

AGENDA FOR STANDARDS COMMITTEE



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To: All Members of Standards Committee

Councillors : T Pickstone (Chair), R Bernstein, S Butler,
M Hayes, T Rafiq, L Smith, M Whitby and J Harris

Dear Member/Colleague

Standards Committee

You are invited to attend a meeting of the Standards Committee which will be held as follows:-

Date:	Tuesday, 1 March 2022
Place:	Council Chamber, Bury Town Hall
Time:	6.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

3 MINUTES *(Pages 3 - 6)*

The minutes of the meeting held on 15th November are attached.

4 COUNCILLOR COMPLAINTS UPDATE *(Pages 7 - 12)*

A report from the Council's Monitoring Officer is attached.

5 CONSTITUTION REVIEW *(Pages 13 - 28)*

Following agreement of the revised Constitution on 24th November 2021, Members resolved a timeline for further review.

As part of that review for consideration at the Standards Committee attached are a suggested revised:

- Monitoring Officer Protocol

The proposed amended protocols will be discussed at the Standards Committee in advance of consideration of Annual Council on 24th May 2022.

6 MEMBER TRAINING UPDATE *(Pages 29 - 34)*

A report from the Head of Democratic Services is attached.

7 MEMBER SAFETY GUIDANCE AND SOCIAL MEDIA POLICY *(Pages 35 - 52)*

A report from the Councils Monitoring Officer, Jacqui Dennis, is attached.

8 ANY OTHER BUSINESS

Minutes of:	STANDARDS COMMITTEE
Date of Meeting:	15 November 2021
Present:	Councillor T Pickstone (in the Chair) Councillors S Butler, R Bernstein, M Hayes, Rafiq, M Whitby and Y Wright
Also in Attendance:	Jacqui Dennis – Council Monitoring Officer Julie Gallagher – Head of Democratic Services
Apologies:	Councillor G Staple Jones and L Smith,
Public Attendance:	1 member of the public was present at the meeting.

1. APOLOGIES FOR ABSENCE

Apologies were addressed above.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES

It was agreed:

That the minutes of the meeting held on the 13th September 2021 be approved.

4. REPORT OF THE INDEPENDENT REMUNERATION PANEL

Jacqui Dennis, Council Monitoring Officer, provided Members with an update in regards to recommendations from the Independent Remuneration Panel in relation to the Members' Allowances scheme. The Panel reviewed all aspects of the scheme and the recommendations brought payments in line with other Greater Manchester Boroughs. Members noted that the basic allowance was recommended to increase to £10,791 (inclusive of all travel, subsistence and phone allowance).

The Mayor as Chair reported that prior to this meeting, the Group Leaders had met at the Democratic Arrangements Forum (DAF) to discuss the content of the report. The Chair reported that the Members had discussed the allowances for Leaders and Deputy Leaders of Other Opposition Parties. It was agreed that the workload for Leaders did not diminish with a smaller Group membership and the expectations of the post were being reinforced through the Constitution, and it would therefore be unreasonable to share the Leader's allowance.

The Chair report that the DAF had proposed the following recommendations:

1. That DAF propose the Leader of Other Opposition Party SRA be £5,352 each; and

2. That DAF propose the Deputy Leader of other Opposition Party SRA be removed.

Members discussed the report, noting and agreeing with the proposed changes as discussed at the Democratic Arrangements Forum.

It was agreed:

An amended Independent Remuneration Panel Report will be considered at Council on 24th November 2021.

5. CODE OF CONDUCT

Following discussion of this item at previous meetings, Jacqui Dennis, Council Monitoring Officer further updated Members on the development of a revised Code of Conduct. The Monitoring Officer reported that the Local Government Association had issued updated guidance on a new model code of conduct, most recently in July 2021.

Colleagues from across Greater Manchester have agreed to look to adopt a Code of Conduct across all ten Greater Manchester Authorities, including the Combined Authority.

Members agreed to:

1. Defer consideration and recommendations regarding adoption of the LGA model code pending the receipt of central government's response the Committee on Standards in Public Life recommendations and any legislative changes
2. Request a further report on this to its next meeting and that this be added to the Committee's workplan

6. COUNCIL CONSTITUTION

Jacqui Dennis, Council Monitoring Officer, provided Members with an update in relation to proposed changes to the Council's Constitution.

- Proposed changes:

1. Reduction in the number of Articles
2. Proposed Updates to the Council Procedure Rules It is proposed to separate Council procedure rules to Committee procedure rules, this change will allow the rules to be more clearly set out within the constitution and aid accessibility.

In addition the following changes are proposed.

- Changes to the items of business which may be carried out at Council
- Notice of written questions
- Time Extended for oral questions
- Questions to the Combined Authority and updates
- Emergency Motions, when a motion can be withdrawn and exceptions
- Clarification of interests under the code of conduct
- State of the Borough debate

3. Proposed Updates to the Committee Procedure Rules - These Committee rules will apply to all meetings of the Cabinet, Scrutiny, Regulatory Committees, the Health and Wellbeing Board and the Corporate Parenting Board.

In addition this report seeks Council's approval to amend the Constitution to incorporate the following agreed changes:

- Time of meetings – amendment to allow the ability to hold additional meetings
- Member question time – Meetings of cabinet and scrutiny
- Voting on appointments
- Suspension and amendment of rules
- Clarification regarding interests under the Code of conduct
- Programme of work
- Members and Officers giving account – clarified wording in relation to scrutiny work
- Post call in
- Inclusion of the call in procedure

4. Amendments to the Cabinet Portfolios –The report seeks Council's approval to amend the Constitution to incorporate the changes in the Cabinet portfolios following Annual Council

5. Details of the updated Committee membership

6. Details of constitution review schedule

It was agreed:

A revised Constitution would be consider at the next meeting of Full Council due to be held on 24th November 2021.

