

STANDARDS COMMITTEE

TUESDAY, 16 APRIL 2024

2.00 PM, COUNCIL CHAMBER, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Colin Belsey (Chair)
Councillors Godfrey Daniel, Ian Hollidge, Johanna Howell, Philip Lunn,
Georgia Taylor and David Tutt

A G E N D A

1. Minutes of meeting held on 18 April 2023 (*Pages 3 - 4*)
2. Apologies for absence
3. Disclosures of interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct
4. Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.
5. Annual Report (*Pages 5 - 36*)
Report by the Assistant Chief Executive.
6. Any other items previously notified under agenda item 4

PHILIP BAKER
Assistant Chief Executive
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8 April 2024

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STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held at Council Chamber, County Hall, Lewes on 18 April 2023.

PRESENT Councillors Colin Belsey (Chair), David Tutt, Chris Collier, Penny di Cara, Philip Lunn, Wendy Maples and Paul Redstone

ALSO PRESENT Councillors Bob Bowdler and Colin Swansborough

1. MINUTES OF MEETING HELD ON 19 APRIL 2022

1.1 It was RESOLVED to agree as a correct record the minutes of the last meeting of the Committee held on 19 April 2022.

2. APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from Councillors Hollidge, Howell, Barry Taylor and Georgia Taylor, Webb.

2.2 It was noted that Councillor Redstone was substituting for Councillor Hollidge, Councillor Lunn was substituting for Councillor Howell, Councillor di Cara was substituting for Councillor Barry Taylor, Councillor Maples was substituting for Councillor Georgia Taylor and Councillor Collier was substituting for Councillor Webb.

3. REPORTS

3.1 A copy of the report referred to below is included in the minute book.

4. ANNUAL REPORT

4.1 The Committee considered a report by the Assistant Chief Executive that provided an update in relation to Member conduct issues and the work of the Standards Committee.

4.2 It was RESOLVED to:

1) note the report;

2) agree the report for submission to the County Council for consideration;

3) appoint Councillors Belsey, Georgia Taylor and Tutt to a Hearings Sub-Committee, and Councillor Barry Taylor as substitute; and

4) agree that no amendments were required to the Code of Conduct at this current time.

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Report to: **Standards Committee**

Date: **16 April 2024**

Title of report: **Annual Report of the Standards Committee**

By: **Assistant Chief Executive**

Purpose of report: **To provide an update on Member Conduct issues, the work of the Standards Committee and the Monitoring Officer**

RECOMMENDATIONS

The Standards Committee is recommended to:

- 1) **note the report;**
 - 2) **agree the report for submission to the County Council for consideration; and**
 - 3) **review the Code of Conduct and consider whether to propose any amendments to the Code.**
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1. Background information

1.1 The Standards Committee is required to submit an annual report to the County Council on its work during the previous year. The Committee is therefore asked to consider the draft report for submission to the County Council.

1.2 Between 1 April 2023 and 31 March 2024 two complaints were received against Members of the County Council. A complaint received in the previous year was also determined within the same period.

1.3 It is considered that the standards of conduct among Members and co-opted members of the Council remain high and maintaining good standards is taken seriously. The table below shows the number of complaints resolved by the Assessment Sub-Committee over previous years:

Year	No. of complaints received	No. of complaints resolved
2023/24	2	3
2022/23	2	2
2021/22	3	2
2020/21	0	0
2019/20	0	0
2018/19	2	2
2017/18	0	0
2016/17	1	1
2015/16	1	1
2014/15	3	3
2013/14	1	1

2. Applications for Dispensation

2.1 In limited circumstances, Members can apply in writing for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests. During 2023/24 there were no applications for dispensations.

2.2 All dispensations are entered on the register of Members' interests and remain there for the appropriate period.

3. Register of Members' Interests

3.1 The Monitoring Officer is required to establish and maintain a register of interests of Members of the Council. All Members have completed and returned their registers and are reminded every three months of the need to notify the Monitoring Officer of any changes. The registers are available for public inspection and are available on the Council's website.

