

**REPORT TO THE MEETING OF THE EXECUTIVE 4 DECEMBER 2013**

**PORTFOLIO: SERVICE DEVELOPMENT, IMPROVEMENT AND PERFORMANCE MANAGEMENT**

**REPORT FROM THE CHIEF EXECUTIVE**

**SUBJECT: SOCIAL MEDIA POLICY**

**1 DECISION BEING RECOMMENDED**

- 1.1 That, subject to any comments by the Executive, the Social Media Policy be recommended to Full Council for approval, along with the Member Guidance Note.

**2 REASON/S FOR RECOMMENDATION**

- 2.1 Social media can be an effective way to communicate with residents and it offers considerable potential for elected Members in terms of engaging with the people they represent. However, as well as offering tremendous opportunities, usage can have its pitfalls.
- 2.2 Whenever you post something on social media it becomes a publication. It is in the public domain and, as such, is subject to both the Member Code of Conduct and various legislation. The attached Policy, at Appendix 1, and the Guidance note providing responses to Frequently Asked Questions at Appendix 2, aim to provide a framework for the Council as a whole and Members in respect of issues such as standards, libel, data protection, bias and pre-determination.
- 2.3 By following the policy and using the guidance outlined, Members will ensure that they stay compliant with the Code and are mindful of legislative parameters.
- 2.4 The Portfolio Holder for Service Development, Improvement and Performance Management issued the draft Policy and Guidance Note to all Members for comment by 1 November 2013. Two Members responded, Cllr J R F Mason and Cllr S P Smith, and amendments have been made as appropriate.
- 2.5 The report was considered at the last meeting of the Executive in December and in the light of the comments received, both appendices have been amended to reflect Members' observations on the night.

**3 ALTERNATIVE OPTIONS CONSIDERED**

- 3.1 The Council could decide not to approve a Social Media Policy and Guidance Note for Members. However, that could expose Members to increased risks under both the Member Code and various legislation.

**4 RISK IMPLICATIONS**

- 4.1 Having a Social Media Policy and Guidance Note should assist in minimising the likelihood of reputational risks to both the Council and individual Members.

**5 RESOURCE IMPLICATIONS**

- 5.1 The approval of the Policy and Guidance Note has no resource implications as such, other than officer and Member time in terms of its drafting and review.

I confirm that the above recommendation does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.

SMT Lead Officer Signature: \_\_\_\_\_

**Chief Executive**

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**Background Papers:-**

None.

For further information please contact Amar Dave (Chief Executive) on:-

Phone: 01702 318199

Email: amar.dave@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.



## Social Media Policy

### 1 Definitions

“Social Media” – for the purposes of this Policy, Social Media includes websites such as Facebook, Twitter, LinkedIn, Youtube, GooglePlus, Yammer and Pinterest as well as all online public blogs.

“Personal Blog” – for the purposes of this Policy, a Personal Blog includes any blog that is the sole or joint responsibility of a Councillor i.e. it is owned, managed or maintained by a Councillor. This includes a Councillor’s blog hosted by a third party website e.g. a blog on Wordpress or Blogger.

“Media Devices” – includes mobile phones, tablets, cameras and any other device capable of recording sound and image. For the purposes of this Policy, this definition will extend to both personally owned Media Devices as well as any Media Devices provided to a Councillor by the Council.

“Members of the Public” – any person who is not a Member of the Council or officer taking part in the Council meeting. This includes journalists.

### 2 Purpose

Social Media and Personal Blogs are effective methods for Councillors to interact with residents and support local democracy. Used effectively, they can engage those who would not normally have access to local politics. However, it is not always clear whether such activities are covered by the Member Code of Conduct. The main purpose of this Policy is to protect the Council and Councillors with particular regard to issues such as standards, libel, copyright, data protection, bias and pre-determination as well as encouraging good manners online and in Council meetings.

Please note that Information Technology security implications are not covered by this Policy, however, they can be found in the Council’s Information Technology Security Policy.

Please note that issues relating to filming, videoing, photography and audio recording by Councillors are not covered by this Policy, the Council is currently developing separate guidance on this.