7. FUTURE MEETING DATES

17.1.2022 - Councillor Complaints / Ethical Governance within the Council / Member training

1.3.2022 – Items to be confirmed

COUNCILLOR T PICKSTONE
Chair

(Note: The meeting started at 6.30 pm and ended at 7.15 pm)

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Classification	Item No.
Open / Closed	

Meeting:	Standards Committee
Meeting date:	1 st March 2022
Title of report:	Report of Monitoring Officer – Member Complaints
Report by:	Monitoring Officer
Decision Type:	Non Key
Ward(s) to which report relates	Not applicable

Executive Summary:

This report sets out the details of member complaints received by the Monitoring officer for the period April 2021 – February 2022 and reports formally to Members on the outcome to a standards hearing which took place on 11 & 18th February 2021.

This report proposes that this committee receives an annual report on the matters within the remit of the Standards Committee. The annual report to set out work undertaken in the last year by the Committee to promote and maintain the high standard of conduct by Councillors.

Recommendation(s)

That:

1. Members note the contents of the report
2. That Members direct the Monitoring Officer submit an annual report to the standards committee, the report will cover all aspects of governance arrangements.

3. Members note the revised Monitoring officer protocol sets out that complaints will be reported to the standards committee on an annual basis with the annual report.

Member's complaints

The number of complaints received by the Monitoring Officer in this period has been low. Member are asked to note that three complaints have been received within the last few weeks. Two of these matters are currently subject to Monitoring Officer review. One complainant has asked to meet with the Monitoring Officer and clarification has been sought from another complainant. One matter has been subject to a delay, the Monitoring Officer apologises for this oversight, this matter is now being with urgently.

The Monitoring Officer has not been able to recognise any emerging themes from the number of complaints received however would like Members to note that higher numbers of complaints are received in relation to social media posts. On the standards agenda there is a revised social media policy for members to consider. Members are reminded to be clear when they are acting in their role as a Councillor and when they are commenting on a matter in their personal capacity, in that regard Members are requested to ensure that all personal social media platforms are not open to access by members of the public.

03/22	Failure to act with integrity	Complaint asked to discuss matter prior to proceeding
02/22	Failure to act with integrity – full details unclear	Complaint to meet with Monitoring officer
01/22	Failure to act with civility	Joint review with independent person
8/21	Failure to act with civility	Joint review with Independent person
7/21	Using language to cause alarm distress & harassment	Resolved informally
6/21	Using language to cause alarm distress & harassment	Resolved informally
5/21	Unable to contact member	Resolved informally
4/21	Unhappy with response from Member	Resolved informally
3/21	Conduct matter	Matter rejected

2/21	Failure to act with civility	Members are asked to note that there has been a delay in responding to this matter, this has been addressed with the complainant and the matter is now proceeding
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Standards hearing outcome update

Standards Committee requested an update on the outcome of the standards sub committee hearings which took place in 11/18th February and 18th March 2021. Two separate hearings took place, the sub-committee found breaches of the Code of Conduct for Councillors and Other Voting Representatives (the Code). In determining which sanction to impose, Members of the sub-committee considered that the action must be proportionate to the breach. On both occasions the Committee determined that apologies and training were appropriate.

The Monitoring Officer can report that the directed actions from these committees have been discharged by the sanctioned Member. The Monitoring Officer received written confirmation of this in July 2021 and supporting evidence of the course undertaken.

It should be noted that there were concerns raised in relation to the timeliness of this completion of the apologies and training. There is currently no sanction for non-compliance with a sub committee determination other than the ability to publicise the matter. It is proposed that in future the subcommittee in reaching their determination give consideration to making any outcomes time bound. This will enable a review to take place and an updating report to be made by the Monitoring Officer to the sub- committee.

Annual report to standards committee

The role and function of the Standards Committee includes; 'Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives' and 'Monitoring the operation of the Members' Code of Conduct and Council's arrangements.' The Committee also has delegated authority to ensure compliance throughout the Council with all appropriate Codes of Conduct and procedures from time to time determined by this Committee.

It is recommended the committee receive an annual report setting out work carried out within that year to oversee the following

- operations of codes and guidance detailing constitutional updates and revisions to protocols and guidance,
- reporting of member complaints
- review of register of interest, gifts and hospitality,

- dispensations,
- councillors training programme, Member induction programme.

The standards committee will have met three times during this municipal year.
Activity undertaken this year includes –

September -

- Code of conduct update.
- Establishment of an Independent remuneration committee (September)

November meeting -

- Code of conduct report
- Received review report of all Members allowances
- Review of council constitution. Review included a reduction in articles, amendment to council and procedure rules, Amendments to cabinet portfolios, committee membership and schedule for review of the constitution

March meeting -

- Revised Monitoring officer protocol review
- Revised Members safety policy
- Revised social media policy
- Update on member complaints/annual report
- Update on Members training

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
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Consultation:

Legal Implications:

Legal implications are set out in the body of the report

Financial Implications:

There are no financial implications

Report Author and Contact Details:

Jacqui Dennis – Monitoring Officer

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Classification	Item No.
Open	

Meeting:	Standards Committee
Meeting date:	1 st March 2022
Title of report:	Bury Council Constitution Update Report
Report by:	The Monitoring Officer
Decision Type:	Council
Ward(s) to which report relates	All

EXECUTIVE SUMMARY:

The Council's constitution was reviewed and updated during the municipal year 2020/21. In considering the new Constitution, Members agreed that it would be reviewed annually to ensure that the changes proposed as a result of the review were fit for purpose. Following agreement at Standards Committee and Council in November 2021 Members agreed a work programme for future review see Appendix 1.