3.2 During 2023/24 Members were reminded that there is provision for information considered to be sensitive not to be published on their register of interest form. Sensitive information is that which, if disclosed, could lead to the Member, or a person connected to the Member, being subject to violence or intimidation. If a Member considers that the information relating to any personal interest is sensitive, and the Monitoring Officer agrees, the register available for inspection will not include the details of that interest other than stating that the Member has an interest and that the details are withheld. Members were reminded that if they consider an interest to be sensitive, they should still declare the matter and request that it be treated as sensitive information. The fact that a Member considers the information to be sensitive is not a reason for failing to declare the interest.

3.3 A register of Gifts and Hospitality is also maintained by the Monitoring Officer. Members have to register gifts and hospitality received with an estimated value of £50 or more. Members are reminded every three months of the need to declare gifts and hospitality of such a value.

3.4 There is an ongoing requirement to keep the information on the register of interest form up to date. Members must, within 28 days of becoming aware of any new registerable personal interest or change to any registered interest, give written notification to the Monitoring Officer.

4. Code of Conduct

4.1 In April 2021, the Committee agreed to maintain the Council's Code of Conduct. The current Code works well, is understood by Members and reflects Codes of the District and Boroughs, with the exception of Rother District Council, ensuring a consistent approach with dual hatted members.

4.2 It is recommended that the Committee review the Code of Conduct again now (attached at Appendix 2) and consider whether to propose any amendments to the Code.

5 Training

5.1 Following the election on 6 May 2021, training was given to Members on the Code of Conduct including register of interests, personal interests, disclosable pecuniary interests and gifts and hospitality. Further training on the Code in relation to 'Confidentiality and the Code of Conduct' was delivered to Members in September 2022. Following the by-elections in July and August 2023 new Members undertook training on the Code of Conduct in September which included register of interests, personal interests, disclosable pecuniary interests and gifts and hospitality. The session was made available to all

Members and a number were in attendance. All Members have signed a declaration undertaking to comply with the County Council's Code of Conduct for Members. For the year 2024-25, training on the Code of Conduct will be available to Councillors which will include guidance on the use of Council resources.

6. Social Media guidance for Members

6.1 Social media is a useful communication tool which can increase access to audiences and improve the accessibility of communication. However, its use does give rise to risks and some complexities. In recent years there has been an increase across England in Code of Conduct complaints against Councillors in respect of their use of social media.

6.2 In response to these risks social media guidance has been developed to help support Members in their roles. The Governance Committee approved the newly created social media guidance at its meeting on 10 January and this is attached at Appendix 3 of the report. The guidance, whilst not changing the Code, offers advice and tips to Members on how to help ensure the public are clear on whether a Member is using social media on behalf of the Council or as a private individual. It also offers advice on how to ensure that the use of social media by Members is lawful and does not expose the council or the councillor to security risks, reputational damage or breach the current data protection legislation.

7. Conclusion

7.1 The Committee is recommended to review to note the activity of the last year, the Code of Conduct and consider whether to propose any amendments to the Code and to recommend to the County Council the Annual Report of the Standards Committee for consideration.

PHILIP BAKER
Assistant Chief Executive

Contact Officer – Georgina Seligmann, Governance and Democracy Manager (01273 823555)

Local Members: All

Background Documents: None

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Complaints considered by the Standards Committee 1 April 2023 to 31 March 2024

Reference	Date Received	Type and Date of Committee	Summary of Complaint	Outcome	Resolved
SC.002.22	10 October 2022	Assessment Sub-Committee 25 April 2022	Breach of General Principles of Code of Conduct (Paragraphs 2(a) and 2(b) and 5)	Following an independent investigation, referred to Monitoring Officer for other action (training and the development of a Social Media guidance document for Councillors).	Yes
SC.001.23	26 May 2023	Assessment Sub Committee 17 July 2023	Breach of General Principles of Code of Conduct (Paragraph 4)	No action to be taken	Yes
SC.001.24	27 February 2024		Breach of General Principles of Code of Conduct (Paragraphs 5 and 6 (a) and (b) ii)	Following the Assessment Sub Committee's approval, the complaint was withdrawn by the complainant.	Yes

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Code of Conduct for Members

On their election or co-option to the East Sussex County Council, members are required to sign an undertaking to comply with the authority's Code of Conduct.