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3      **Use of Social Media by Councillors outside of Council meetings**

- a. Councillors are required to act in accordance with the Member Code of Conduct whilst conducting the business of the Council or acting, claiming to act or giving the impression they are acting as a representative of the Council.
- b. Councillors should be aware that anything they publish on a Social Media website can be accessed by anybody with an internet connection and, once it has been posted, it will be a permanent online record.
- c. A common sense approach should be adopted by all Councillors. When using Social Media, Councillors should:-
  - (i) Have particular regard to Section 3 of the Member Code of Conduct and ensure that, even when online, they treat others with respect and conduct themselves in a manner that will not bring the Council into disrepute.
  - (ii) Think before they publish – even if a post is deleted hastily it will probably have been read several times and may have been indexed and duplicated online beyond reach.
  - (iii) Be aware of their blurred personality online. Even if posting online in a personal capacity it is likely that they will be seen as acting as a representative of the Council.
  - (iv) Consider whether there are appropriate privacy settings in place for their Social Media accounts.
  - (v) When setting up a Social Media account, consider posting a short statement disclosing their identity as a Councillor and the political party they represent.
  - (vi) Be aware that, by publishing information obtained from their position as Councillor, they will be seen as acting as a representative of the Council.
  - (vii) Be aware of irony – few writers are able to communicate sarcasm or irony through short online messages. Even if the intention was clear, the message may be misconstrued.
  - (viii) Not be drawn into an online argument with someone clearly trying to provoke them. Simply do not respond. If the content may be considered defamatory or illegal, a Councillor should consider reporting the post to the Social Media site administrators.

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- (ix) Be careful if publishing information regarding a forthcoming or on-going matter/hearing yet to be determined (e.g. a licensing or planning matter). Any indication of bias or pre-determination could result in the decision becoming void.
  - (x) Be aware that sharing someone else's post, e.g. 're-tweeting' on Twitter or sharing on Facebook, may be interpreted as the Councillor agreeing or supporting its content.
  - (xi) Be aware that stating that the views posted or shared on a Social Media website are not their own, will not necessarily exonerate them from potential disciplinary action or legal implications.
  - (xii) Be particularly aware of their online presence during election periods. Councillors should note that legislation relating to electoral periods (e.g. the Representation of the People Act 1983) will also apply to the online publication of electoral material/statements relating to the election.
- d. A failure to comply with Section 3 of this Policy may void any on-going decision and/or be subject to an Ombudsman complaint and an offending Councillor may be subject to a standards complaint or personal liability.

#### 4 **Councillor's use of Personal Blogs**

- a. Councillors will be personally responsible for their Personal Blogs. The Council has no responsibility for the Councillor's Personal Blog content or maintenance.
- b. If Councillors are using a third party website to host their Personal Blog they should familiarise themselves with the website's terms of service. Most blogging websites will make the content the responsibility of its owner. Additionally, most will also have a reporting and takedown procedure to flag up any potential issues with site administrators.
- c. If a Councillor is exclusively in charge of a Personal Blog (i.e. it is not hosted by a third party blogging site) they should consider producing their own terms of use in order to reduce liability and establish procedures to deal with potential breaches.
- d. Councillors need to be aware that they may be held personally liable for copyright and trade mark breaches, defamation, contempt of court and privacy infringements on their Personal Blogs. This may be the case even if a Councillor does not produce the offending content. A Councillor with a Personal Blog will have a legal duty to take reasonable care when dealing with the Personal Blog content.

- e. Councillors should actively try to monitor their Personal Blogs to ensure that any breach or infringement is dealt with quickly and expediently. In addition, it may be worth directing blog readers/contributors to an email or contact in order for users to flag up potential legal risks quickly to the Councillor or to the site administrators.
- f. Where a Councillor is responsible for a Personal Blog which stores or holds personal information (e.g. email addresses), they should be aware that they may need to register with the Information Commissioner's Office under Data Protection legislation.
- g. The guidance in Section 3 of this Policy will also apply to Personal Blogs.

**5 Councillor's use of Media Devices during Council meetings**

- a. This Policy applies to all the meetings of the Council, The Executive, all Committee and Sub-Committee meetings and hearings held under the auspices of the Council, at which Members are present.
- b. Media Devices can be used during meetings to access meeting papers and relevant background material associated with the meeting and for no other purposes. It is important to convey to others, particularly Members of the Public, where present, that Councillors are fully engaged in the debate and the decision making process and the use of media devices is to facilitate that purpose.
- c. The use of Social Media is not permitted during meetings, as it may distract from proceedings or demonstrate pre-determination or bias or give the impression of doing so.
- d. If a Councillor does need to take or make an urgent phone call, text or email during a meeting they must leave the room quietly, returning to their seat at an appropriate juncture of the meeting. They must not distract proceedings and need to remember that any phone call made or text or email sent must not show any indication of bias or pre-determination. This is particularly important relating to planning, licensing and regulatory matters.
- e. The Chairman of a meeting may ask a Councillor who disregards any part of Section 5 of this Policy to refrain from using the Media Device and, where appropriate, to leave the meeting.
- f. Councillors are reminded that publishing information regarding a forthcoming or on-going decision (e.g. a licensing or planning matter) may void that decision and/or be subject to an Ombudsman complaint. Similarly, there may be matters of a private or confidential nature which should not be published. A failure to comply with any of Section 5 of this

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Policy may result in the Councillor being made subject to a standards complaint or personal liability or the decision being subject to challenge.