The constitution stipulates that oversight of the Council Constitution is a function of the Standards Committee. However, there are particular elements of the Constitution that are pertinent to the work of the Standards Committee that are due for review, namely:

- Monitoring officer protocol

The protocols have been reviewed considering best practice guidance, current legislative framework and protocols in neighbouring Greater Manchester authorities. Copies of the existing protocol and the revised protocol are attached below.

INTRODUCTION

The Constitution sets out how the Council operates; how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Council has a legal duty to publish an up-to-date Constitution and review regularly.

BACKGROUND

The Constitution must contain:

- a) the Council's standing orders/procedure rules;
- (b) the members' code of conduct;
- (c) such information as the Secretary of State may direct;
- (d) Such other information (if any) as the authority considers appropriate

A Constitution Direction was issued by the Secretary of State in December 2000 requiring 80 matters to be included within council constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the area.

Bury's Council Constitution is organised into 9 Parts (many divided into a number of sections). The existing Council's Constitution is available on the Council's external website

SELECTION FOR REVIEW

The areas selected for review were informed by feedback from Elected Members and Officers.

In March 2021 following a complaint against an Elected Member and a subsequent Standards Hearings Panel, the Monitor Officer Protocol was considered as evidence and included in the document pack. Elected Members (sitting on the Panel) as well as the Standards Committee Independent Person raised concerns that the protocols lacked clarity, were open to interpretation and required re-examination.

1. Monitoring Officer Protocol

The current responsibilities of the Monitoring Officer role rest with the Council Solicitor (Director of Law and Governance) who undertakes to discharge her statutory responsibilities. In doing so she must safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions. The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of corporate decision making, ensuring compliance with Codes and Protocols, promoting good governance and high ethical standards.

Having excellent working relations with Members and officers will assist in the discharge of the statutory responsibilities by the Monitoring Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.

The Protocol provides details of the main functions of the Monitoring Officer, working arrangements including support in respect of resources, access to information and meetings, relationships, standards and governance matters, as well as Sanctions for breach of the protocol.

Recommendations

Members to review, suggest amendments and forward for onward consideration to Annual Council the Monitoring Officer Protocol.

Community impact/links with Community Strategy

An up-to-date Constitution will ensure decision are taken lawfully and in an open and transparent manner.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.
An up to date Constitution will ensure decisions contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. An Equality Impact Assessment has been completed	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Legal Challenge	An up-to-date Constitution will ensure decisions are taken lawfully and in an open and transparent manner.

Consultation:

Group Leaders and the Mayor at the Democratic Arrangements Forum and Members of the Standards Committee.

Legal Implications:

Section 9P of the Local Government Act 2000 as amended sets out the duty of the Council to prepare and keep up to date its constitution as follows:

(1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—

- (a) a copy of the authority's standing orders for the time being,
- (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
- (c) such information as the Secretary of State may direct, and
- (d) such other information (if any) as the authority considers appropriate.

A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours. A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine. The Bury constitution is made available on our public website.










It is for the Monitoring Officer to monitor and review the operation of the constitution on an ongoing basis and where necessary bring forward amendments to Council.

Financial Implications:

There are no financial implications arising from this Report.

Report Author and Contact Details:

Jacqui Dennis, Monitoring Officer and Council Solicitor

Appendix 1				
Item	Existing Document	Lead Officer	Revised Document	Considered at
Local Choice Functions	 Bury Const Part 3 - Section 2 LCF.docx	Jacqui Dennis		
Contracts procedure rules	 Section 5 Contract Procedure Rules.doc	Sarah Janusz/Sam Evans		
Officer Employment Procedure Rules	 Section 7 Officer Employment Procedi	Sam McVaigh		Employment Panel
Employee's code of conduct	 Section 2 - Employees code of c	Sam McVaigh		Employment Panel
Protocol on member and officer relations	 Section 3 - Protocol on Member and Off	Jacqui Dennis		Standards Committee
Anti-fraud and corruption - Whistleblowing policy	 Section 4 Anti Fraud and Corruptic	Sam Evans		
Monitoring officer protocol	 Section 5 - Monitoring Officer I	Julie Gallagher	 For Review MO draft.docx	Standards Committee
Public participation guide	 Section 6 - Public Participation Guidar	Julie Gallagher		

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Section 5 - Monitoring officer protocol

1.0 General introduction to Statutory Responsibilities

1.1 The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Bury Council.

1.2 The current responsibilities of the Monitoring Officer role rest with the Council Solicitor (the Assistant Director of Legal and Democratic Services) who undertakes to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so he/she will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

1.3 The main functions of the Monitoring Officer at Bury Council are:

- a) To report to the Council and to the Cabinet in any case where he/she is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
- b) To investigate any matter which he/she has reason to believe may constitute, or where he/she has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
- c) To act as the principal adviser to the authority's Standards Committee;
- d) To maintain the register of members' interests;
- e) To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
- f) To have responsibility for responding to complaints to the Local Government Ombudsman
- g) To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures

1.4 In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:

- a) complying with the law (including any relevant Codes of Conduct);
- b) complying with any General Guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
- c) making lawful and proportionate decisions; and
- d) complying with the Council's Constitution and standing orders
- e) generally, not taking action that would bring the Council, their offices or professions into disrepute

- f) communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters

2.0 Working arrangements

2.1 It is important that Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this and it is vital therefore, that Members and Officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.