This Code of Conduct, adopted by the authority on 20 July 2012, is set out below. It is made under Chapter 7 of the Localism Act 2011 and includes, as standing orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require members to leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.

Part 1 – General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of the authority, when acting in that capacity.

(2) This Code is based upon seven principles fundamental to public service, which are set out in **Appendix 1**. You should have regard to these principles as they will help you to comply with the Code.

(3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

(4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority's monitoring officer.

(5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding -

(a) whether to take action in relation to you and

(b) what action to take.

(6) Councillors are required to comply with any request regarding the provision of information in relation to a complaint alleging a breach of the Code of Conduct and must comply with any formal standards investigation.

(7) Councillors should not seek to misuse the standards process, for example, by making trivial or malicious allegations against another councillor for the purposes of political gain.

(8) In this Code—

“authority” means East Sussex County Council

“Code” means this Code of Conduct

“co-opted member” means a person who is not a member of the authority but who-

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member.

“register of members’ interests” means the authority's register of members' pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011.

Scope

2. —(1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3.—(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of its equality duties (in particular as set out in the Equality Act 2010);

(b) bully or harass any person; Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

(c) intimidate or improperly influence or attempt to intimidate or improperly influence any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is—
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

(b) must, when using or authorising the use by others of the resources of your authority—

- (i) act in accordance with your authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Personal interests

8. – (1) The interests described in paragraphs 8(3) and 8(5) are your personal interests and the interests in paragraph 8(5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.

(2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests-

(a) the authority may deal with the matter as mentioned in paragraph 1(5) and

(b) if the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1(4).

(3) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

CONSTITUTION – PART 5 – CODES AND PROTOCOLS

(4) In sub-paragraph (3)(b), a relevant person is—

(a) a member of your family or a close friend; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (3)(a)(i) or (ii).

(5) Subject to sub-paragraphs (6) and (7), you have a personal interest which is also a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner have an interest within the following descriptions:

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and

Securities	<p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> <p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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These descriptions on interests are subject to the following definitions;

‘body in which the relevant person has a beneficial interest’ means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

‘director’ includes a member of the committee of management of an industrial and provident society;

‘land’ includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

‘M’ means the person M referred to in section 30 of the Localism Act 2011;

‘member’ includes a co-opted member;

‘relevant authority’ means the authority of which M is a member;

‘relevant period’ means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Localism Act 2011;

‘relevant person’ means M or any other person referred to in section 30(3)(b) of the Localism Act 2011;

‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

(6) In sub-paragraph (5), your partner means—

(a) your spouse or civil partner,

(b) a person with whom you are living as husband and wife, or

(c) a person with whom you are living as if you were civil partners,

(7) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that that your partner has the interest.

Disclosure of personal interests (See also Part 3)

9. —(1) Subject to sub-paragraphs (2) to (6), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) If the personal interest is entered on the authority's register there is no requirement for you to disclose the interest to that meeting, but you should do so if you wish a disclosure to be recorded in the minutes of the meeting.

(3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(4) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest and, if also applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.

(5) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(6) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where either-

(a) the interest is a disclosable pecuniary interest as described in paragraph 8(5), or

(b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) For the purposes of sub-paragraph (1)(b), you do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Interests arising in relation to overview and scrutiny committees

11. You also have a personal interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority—

(a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held—

- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
- (ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a dispensation from your authority's monitoring officer or standards committee;

(b) you must not exercise executive functions in relation to that matter; and

(c) you must not seek improperly to influence a decision about that matter.

(2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Where you have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described 8(3)(a)(i) or 8(3)(a)(ii)(a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

Part 3 – Registration of Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by the authority; or

(b) your election or appointment to office (where that is later), register in the register of members' interests details of-

- (i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and
- (ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)

by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest falling within sub-paragraphs (1)(b)(i) or (1)(b)(ii) or any change to any personal interest registered under sub-paragraphs (1)(b)(i) or (1)(b)(ii), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in the register of members' interests.

