of offensive material, or material that may be perceived as offensive by a designated group of people".
12. Due to a parallel investigation undertaken by Surrey County Council, the two complainants chose to withdraw their complaints. Useful insights were gained from this complaint, and they are detailed in the following section.

Learning points

Social media use

13. With the decline in local media readership, social media has an increasingly important role for the council in engaging with key audiences and delivering its messages directly, using the channels they prefer.
14. As social media is a direct means of communicating with residents, it can be a useful communications channel for Members to reach their constituents and key stakeholders. However, it is also a platform which should be used respectfully and with care.
15. The Councillor Code of Conduct and relevant legislation applies online and in social media. If you are referring online in any way to your role as a councillor, including commenting as a councillor or about Council related matters, you are deemed to be acting in your ‘official capacity’ and any conduct may fall within the code. This can be the case even when a councillor uses their personal social media channels.
16. Taking these points into consideration, and in view of the complaints received in the 2021-22 municipal year, Members are reminded to be mindful of the [Code of Conduct \(link to Council website\)](#) and the [‘Communications protocol for Members’ \(link to extranet restricted website\)](#) when communicating on social media.
17. Members receive Code of Conduct and communications training annually at the induction day event, which covers the use of social media and standards of conduct online. The ‘Communications protocol’ is currently being reviewed by the Communications and Customer contact team and will be circulated to Members once finalised.
18. The Council’s committee meetings guidance was reviewed in July 2022 to include a new ‘social media use policy’, which states:
- a. *The full attention of Councillors who are involved in the decision-making will be required during any formal debate or vote on any item under their consideration. These Councillors must not be distracted by using social media or any mobile devices during the time that the debate and vote is underway.*

- b. To minimise disruption or disturbance to others attending the meeting, all attendees are asked to ensure that their phones or other mobile devices are set on silent or vibrate mode during meetings.*
- c. No Councillor in attendance, whether as a decision-maker or observer, is permitted to use social media or mobile devices during an 'exempt' session or disclose in any way the content of the items under discussion.*
- d. Any comments made using social media (e.g tweets or blog posts) are subject to the Council's Code of Conduct and could open councillors to potential complaints and investigations.*
- e. Further information about the Council's corporate use of social media is available in the Council's Member Communications Protocol.*

Role of the Monitoring Officer

- 20. The Role of the Monitoring Officer is held by the Head of Legal and Governance, a qualified lawyer.

Maintenance of the Register of Interests

- 21. The register of interest forms are completed by Members electronically, verified, and published on the Council's website.

Legal Implications

- 22. The Constitution sets out the role of the Standards Committee, and the Monitoring Officer, in promoting high standards of conduct. This committee helps to promote and maintain the highest standards of conduct amongst members of the Council, and ensures that Councillors act in accordance with the Local Government Code of Conduct.

Financial implications

- 23. There are no financial implications.

Risk implications

- 24. Reputational – the conduct of Members reflects on the reputation of other Members and the Council as a whole. Breaches of the code of conduct may be of significant public interest and may therefore represent a reputational risk to the Council.
- 25. Personal liability – Councillors are personally responsible for the content they publish on any form of social media. Publishing an untrue statement about a person which is damaging to their reputation may incur a defamation action for which the Member concerned will be personally liable. The same applies if a Member passes on any similar untrue statements they receive.

Background Powers

26. Reigate and Banstead Borough Council Members' Code of Conduct - https://www.reigatebanstead.gov.uk/info/20400/your_council_documents/1236/member_code_of_conduct
27. Procedures for dealing with complaints under the member code of conduct process (appendix 1).
28. LGA Guide for Councillors on handling intimidation (includes advice on using social media) - https://www.local.gov.uk/sites/default/files/documents/Councillors%20guide%20to%20handling%20intimidation%20updated%20Apr%2021_0.pdf
29. LGA Councillors workbook on supporting residents with complex issues - https://www.local.gov.uk/sites/default/files/documents/11%2058_LGA%20Cllr%20Workbook_Supporting%20residents%20with%20complex%20issues_July%202017.pdf
30. LGA Overview of social media for councillors – <https://www.local.gov.uk/our-support/leadership-workforce-and-communications/comms-hub-communications-support/social-media-0>
31. LGA Guide to the role of councillors on social media – <https://www.local.gov.uk/our-support/leadership-workforce-and-communications/comms-hub-communications-support/social-media-1>
32. LGA Social media do's and don'ts – <https://www.local.gov.uk/our-support/guidance-and-resources/communications-support/digital-councils/social-media/get-started/dos-and-donts>
33. Reigate and Banstead Borough Council Members' Communications Protocol (restricted extranet website) – <https://reigate-bansteadextranet.moderngov.co.uk/ecSDDisplay.aspx?NAME=SD919&ID=919&RPID=2807106>