2.2 The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:

- a) be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings (or equivalent arrangements);
- c) have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Cabinet, Committee meetings (or equivalent arrangements);
- d) in carrying out any investigation(s) have unqualified access to any information held by the Council and to any member or officer who can assist in the discharge of his/her functions;
- e) ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- f) meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- g) report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Leader, the Head of Paid Service and Chief Finance Officer;
- h) in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources he/she requires to discharge his statutory functions;
- i) have an appropriate relationship with the Leader, Deputy Leader and the Chairs of, Standards Committee and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;

- j) develop effective working liaison and relationship with the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council in consultation with the Chief Executive and the appropriate Head of Service;
- k) maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
- l) promote and maintain high standards of conduct under the Localism Act 2011 and the Council's adopted procedures for all matters relating to the Code of Conduct; which will include giving informal advice and undertaking relevant enquiries into allegations of misconduct and, if appropriate, making a written report to the Standards Committee (unless the Chair of the Standards Committee agrees a report is not necessary);
- m) in consultation, as necessary, with the Leader of the Council, Cabinet and the Standards Committee defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- n) subject to the approval of the Standards Committee, be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;
- o) oversee the implementation and monitor the operation of any Code of Corporate Governance
- p) advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator
- q) appoint a deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.

2.3 To ensure the effective and efficient discharge of the arrangements set out in paragraph 2.2 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.

2.4 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.

2.5 Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the

Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.

2.6 In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

2.7 In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other officer of the authority.

2.8 Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the Chief Finance Officer, he/she is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.

2.9 The Monitoring Officer is available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Standing Orders, policy framework, terms of reference, scheme of delegations etc.).

2.10 To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

3.0 Sanctions for breach of Bury Council's Code of Conduct for members and the protocol

3.1 Complaints about any breach of Bury Council's Code of Conduct for Members must be referred in the first instance to the Monitoring Officer, who will make determinations in consultation with the Independent Person.

3.2 In exceptional circumstances, the Monitoring Officer will refer a complaint for assessment by the Standards Assessment Sub-Committee.

Section 5 - Monitoring officer protocol

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Bury Council.

The current responsibilities of the Monitoring Officer role rest with the Council Solicitor (Director of Law and Governance) who undertakes to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so he/she will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions. The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of corporate decision making, ensuring compliance with Codes and Protocols, promoting good governance and high ethical standards.

The main functions of the Monitoring Officer at Bury Council are:

- a) To report to the Council and to the Cabinet in any case where he/she is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
- b) To investigate any matter which he/she has reason to believe may constitute, or where he/she has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
- c) To act as the principal adviser to the authority's Standards Committee;
- d) To maintain the register of members' interests;
- e) To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
- f) To have responsibility for responding to complaints to the Local Government Ombudsman
- g) To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures

In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, on Members and Officers; complying with the law (including any relevant Codes of Conduct) complying with any General Guidance issued making lawful and proportionate decisions; and complying with the Council's Constitution and standing orders; generally, not taking action that would bring the Council, their officers or professions into disrepute

It is essential that Members and Officers communicate effectively with the Monitoring Officer and seek advice when required on any issues relating to constitutional or ethical matters.

Working arrangements

Having excellent working relations with Members and officers will assist in the discharge of the statutory responsibilities by the Monitoring Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and officers must, therefore, work with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities. The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers are designed to ensure the effective discharge of the Council's business and functions.

The Monitoring Officer will:
<p>Resources:</p> <p>(a) report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions,</p> <p>(b) have sufficient resources to enable him/her to address any matters concerning his/her Monitoring Officer functions;</p> <p>(c) have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions.</p> <p>d) appoint a deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.</p>
<p>Access to information/meetings:</p> <p>a) be alerted by Members and officers to any issue(s) that may become of concern to the authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise:</p>

- (b) have advance notice, (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- (c) have the right to attend (including the right to be heard) any meeting of the authority (including meetings at which officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken).
- (d) be a member of the Executive Management Team and will have advance notice of those meetings, agenda and reports and the right to attend and speak.
- (e) in carrying out any investigation(s), have unqualified access to any information held by the Council and to any officer who can assist in the discharge of his/her functions.

Relationships:

- a) ensure the other Statutory Officers (Head of Paid Service and the Section 151 Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- b) meet regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
report to the Council, annually, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Leader, the Head of Paid Service and Section 151 Officer;
- c) in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources he/she requires to discharge his statutory functions;
- d) have an appropriate relationship with the Leader, Deputy Leader, Opposition Group Leaders and the Chairs of, Full Council, Standards Committee and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;

- e) develop effective working liaison and relationship with the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council in consultation with the Chief Executive and the appropriate Head of Service;
- f) maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;

Standards and Governance Matters:

- a) promote and maintain high standards of conduct under the Localism Act 2011 and the Council's adopted procedures for all matters relating to the Code of Conduct; which will include giving informal advice and undertaking relevant enquiries into allegations of misconduct and, if appropriate, making a written report to the Standards Committee (unless the Chair of the Standards Committee agrees a report is not necessary);
- b) in consultation, as necessary, with the Leader of the Council, Cabinet and the Standards Committee defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- c) subject to the approval of the Standards Committee, be responsible for preparing any training programme for members on ethical standards, the Constitution and Code of Conduct issues;
- d) advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator provide information in response to a contact from a member of the public about an elected member(s) provided that it would not compromise the Monitoring Officer should a formal complaint be made subsequently by the member of the public.
- f) Complaints about any breach of Bury Council's Code of Conduct for Members must be referred in the first instance to the Monitoring Officer, who will make determinations in consultation with the Independent Person. In exceptional circumstances, the Monitoring Officer will refer a complaint for assessment by the Standards Assessment Sub-Committee
- g) The Monitoring Officer will provide an annual report to the Council's Standards Committee on Member Complaints.