(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Dispensations

15 - (1) The standards committee, or any sub-committee of the standards committee or the monitoring officer may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 12(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the standards committee, its sub-committee or the monitoring officer.—

(a) considers that without the dispensation the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by paragraph 12 from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Paragraph 12 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

APPENDIX 1

The Seven Principles of Public Life

The Principles of public life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

1. Holders of public office should act solely in terms of the public interest.

Integrity

2. Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

3. Holder of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

4. Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

5. Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

Honesty


6. Holders of public office should be truthful.

Leadership

7. Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Social Media Guidance for Councillors

Guidance for Members on the use of social media in a personal or professional capacity.

A decorative graphic at the bottom of the page consisting of overlapping blue waves of varying shades, creating a modern, fluid background.

January 2024
Member Services

Introduction

This guidance offers advice and tips on how to help ensure the public are clear at all times on whether you are using social media on behalf of the Council or in a personal capacity. It aims to clarify the significance of this distinction, the issues that might arise when this distinction is blurred and provide an overview of the issues it is recommended you should be mindful of when using social media.

It also aims to ensure that your use of social media is lawful and does not expose you or the council to security risks, reputational damage or breach the current data protection legislation.

This guide covers the use of social media over the internet and by email, smart phones, social networking sites, blogging, and tweeting and all social media platforms.

Social media includes (but is not limited to) social networking and applications such as Facebook, X (formerly Twitter), Instagram, TikTok, WhatsApp, Snapchat, Flickr, YouTube, LinkedIn as well as blogs, discussion forums and wikis.

Social media is useful as it increases access to audiences and improves the accessibility of communication. 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.

The Guidance applies to all Councillors of East Sussex County Council.

This Guidance should be read in conjunction with the Council's Code of Conduct for Members and the Councillors' Guide to Personal Safety.

The Code of Conduct

It is not a requirement for you to have a Facebook or Twitter account or to use other forms of social media to fulfil your roles as a Councillor. However, if you are using or planning to use social media in connection with your work as a Councillor or are already using such media in a private capacity, these guidelines will be relevant.

As a Councillor you are personally responsible for your conduct online and should always be mindful of the Code of Conduct for Members and the Nolan Principles.

‘Acting in Capacity’ as a Councillor

The Code of Conduct applies to you when you are acting in your capacity as a Councillor. It states you must comply with the Code whenever you:

- (a) conduct the business of your authority (which includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.

There is no formal description of what the role of a councillor is. However, in addition to formal local authority business it would include promoting and representing the local authority in the local community and acting as a bridge between the community and the local authority.

Acting in a private capacity

It is important to note that the Code of Conduct does not seek to regulate what members do in their purely private and personal lives. The Code of Conduct is *not* engaged where you are acting in your capacity as a private individual. You have a right to freedom of expression as an individual.

Blurred Identities

When it comes to social media, councillors can sometimes have ‘blurred identities’. The blurring of identities can occur if you were to use a social media platform to make comments not only in your role as a councillor, but also as a private individual. For example, by identifying that you are a Councillor on your private or personal profile page and by using that platform to campaign or share

Council news/developments with the public. Where there may be ambiguity therefore it may be helpful if you make clear to people in which capacity you are engaging with them.

To help further reduce the chance of confusion, you may also wish to consider the following tips when using social media:

- Keep separate accounts for professional and private matters. By having one account which incorporates both your professional and personal life, you are increasing the risk of being found as acting in your capacity as a Councillor if a complaint is made.
- If you wish to keep just one account, be clear on what the account is used for. For example, if the account is personal, you should keep it private and refrain from using Council or Councillor terminology or referring to your role as a Councillor and should not use it to discuss Council business or share images of you conducting Council business. Your conduct could be found to have engaged the Code even where your identity / position as a Councillor is not evident if you were to make comments directly about Council business. You should carefully consider the fact that damage could be done to your own reputation and that of their authority, even when it is clear that you are not conducting council business.
- While you may make a distinction on social media about what is a personal account/ content and what is a Council business account/ content that does not mean what you post on a personal account is private. Please be mindful therefore that what you post could be shared by other people in public forums or used by the media.

