



# Public Document Pack

Arun District Council  
Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

Tel: (01903 737500)  
Fax: (01903) 730442  
DX: 57406 Littlehampton  
Minicom: 01903 732765

e-mail: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)

Committee Manager - Jane Fulton (Ext 37611)

14 October 2020

## CABINET

A virtual meeting of the Cabinet will be held on **Monday 19 October 2020 at 5.00 pm** and you are requested to attend.

Members: Councillors Dr Walsh (Chairman), Oppler (Vice-Chair), Coster, Mrs Gregory, Lury, Stanley, Mrs Staniforth and Mrs Yeates

**PLEASE NOTE:** *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

*Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.*

*This Council's revised Rules of Procedures for 'virtual meetings' can be found by clicking on this link: <https://www.arun.gov.uk/constitution>*

*Any members of the public wishing to address the Cabinet meeting during Public Question Time, will need to email [Committees@arun.gov.uk](mailto:Committees@arun.gov.uk) by 5.15 pm on Friday, 9 October 2020 in line with current Procedure Rules. It will be at the Chief Executive's/Chairman's discretion if any questions received after this deadline are considered.*

*For further information on the items to be discussed, please contact: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)*

## **AGENDA – SUPPLEMENT PACK – ITEM 14**

14. **STANDARDS COMMITTEE - 24 SEPTEMBER 2020 - NEW SOCIAL MEDIA GUIDANCE FOR COUNCILLORS** (Pages 1 - 4)

Cabinet is asked to consider recommendations from the meeting of the Standards Committee relating to the adoption of a new Social Media Guidance document for Councillors.

The minutes are now attached. To view the report that was submitted to the Standards Committee, please click on these links - [Report](#) and [Appendix](#)

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – Filming Policy - [The Policy](#)

# Public Document Pack Agenda Item 14

Subject to approval at the next Standards meeting

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## STANDARDS

24 September 2020 at 6.00 pm

Present: Councillors Edwards (Chairman), Bower, Coster, English, Kelly and Tilbrook

Independent Members: Mr J. Thompson, Mr B. Green, Mrs S. Prail and Mr J. Cooke

Councillors Charles and Clayden were also in attendance at the meeting.

### 221. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bennett and Blanchard-Cooper.

### 222. DECLARATIONS OF INTEREST

Councillor Coster declared a personal interest in Agenda Item 9, Register of Complaints Against Councillors[Exempt], and stated he would leave the meeting if there was any discussion on the item.

### 223. MINUTES

The Minutes of the meeting held on 20 February 2020 were approved by the Committee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

### 224. ASSESSMENT HEARING PANEL PROCEDURES

It had been brought to the attention of the Chairman that there were anomalies in the Assessment Hearing Panel Procedures and, as an Hearing was scheduled for 21 October 2020, he felt that this should be addressed as a matter of urgency at this meeting for the benefit of all parties concerned.

Members views were expressed that it would be unfair to change the process at this time whilst there was an ongoing case as the relevant parties had already been advised of the procedure. It was felt that a review should be undertaken and a report brought back to the meeting scheduled for 3 December 2020 to enable the Committee to fully consider the matter.

Hoey Ainscough Associates Ltd had been commissioned to act on the Council's behalf with regard to Standards issues and the Chairman welcomed Mr Hoey to the meeting and thanked him for his attendance. He asked Mr Hoey's advice with regard to the risk to the Council if the process was not changed for the upcoming hearing. Mr Hoey advised that the key issue was that the Assessment Hearing Panel had to be

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treated as any other Committee of the Council and should therefore decide whether hearings should be heard in closed or public session on a case by case basis. At the present time, the Panels had been set up to consider all cases in closed session. He was of the view that, if Members wished to maintain the status quo for the hearing in October, that would present a low risk but that was for Members to assess.

Mr Hoey confirmed that he would prepare a report for the next meeting of the Committee on 3 December 2020 to enable Members to reconsider the procedures in respect of Assessment Hearing Panels.

Members agreed that no change be made to the procedure at this time.

225. LOCAL GOVERNMENT ASSOCIATION MODEL MEMBER CODE OF CONDUCT

*(In considering this item, Mr Hoey declared a personal interest as his company had been invited by the LGA to write the Code.)*

The Chief Executive advised the Committee that the LGA (Local Government Association) had not yet finalised the New Model Member Code of Conduct. Mr Hoey confirmed that it was anticipated that the New Code would be approved at the LGA's Annual General Meeting due to be held in October and it was therefore suggested that the matter be deferred for consideration at the meeting on 3 December 2020.

The Committee

RESOLVED

That consideration of the New Model Member Code of Conduct be deferred to the meeting on 3 December 2020.

226. NEW SOCIAL MEDIA GUIDANCE FOR COUNCILLORS

The Chief Executive introduced this report and stated that the new Social Media Guidance would sit as a separate document to the New Model Members Code of Conduct but would be referenced within that Code. Hoey Ainscough Associates Ltd had been asked to review the existing guidance as social media had transformed the way that people communicated and it was important for Councillors to know how to use the medium effectively as a communication tool.

In considering the matter, some Members expressed their views that the new guidance was not strong enough and it could just be ignored, it had no "teeth". However, Mr Hoey advised that there were legal remedies available if Members breached the Code of Conduct and there was a particular difficulty in that Members were also private individuals who could express their views in that capacity. The guidance was to merely set out how Councillors could avoid getting into difficulties and to provide a framework for approaching social media.

The Chief Executive reiterated that there were other routes that could be taken to deal with problems arising with unacceptable use of social media by Members. Mr Hoey also advised that his company was working with the LGA as that body wished to see something more explicit included in the new Code of Conduct that applied to the use of social media. He confirmed that the law made it very clear that the Council only had jurisdiction over Councillors when acting in that specific role and not when acting as a private individual. The Government was being pressed to expand the definition of when the Code applied to cover the use of social media but that was still to be looked at.

Comment was made that the new guidance was an improvement on the previous version but would it not be useful to make reference to GDPR (General Data Protection Regulations) and SARs (Subject Access Requests) as Councillors should be aware that if they named individuals there could be repercussions? The Chief Executive stressed that Members needed to read the guidance very carefully and understand that any breaches could be referred to the Information Commissioner's Office and there could be sanctions.

It was suggested that mandatory training should be provided but the Chief Executive advised that could not be imposed on Councillors but Group Leaders could ensure that all their members were aware of and understood the guidance. In addition, the Chairman, when presenting the Minutes, could raise the issue at Full Council.

The Committee

RECOMMEND TO CABINET – That

- (1) The new Social Media Guidance for Councillors be endorsed, replacing the previous version endorsed by Cabinet on 31 May 2016; and
- (2) The Acting Monitoring Officer be authorised to make any consequential changes arising from the adoption of a new Members Code of Conduct.

227. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

In presenting this report, the Chief Executive provided a verbal update on case 20/06 to advise that an informal resolution had been agreed.

The Committee then

RESOLVED

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That the Register of Complaints against Councillors and progress of any outstanding complaints be noted.

228. EXEMPT INFORMATION

The Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

229. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS [EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS]

*(Prior to consideration of this item, Councillor Coster redeclared his personal interest and stated he would leave the meeting if any discussion took place on the matter pertaining to him.)*

The Chief Executive presented this report and also provided verbal updates on a number of the cases included in the register.

Following a brief discussion, the Committee

RESOLVED – That

- (1) The Register of Complaints against Councillors be noted; and
- (2) The Acting Monitoring Officer send a refresher to all Members on the importance of making open minded declarations, where appropriate, and how to make an open minded declaration.

(The meeting concluded at 7.05 pm)