To ensure the effective and efficient discharge of the arrangements set out above, Members and officers will report any breaches of statutory duty procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable

The Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the Section 151 Officer, he/she is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.

Monitoring the Protocol Annually

The Monitoring Officer will report to the Standards Committee regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.

Sanctions for Breach of Protocol

Complaints of a breach of this Protocol by an Officer will be referred to the relevant Strategic Director and/or the Chief Executive for appropriate action to be considered, including disciplinary investigation if appropriate.

Review Date March 2022

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Classification	Item No.
Open	

Meeting:	Standards Committee
Meeting date:	1 st March 2022
Title of report:	Member Development and Induction Day proposals
Report by:	The Monitoring Officer
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

1. This report sets out all Member Training carried out during the municipal year 2021/22 and provides an overview of the plans for Member Induction following all-out elections in May 2022.

Recommendation(s)

2. **That:** the Committee note the Member training that has taken place over the year and provide feedback on the proposed Induction Day arrangements.

Member Development

3. Following the meeting of the Member Development Group in June 2021, work has taken place to engage with Members on training and courses that are beneficial to their role as a Councillor.
4. Regular emails have been sent to all Councillors with offers of training from the LGA, North West Employers, and information from New Local providing policy updates and a catalogue of members-exclusive resources, including Innovation Insights and In-depths.
5. So far the uptake of auditable courses and training has been successful, with 18 Councillors taking one or more training courses. There may be more that have attended but have self-enrolled and not informed us.

Finance Training

6. Prior to Budget meetings, an all-Member training session was carried out on 31 January 2022. This was provided by Council officers and 22 Members attended. Slides from the session were circulated to all Members via email and further briefings were offered.

Inclusion Training

7. All Councillors were invited to attend inclusion training, which was arranged as follows:-
 - Labour group 3 sessions – 27 May, 10 June and 16 – 19 Members attended.
 - Conservative Group – 2 June and 9 June – 13 Members attended
 - Lib Dem Group – 3 June – 4 Members attended.
 - Radcliffe First – 8 June – 4 Members attended.
 - Independent – 15 June – 1 Member attended.

Scrutiny Training

8. Scrutiny Members were invited to take part in Scrutiny Specific training – “Supporting Scrutiny Member Development” - which was provide by the Centre for Governance and Scrutiny. It was reported that the training provided was felt to be lacking and it was asked that a new offer be provided. These have taken place on 10 November 2021 and 1 December 2021.

Health Scrutiny Training

9. Bury Council approached the LGA to support members of the Council’s Health Scrutiny Committee to identify and develop ways in which the impact of health scrutiny can be enhanced.
10. The training was delivered over two sessions. The first session was provided to all members of the three Scrutiny Committees: Overview and Scrutiny Committee, Children and Young People Scrutiny Committee and the Health Scrutiny Committee. The second session was exclusive to Health Scrutiny and the Chairs of the other two Committees.
11. The first session was able to explore common challenges, issues as well as shared opportunities. The second session looked at the evolving role of health scrutiny, the relationships with local partners and the opportunities that the Health Scrutiny Committee could consider in supporting impactful scrutiny of health and care.
12. This second session included both a ‘rapid review’ of the activity to date of the health scrutiny committee and critical challenge of the role that health scrutiny takes and could take in the wider place-based governance of health and care.

Committee-Specific Training

13. Statutory training has been provided to the Planning Control Committee, the Licensing and Safety Committee and the Audit Committee as follows:
- Planning Control – 20 May 2021
 - Licensing & Safety Committee – 21 May 2021
 - Audit Committee – 2 June 2021
14. All three of these training sessions were provided by Council Officers and recorded for future reference for attendees.
15. In addition, the following Committee-specific training has taken place:
- Children & Young People Scrutiny received pre-meeting training in relation to ILACS on 7 September 2021.
 - The Audit Committee received pre-meeting training in relation to Information Governance on 17 November 2021.
 - Members of the Employment Panel received training in relation to Recruitment and Selection on 29 July 2021.
 - Members of the Corporate Parenting Panel have been asked to complete the Corporate Parenting E-Learning module.