General Responsibilities When Using Social Media

In addition to the Code of Conduct, it is recommended that you are mindful of the following issues:

- You should take particular care to ensure that, in any comment or post you create, you do not imply that you are speaking on behalf of the Council as a whole.
- Once a post is made on social media, it is there for the world to see. Even if it is deleted this does not mean that someone has not already saved a copy of it. You should never post anything on social media that you would not be prepared to discuss in public meetings, with the local media, with your constituents, and with your friends and family. You should think carefully before engaging in activity on social media.
- You should be honest about who you are on social media and not impersonate anybody if it could lead to bringing the Council into disrepute.
- You should be mindful of your personal safety and that of your, family and others. Any information posted to social media is public. This includes pictures, profile information, friends list and comments. Individuals will be able to see your information and link you to other people, which may include vulnerable children and adults.
- You should only share accurate information from reliable sources and should be mindful of 'fake news' stories and outlets. Anonymous profiles can contribute to the spread of misinformation or fake news, as well as cyberbullying, trolling and hate crime.
- You should not use social media to divulge any confidential or exempt information which has been shared with you.
- You should keep social media accounts secure and protected by passwords. You should not allow anybody else access to any of your social media platforms.
- You should remain professional and polite when conversing with members of the public. This includes the use of private messaging, commenting on posts or replying.
- You should always consider how any comment/post made on social media could be construed. For example, posts intended to be humorous can easily

be misconstrued or misrepresented by others.

- You should be mindful of the public perception of using social media during Council meetings and consider whether it is appropriate.

Potential Legal Issues

In addition to a potential breach of the Code of Conduct, misuse of social media may give rise to other consequences. The following issues, which may lead to criminal or civil legal proceedings, may also arise:

Defamation

If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on your social media or webpages if you know about it and don't take swift action to remove it. A successful legal claim could result in the award of damages and costs against you.

The UK defamation Act 2013 has strengthened the protection for channels such as Facebook and Twitter which will encourage those that have been libelled to pursue those responsible for media posts and reposts.

A retweet from a false or defamatory tweet is also not immune from legal action. Just as the original tweeter is liable if the tweet is defamatory, so the retweeter will be liable. This can also apply if you allow someone to publish something defamatory on your website or blog.

Copyright

Placing images or text on your site / channel from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Don't publish anything you are unsure about, or make sure you obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages and costs against you.

A retweet of a tweet or a pin or a share of a photo that someone else stole (used without the photographer's permission) is also at risk of legal action – just as the original tweeter is liable, so too will the retweeter be liable to prosecution.

It can often be good to use images with your posts, but always check that you have the right to use the image as you don't want to infringe on any copyright laws. Images you search for on Google are not necessarily a free resource. You

may have to contact the photographer and ask for their permission to use it and whether you need to attribute it. Rather than copying someone else's text or image, you can place a link back to the source of the information.

Data Protection

Do not publish the personal data of individuals unless you have their express permission to do so for that purpose. Personal information in an email or personal exchange cannot be presumed to imply any consent to pass it on to others. If you place personal information on a public forum, you should expect it to be published by others.

Bias and Predetermination

If you are involved in determining planning applications or other types of decisions, then avoid publishing anything online that might suggest you don't have an open mind about the matter you may be involved in.

Pre-election period and digital imprints

Councillors can continue to use social media, for their council business but must not use council resources (such as council twitter accounts, email accounts, telephones etc.) for any activities related to election campaigning.

Councillors can of course use a personal or political group social media account for campaigning. If you chose to do so, it is important to note that when certain campaign material is published, it must contain specific details to show who is responsible for publishing it. These details are known as an 'imprint'. The imprint helps to ensure there is transparency for voters about who is campaigning.

Imprints are important for transparency in campaigning. It is therefore good practice to include an imprint on all digital material that relates to elections and referendums, even if the material does not require one by law. This can apply to social media content. To reiterate though you must not use council resources for any election campaign-related activities. The advice given here on digital imprints only relates to your use of personal or political group social media and emails.

Further Support and Training

This guidance is intended to help you use social media in a way that helps avoid legal and reputational risk and reduce the likelihood of complaints.

Should you require it, training on the use of social media is also available to all Councillors. If you have any questions about that or are unsure about any of the issues covered here, please contact Member Services via 01273 482355 or democratic.services@eastsussex.gov.uk

You may also wish to refer to the LGA's social media Checklist for Councillors which is appended at Appendix A.

