

# **Ethical Update – March 2021**

**‘Helping to promote high standards of conduct’**

## **Welcome to the March 2021 issue of Manchester City Council’s Ethical Governance Update**

This newsletter contains details of the following:-

- Former councillor jailed for electoral offences
- Handforth Parish Council meeting.
- Members of an East Devon district council suffered a data breach when more than half had passwords made available to other Councillors
- Cyber security training
- 6 month rule
- Social Media Guidance
- Reminder: Register of Interests.

To save paper this newsletter is distributed via e-mail, if you would like a hard copy or want further information about any of the issues raised please contact the Democratic Legal Services team.

## **Former councillor jailed for electoral offences**

A former councillor at London Borough of Redbridge Council has been jailed for electoral offences and banned from holding elected office for five years. The former councillor had previously pleaded guilty to three counts of causing or permitting a false statement to appear on a nomination form and one count of conspiracy to pervert the course of justice.

The individual was sentenced in January 2021 for making false statements in candidate nomination papers, contrary to Section 65A(1A) of the Representation of the People Act 1983, and perverting the course of justice. As well as receiving a prison sentence, the individual was also ordered to pay prosecution costs and to pay compensation of around £28,000 to the Council for the by-election costs, as well as for the allowances paid to him.

The individual was reminded of Section 173 of the Representation of the People Act 1983 setting out the requirements of a person convicted of a corrupt practice in relation to his current elected post and the five year ban on holding elected office.

The details can be found at [https://news.met.police.uk/news/former-redbridge-borough-councillor-has-been-jailed-for-electoral-offences-419078?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=Subscription&utm\\_content=news](https://news.met.police.uk/news/former-redbridge-borough-councillor-has-been-jailed-for-electoral-offences-419078?utm_source=rss&utm_medium=rss&utm_campaign=Subscription&utm_content=news)

### **Handforth Parish Council meeting “descends into chaos”**

It has been reported that Cheshire East Council has received complaints regarding the conduct and behaviour of Handforth Parish Council after a meeting went viral.

Problems at the local parish council had been ongoing for some time. Cheshire East Council had previously given notice to Handforth Parish Council that multiple complaints about Handforth Parish councillors' behaviour, as well as other complaints regarding issues of governance and member/officer engagement had been received.

The official notice can be found on the Handforth Parish Council website at <https://www.handforth.org.uk/>,

Nevertheless, Handforth Council came to widespread attention following the circulation of an online extraordinary meeting of 10 December 2020 in which it was reported that some councillors' were heard to mutter swear words, laugh hysterically, shout at and insult others present before the meeting started, despite calls from one member for civility. The footage has been viewed more than a million times online and has led to national media attention.

A Cheshire East Council spokesperson said: "All matters relating to complaints to the monitoring officer about a parish council or elected member, remain confidential until all processes have been followed. The outcome of any formal investigation is published on the council's website."

In the meantime, Handforth Parish Council serves as an example of what can happen when meetings get out of hand and the risks of bringing the office of Councillor or the Council into disrepute.

## **East Devon District Council suffered a data breach when more than half of councillors had passwords made available to other councillors**

A data breach in November 2020 affected more than half of the Council's 60 members. It is understood that the Council's IT provider added Airwatch and Microsoft 365 passwords to individual councillors' profiles which could be briefly accessed by other councillors. This represented a clear risk in terms of information security and data protection compliance. Swift action was taken to rectify the breach with councillors' required to reset their passwords.

Where password data is compromised, data within the affected account, including emails could potentially be accessed by others. Any compromised data could include sensitive, confidential information such as electoral registration data, criminal offence data such as probation reports, and special category data such as medical information and political opinions.

It is understood that following an investigation by the Council and its IT provider, the likelihood of councillor passwords and other information being compromised by other councillors' appeared to be very low on this occasion.

The Information Commissioner's Office had also been made aware of the breach and, after their investigation, provided recommendations and closed the matter. The Council noted that the incident had served as a wake up call for more regular reviews of security procedures, including independent audits.

This serves as a reminder about the importance of information security. If you believe that your account or any other member or officer's account has been compromised, please raise your concerns with Member Services or ICT.

## **Cyber security training**

Cyber Security e-learning was rolled out to all members in January 2021. The ICT Cyber Security team have compiled a bespoke training package designed to support councillors in their roles but also to provide knowledge and principles that can be applied more widely to prevent becoming a victim of a Cyber-attack. All members are recommended to complete the training as soon as possible, as such training is considered an important element in helping to protect the Council and individuals against the very real and evolving risk of a Cyber-attack.

Members will have received an invite to the training from the MCC compliance team and further information from Members Services. If you have any difficulties accessing the training, please contact Members Services.

## **Disqualification of Councillors under the 6 month rule- a reminder.**

A reminder to all members that section 85 of the Local Government Act 1972 states that if a member of a local authority fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall cease to be a member of the authority. The only exception is if their non-attendance has been approved by the authority before the expiry of the six month period.

Attendance can be at any committee or sub- committee, joint committee, joint board or other body where the functions of the Council are discharged, or appointments to advise the Council on any matter relating to the discharge of their functions and can be by attendance at remote meetings..

Once any member loses office, through failure to attend in a six month period, the disqualification cannot be overturned by subsequently resuming attendance. Retrospective approval of the Council cannot be given for any extension of time requested.

Lawyers in Local Government has said it was aware of a handful of cases where councillors had been disqualified for non-attendance under s85 of the Local Government Act 1972.

## **Social Media guidance**

The Council's social media guidance is provided to assist members when using social media. Members are bound by the Council's Code of Conduct for Members when using social media to conduct council business or to represent the Council, and should be aware that they may be open to allegations that their actions have breached the code if giving the impression when using social media that they are acting in an official capacity.

Although social media is a useful communication tool, there are risks with identities, or perceptions, becoming "blurred" between your own personal opinion in a private capacity, whether you are speaking as a member of the Council or as a member of your political party. Such "blurred identities" may have implications on whether your views have breached the Council's Code of Conduct for Members and associated legislation. It is therefore important for you to make sure that your social media accounts and profiles are as clear as possible as to whether you are speaking in your private capacity, as a Member of the Council, or as a member of your political party.

The Council's social media guidance for members is appended to this newsletter.

## **Register of Interests- keeping it up to date**

Members ordinarily complete their register within the 28 day period of being elected.

However, members are reminded that this is a live document and therefore needs to be reviewed regularly to ensure it is up to date. Failure to keep your register of interests up to date could lead to a complaint being received that it is not accurate and also misleading.

If any member is unsure if something should be registered then please contact the Democratic Services Legal Team via [DemServ@manchester.gov.uk](mailto:DemServ@manchester.gov.uk), or 0161 234 3336.

To update your register please contact the Governance and Scrutiny Support team on 0161 234 3034.