Member Induction

16. Work has been taking place to provide a robust and effective Member Induction programme that takes into consideration the needs of continuing and new Members.
17. Key points and dates to note are as follows:

When	What
Prior to the election	Members who are not standing to return all IT equipment including Council Badge
9 th May 2022	Proposed date for any ex-Members to return all IT equipment and Council Badges
12 th May 2022	Induction day
25 th May 2022	Annual Council (Councillor photos to be taken)
21 st June 2022	Mock Council

Induction Day

18. The proposed plan for Induction Day is as follows:

Start time		Duration	Officers
9:00	Chamber - Everyone beginning together – welcome	30 mins	Geoff Little / Lynne Ridsdale
9:30	Chamber - Code of Conduct	1 hour	Jacqui Dennis
10:30	Social Media and Cllr safety	30 mins	Sam McVaigh (TBC)
11:00	Coffee break – Tea with Mayor	30 mins	All
11:30	In person meeting with Exec Directors/Assistant Directors and Casework officers (job fair type event)	1 hour	All
12:30	Lunch	1 hour	All
13:30	Sign Declaration of Acceptance	15 mins	Democratic Services
13:45	Fill out Register of Interest	15 mins	Democratic Services
From 14:00	Get IDs made up (small groups – 3 at one time)	1 -2 hours	Democratic Services
	Cllrs get laptops and IT intro at induction day (in basement to ensure IT support) – (small groups – 3 at one time)		
Finish by 16:00			

19. Prior to Induction Day, Executive Directors will be asked to complete a short briefing note on their Directorate to be sent out in advance. This enables new Members to be familiar with the basics of the Council's structure and the responsibilities of each Executive Director before the event, and therefore conversations on the day can be Ward or project-specific and consequently more meaningful.

Post-Election Training

20. Officers are currently working on a training programme for the rest of the 2022/23 Municipal year, which will include Committee-specific sessions, all

Member briefings, new Councillor "Class of 2022" emails (regular emails with useful information), and access to e-learning modules.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
This material presented and discussed in this report has no direct implications on equality or diversity.	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
A lack of appropriate Member training.	Ensuring appropriate Member training ensures Councillors are able to effectively carry out their democratic duties.

Consultation:

Legal Implications:

There are no legal implications to the proposals.

Financial Implications:

There are no financial implications to the proposals.

Report Author and Contact Details:

Chloe Ashworth
Senior Scrutiny Officer
C.Ashworth@bury.gov.uk

Background papers:

None.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning



Classification	Item No.
Open / Closed	

Meeting:	Standards Committee Council
Meeting date:	1 st March 2022 16 th March 2022
Title of report:	Member Safety and Social Media Policies.
Report by:	Council Monitoring Officer – Jacqui Dennis
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

Following the death of the Member of Parliament David Amess, the Chief Executive requested a Member Safety group be established; the membership included – the Labour whip, Conservative whip, Mayor and Councillor Mason. The primary function of the Group was to review current safety guidance supported by the Monitoring Officer and Democratic Services; the group met on the 9th December 2021.

The purpose of the first meeting was to take soundings from Elected Members as to the nature and extent of their safety concerns. Following the first meeting Members fed back to their respective groups. On speaking to Officers and taking soundings from Elected Members, Members did not express any overt safety concerns but agreed revised safety guidance would be welcomed.

Members agreed that a draft member safety guidance could not be considered without a review of the Members Social Media policy. Updated policies are attached for Elected Members consideration.

Members agreed that revised Member Safety Guidance would be presented to the March meeting of Full Council.

Recommendation(s)

That: the Committee note the Member safety guidance and social media policy and provide feedback prior to consideration at Full Council on 16th March 2022.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation

Consultation:

Legal Implications:

There are no Legal implications arising from this report.

Financial Implications:

There are no Financial implications arising from this report.

Report Author and Contact Details:

Julie Gallagher Head of Democratic Services.

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Member Development – Bury Council

Personal safety guidance for Elected Members

Revised Member Safety Guidance

March 2022

• Background

Following the death of the Member of Parliament David Amess, the Chief Executive requested a Member Safety group be established; the membership included – the Labour whip, Conservative whip, Mayor and Councillor Mason. The primary function of the Group would be to review current safety guidance supported by the Monitoring Officer and Democratic Services; the group met on the 9th December 2021.

The purpose of the first meeting was to take soundings from Elected Members as to the nature and extent of their safety concerns. Following the first meeting Members fed back to their respective groups. On speaking to Officers and taking soundings from Elected Members, Members did not express any overt safety concerns but agreed revised safety guidance would be welcomed.

Below are details of recommended actions to assist Elected Members, further information and support can be provided by Democratic Services, the Monitoring Officer and the Community Safety Partnership.

Managers from the Community Hubs (Details at the end of the document) are additional resource and can provide advice in respect of appropriate venues as well as soft intelligence to assist Elected Members.

Members agreed that revised Member Safety Guidance would be presented to the March meeting of Full Council.



1. Introduction

All Elected Members deal with residents' concerns sometimes by phone or email and sometimes face to face. Those individuals can feel upset and angry and in extreme circumstances may lead to Members feeling concerned about their safety.

Detailed below are some suggested actions that Members may wish to consider to mitigate and alleviate some of their safety concerns. Most of suggestions are common sense but if Members remain concerned, please do not hesitate to contact Democratic Services and/or the Council's Monitoring Officer.