Useful Links

The LGA has also produced a series of written and video guides to support councillors in using social media:

[Social media guidance for councillors | Local Government Association](#)

A short guide to publicity during the pre-election period | Local Government Association:

[A short guide to publicity during the pre-election period | Local Government Association](#)

Statutory Guidance on digital imprints

<https://www.electoralcommission.org.uk/statutory-guidance-digital-imprints>

Code of Conduct:

[The Constitution of the Council | East Sussex County Council](#)

Personal Safety for Councillors:

[Member Health and Wellbeing – ESCC Intranet](#)

LGA Checklist for Councillors

How can you most effectively use social media as a councillor?

<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

Be a person

In the words of Digital Specialist Euan Semple, "Organisations don't tweet, people do". You are likely to be more effective if your social media profile is you (with a picture of you) rather than an organisation with a logo.

Don't worry about reaching everyone in your ward

Social media will be more effective in some wards than others. University towns, urban areas with good broadband and mobile connections, and a working age population tend to work best. Wards with an older population and poor internet connectivity tend not to be so effective at reaching your ward. However don't let this stop you as connections are getting continuously improving as we move towards a higher level of digital inclusion.

Don't let it replace your traditional work

To be an effective councillor you won't stop meeting people and posting leaflets simply because you are posting online. The traditional work of a councillor still has to be done. You will know your residents best—consider which channel works best for them to connect with you, online and offline.

Think about the platform you'll use

If people in your ward are keen Facebook users then think seriously about Facebook. Twitter is popular among politicians because it's easy to use and connects people really well. Whichever one you choose, learn one at a time before even thinking of trying something else. You will know your residents better than anyone else so ask them which channel works best for them.

See how other councillors use it

Watch and learn from other councillors who are using social media. Have a chat to them. You'll very often find they will be happy to talk. Even to those from different parties.

Don't be a slogan machine

There is a really important decision to be taken over how political to be. You may have been elected on a party political ticket. But you are also a rounded human being. Social media is a chance for you to show your human side. Just posting party political content is likely to switch many people off and you may be talking only to the party faithful.

Have a conversation

Social media works best as a two-way conversation connecting people and sharing information. Good councillors do this every day face-to-face with residents—social media should be no different to this.

Don't wait for people to come to you

You've got your Facebook profile or your Twitter profile. People won't just come flocking to you. Run a search on your chosen profile for the name of your ward or an issue. Make a connection. Join a Facebook group set-up by residents. Comment on a blog, a website or a video clip.

Think about times when you won't post

From experience, many elected members say that Friday and Saturday nights are not always the best time to post overtly political messages. You won't always get the most rounded debates. Many councillors post sparingly on religious holidays.

To post in meetings or not?

Some authorities frown on posting from social media in meetings. Check the situation where you are. Residents, residents groups, journalists and bloggers are being encouraged to use social media from meetings. So adding your voice to the conversation may be a good thing as part of democracy. If you can post an update from a meeting and it doesn't hamper your role in that meeting then it's something to think about.

Don't have a row

Robust debate is fine from time-to-time and it's part of the cut and thrust of local politics. Most people can accept that. But remember how this debate is playing out to passers-by who are not interested in the detail of the issue. They are likely to be switched off. Take the row offline with a phone call or an email.

Don't be abusive

An absolute 'no no' is abusing people online. It doesn't work. It will make you look awful and is a sure-fire way to land you in trouble with your electorate, the party and the council. Be professional. Don't say anything you wouldn't be happy saying in a public meeting with the Press there.

Don't discuss case work detail

Case work can be reported to you on social media. Everything from uncollected rubbish and a cracked paving slab to concerns about child protection. As a good rule of thumb, ask residents to tell you the detail of an issue offline. Social media platforms usually have an easy-to-use way to talk one-to-one. Email and telephone can come into play too.

Pictures work

People respond really well to pictures. They don't have to be print quality. They don't have to be posed. If you are on a ward walk post some pictures. Include the people you are with if they are happy with that. Post pictures that show your human side too. That sunrise you just noticed. Your dog. Things that make you human.

Enjoy it

It's not meant to be scary. It's not meant to be hard work. Relax. Be yourself. Be a responsible elected member. Enjoy it.

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