• Ward Surgeries

- Choose your venue carefully (A busy community centre, library or where there will be other people using the building at the same time). Avoid holding your ward surgery in an empty venue or in a room where you could be locked in.
- Plan and schedule all your meetings and notify democratic services, they can put surgery details on your Councillor pages on the Council website.
- Advertise your ward surgeries and stick to it, that way your constituents will always know where you will be during this time. Inform a family member or someone from your Political Group that is where you will be.
- Consider room layout, keeping entrance and exits clear at all times. The layout of the room needs to suit you – constituents should be seated across a table from you with you sitting nearest to the door.
- Have your mobile (fully charged) with you at all times.
- Do not hold ward surgeries on your own, where possible hold them with other ward Members, or others eg GMP or community Groups

• Making Home Visits

- Councillors do not have to undertake home visits and must avoid home visits if you have concerns about your safety. Use alternatives – try to encourage constituents to meet you in a public place or take a colleague. You can also book a room in advance in the Town Hall to meet residents.
- Keep a record of your appointment in your diary or electronic calendar which includes name/address/ telephone number of the constituent you are visiting.
- Understand the reason for the personal visit and try to get some information from Officers prior to your visit; not only does this make the meeting more meaningful, it may also highlight any personal safety concerns others have had in the past.
- Think about where and how you park your car – if possible, park close to the property you're visiting under a lit streetlight and in the direction that you will be going at the end of your visit.
- Use a system to make sure people know where you are and the estimated time of your return.
- When conducting a home visit always sit nearest to the door that you came in.

• Receiving Personal Callers

- Discourage constituents from coming to your home.
- Keep your diary/phone with you so that you can organise an alternative appointment and venue there and then—or make arrangements to phone them.
- Try to maintain distance.
- Remember – even though you are a Councillor you are still entitled to a personal life.
- If you have concerns about the publishing of your home address, you can use the Town Hall address instead—speak to Democratic Services.

• Receiving abusive phone calls/ social media posts

- Remember, you have the choice to hang up.
- If you choose to keep talking, try to get clues to identify the caller's gender, any accent
- Always try 1471 to see if the number is available.
- Take notes.
- If you receive abusive or prolific emails, texts or messages via social media that give you cause for concern about your safety in the first instance all issues need to be logged with GMP to create a case number. If there is immediate threat to life or property, 999, if not 101, also notify democratic services, to enable them to keep a record and if necessary, provide advice and support.
- Stop all communication with them.
- Seek advice on blocking messages from that person.
- Inform Democratic Services, Group Leader/Group Whip and/or police depending on the seriousness.

• Key issues and support available

- Keep your mobile phone with you at all times and make sure that the battery is charged regularly.
- Plan your meetings. Weigh up the risks in any situation and take action appropriately.
- Always make sure that someone is aware of your whereabouts and your estimated time of return.
- Retain control of situations, keep calm, and avoid confrontation.
- Trust your instincts – if you feel uncomfortable or intimidated make your excuses and leave.
- Consider any health issues you may have and how this may impact on how you meet constituents.
- Avoid putting yourself into a situation which you think your personal safety could be compromised.
- Record and report incidents to the Council initially to Democratic Services and more serious incidents to GMP (see above)
- Town Hall security staff will be present at all Public Meetings held at the Town Hall
- The Council operates a wellbeing system for staff and Elected Members If you feel you may want to access it please contact Democratic Services.
- Further advice in respect of additional home security can be provided by Democratic Services / The Council's Emergency Response and Resilience Team.
- Further advice in respect of vexatious complainants can be provided by the Council's Monitoring Officer.

3. Further information

If you would like further information in relation to the Council Procedure Rules or additional information in respect of the Constitution, please contact:

Jacqui Dennis, Council Monitoring Officer – J.Dennis@bury.gov.uk

OR

Julie Gallagher, Head of Democratic Services – Julie.gallagher@bury.gov.uk

Managers of the Community Hubs are available to assist elected members in providing information, support and advice:

North (Elton, North Manor, Ramsbottom, Tottington) – Tracey Coatman

West (Church and all Radcliffe wards) – Samantha Barber

East (East ward, Moorside, Redvales) – Jamie Walker

Whitefield (Besses, Pilkington Park and Unsworth) – Elizabeth Hinchcliffe

Prestwich (Holyrood, Sedgley, St. Mary's) – Warren Rafferty

This report should be read in conjunction with the Council Member Social Media guidance.

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Social Media Policy for Councillors

February 2022

Author	Chloe Ashworth
Email address for automated reminders:	
Review Date	
Key words	Social Media, Councillors, Member Development, Media, Communications.

Version control

Version	Author of Changes	Date	Summary of changes made	Approved by (meeting / committee)

1. Introduction

Social media is a term used for online tools, websites and interactive media that enables users to interact with each other by sharing information, opinions, knowledge, and interests. This policy covers what is social media, the issues over using social media and Councillors' responsibilities to protect themselves and others where possible.

Social media is useful as it increases access to audiences and improves the accessibility of communication. It enables an active relationship with residents, partners and stakeholders whilst encouraging people to be involved in local decision making and enabling better engagement and feedback. This ultimately helps to improve the services provided. Social media can be very useful in getting feedback on proposals and communicating information about activities. However, it is important to remain aware that not everybody is on social media and so opinions expressed may not be representative of a specific cohort of people.

For the purposes of this policy and guidelines, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, Instagram, Flickr, YouTube, LinkedIn, blogs, discussion forums, wikis, Tiktok and any sites which may emerge after the creation of this policy where Bury Council could be represented via online participation.

Bury Council acknowledges social media as a useful tool, however, clear guidelines are needed for the use of social media sites to ensure they are used effectively as part of a wider communications mix and that their use does not expose Bury Council or people to security risks, reputational damage or breach the Data Protection Act.

2. Purpose

Social Media usage has significantly increased over the years. This Policy aims to provide support, guidance, and clarity on using social media efficiently and in line with Bury Council's principles and guidelines. This policy applies to councillors and co-opted members. It gives guidelines on how to use social media, sets out how to

effectively manage social media usage and indicates how any risks or pitfalls can be minimised or mitigated by users.

The following risks are identified with social media usage
(this list is not exhaustive):

- Virus or other malware infection from infected sites.
- Disclosure of confidential information.
- Damage to the Council's reputation.
- Social engineering attacks (known as 'phishing').
- Bullying or "trolling"
- Civil or criminal action relating to breaches of legislation.
- Breach of safeguarding using images or personal details leading to the exploitation of vulnerable individuals.
- Breach of the code of conduct for members through inappropriate use.

Considering the risks, the use of social media sites should be regulated to ensure that such use does not damage the Council, its employees, councillors, partners or residents.

As such this policy aims to ensure:

- Users operate within existing policies, guidelines, and relevant legislation.
- A consistent and corporate approach is adopted
- Council information remains secure and not compromised
- The Council's reputation is not damaged or adversely affected.

3. Responsibilities of Councillors

You are personally responsible for any content that you publish on any form of social media as described above. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a libel action for which you will be personally liable.

- Be aware that social media sites are in the public domain, it is important to ensure you are confident of the validity and nature of the information you

publish. Make use of privacy settings if you don't want your social media to be accessed by the press or public. Do not disclose personal details and ensure that you handle any personal or sensitive information in line with the Council's data protection policy.

- Safeguarding issues are paramount because social media sites are often misused by offenders. Safeguarding is everyone's business – if you have any concerns about other site users, you have a responsibility to report these.
- Do not publish or report on meetings which are private or internal (where no members of the public or press are present, or it is of a confidential nature) or exempt reports (which contain confidential information or matters which are exempt under the provision of the Local Government (Access to Information) Act 1985).
- Use of social media in meetings must comply with the protocol for the use of recording devices during any meeting held under Bury Council.
- Copyright laws still apply online. Placing images or text from a copyrighted source (e.g., extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission from the copyright holder in advance.
- Don't send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors or officers either in or outside a work environment.
- During the pre-election period the Council will not promote councillors' social media accounts.
- In any biography, the account should state the views are those of the councillor in question and may not represent the views of the Council.
- Do not use the Council's logo, or any other Council related material on a personal account or website.
- Social media must not be used for actions that would put councillors in breach of the Council's Code of conduct for members. For example, don't publish on social media something you wouldn't say face to face, or at a public meeting. Please do not post information relating to individual officers.
- Be aware of your own safety when placing information on the internet and do not publish information which could leave you or others vulnerable.

- Anyone receiving threats, abuse or harassment via their use of social media should report it to their political group leader, the Monitoring Officer and/or the police.
- It is recommended that you have separate social media profiles for your role as a Councillor or Co-opted Member and your private life.

4. Conduct

Councillors are reminded that in respect of social media, they are governed by the Code of Conduct for Councillors and other Voting Representatives. You are acting in your “official capacity” and any conduct may fall within the Code whenever you:

- Conduct business of the Authority; or
- Act as a representative of the Authority, or
- Claim to act or give the impression you are acting as a representative of the Authority;

Breaches of this policy may amount to a breach of the Council’s Code of Conduct. Other violations of this policy, such as breaching the Data Protection Act, could lead to fines being issued and possible criminal or civil action being taken against the Council or the individual(s) involved.

The Council reserves the right to request the removal of any content that is deemed to be in breach of the code of conduct for members.

5. Principles for using social media

You should follow these guiding principles for any social media activities:

Be respectful – remember you are still governed by the Code of Conduct and rules of confidentiality during online exchanges. Set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times.

Be trustworthy - make sure that you respect people's confidentiality – do not disclose non-public information from Council meetings, discussions or documents or the personal information of others.

Be credible and consistent – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.

Be honest about who you are – it's important that any accounts or profiles that you set up are clearly and easily identifiable. You are personally responsible for the content you publish on any form of social media so it's important to clarify between your professional and private life, possibly having separate accounts.

Be responsive – make an effort to share what you know. Offer insights when appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.

Think twice –Think carefully about all your social media posts. Once published it will be too late to change your mind; content is almost impossible to control and may be manipulated without your consent, screen shots may be taken of your post these used in different contexts, or further distributed.

Follow these rules and seek further guidance if you need it.

Inappropriate Use of Social Media by Others

Be aware of your own safety when placing information on the internet and do not publish information which could leave you vulnerable.

Anyone receiving threats, abuse or harassment via their use of social media should report it to the police. Other inappropriate content can be reported to the social media site directly to ask for it to be removed. You may wish to save a screenshot in the circumstances.

6. Guidance on Capturing Social Media Posts

In exceptional circumstances, copies of posts may be made and retained by the Council, in line with relevant Council procedures. These copies will be held for a period dependent on the type of investigation they are subject to.

Where inappropriate use is suspected, it is suggested that you should pro-actively attempt to capture any inappropriate posts before they might be deleted.

Copies should be made and reported to the Monitoring Officer within the Council, as well as following the social media sites own reporting procedures where appropriate.

7. Relationship with Other Council Policies

This social media policy should be read in conjunction with, :

- The Code of conduct for members
- The Data protection policy which outlines the Council's adherence to the eight principles of the Data Protection Act 1998 with regards the collection, storage and use of personal data.
- The Media 2020 Policy
- Member Safety policy

Further support and guidance can be found at <https://www.local.gov.uk/further-resources> or by contacting Democratic Services Democratic.Services@bury.gov.uk.

Members are asked to sign to show that they have received and understood the social media policy and related to guidance.

Member Signature Date.....

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