**6      Members of the Public's use of Media Devices during Council meetings**

- a. Members of the Public should conduct themselves in a way that does not disrupt or distract the course of the meeting.
- b. Members of the Public are permitted to text, email or use Social Media discreetly during Council meetings provided this does not disturb the meeting. In certain regulatory hearings the use of media devices will be restricted as this could prejudice a fair process.
- c. Filming and photography is only permissible with the prior consent of the Chairman of a Council meeting and where this can be carried out without disturbing or distracting the course of the meeting.
- d. If a Member of the Public needs to take or make an urgent phone call during the meeting they should leave the room quietly and return to their seat at an appropriate juncture of the meeting.
- e. The Chairman of a Council meeting may ask a Member of the Public who disregards Section 6 of this Policy to refrain from using the Media Device and where appropriate to leave the meeting

**7      Monitoring and Review of this Policy**

- a. This Policy is to be reviewed every year by the Council's People and Policy Unit and the Senior Corporate Communications Officer in consultation with the Head of Legal, Estates & Member Services.
- b. Date of next review [                      ]
- c. Last reviewed [                      ]

**Social Media Policy - Real-life application for Councillors**

**During meetings**

**Are there different rules for different types of Council meetings?**

No

The policy applies to all meetings held under the auspices of the Council involving members either in public or private session or a mixture of both.

**Can I take/make phone calls, texts or emails during a Council meeting?**

Only as a matter of urgency. If you have to take or make an urgent phone call, text or email during a Council meeting, out of politeness and common courtesy, you need to leave the room quietly and return only at an appropriate juncture in the meeting, such as when someone has finished speaking (see 5(d)). In any phone conversation, text message or email sent, please remember the rules around bias and pre-determination

**I want to access background information/meeting notes on my Media Device during a Council meeting. Can I do this?**

Yes. Media Devices may be used in meetings for the purposes of accessing meeting notes or relevant background information (see 5(b)). However, Councillors should remain fully engaged with proceedings and must not distract other members of the committee in doing so (see 5(c)).

**Can members of the public/journalists use Social Media during a Council meeting?**

As members of the public and journalists are not directly involved in the decision making, they may use Social Media providing they are not distracting anyone else in doing so (see 6(b))

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**Outside of meetings**

**Can I comment/respond to questions posted on my Social Media page regarding a general local issue?**

By all means. The purpose of the Social Media Policy is not to restrict the use of Social Media; it is a guidance tool to make Councillors aware of the potential risks. Social Media is an excellent method for Councillors to interact with members of the public and should be encouraged (see 2).



**Can I comment/respond to questions posted on my Social Media page regarding an upcoming licensing hearing or homelessness appeal?**

Councillors can take a view and express concerns, however, Councillors must not be seen to show bias or pre-determination. In this type of hearing/appeal Councillors are required to remain impartial and listen to all the facts before coming to a decision. Evidence (even online) of bias or pre-determination could void the decision or leave it open to review (see 3(c)(ix)).

**Somebody comments on my Social Media page with comments that I find insulting and/or confrontational. How should I respond?**

If at all possible, don't respond at all (see 3(c)(viii)). Internet 'trolls' are people who often try to 'wind-up' public figures on purpose. A 'don't feed the trolls' policy should almost always be adopted.

If it is clear that the person is a serious and concerned member of the public then a reply may be appropriate (use common sense). However, be aware that you remain a representative of the Council online and you should not do or say anything that you wouldn't do face-to-face or in a letter (see 3(c)(i) and (ii)).

If the post is potentially defamatory or illegal then it should be reported to the site administrators.

**I discover information that is incidental to my role as Councillor (e.g. I am approached by a developer regarding a potential local development). Can I disclose this information on my Social Media page?**

Technically yes, however, extreme care should be taken in doing so. Firstly, you should be aware that by posting information gleaned by way of your position as Councillor, you will be seen as acting in as representative of the Council (even on a personal account) (see 3(c)(iii) and (vi)). In addition, you should be aware that publishing anything regarding a forthcoming or on-going decision could be seen as pre-determination or bias and so great care should be taken (see 3(c)(ix)).

**I notice that somebody has posted a racially aggravated comment on my Personal Blog what can I do? Can I be held liable?**

As soon as you become aware of the comment you should inform the site administrator. If you are exclusively in charge of the site you should consider reporting the comment to the police, maintain evidence and then ensure that the post is taken down (see 4(c)). Providing a Councillor takes reasonable

care i.e. reporting the offence quickly and expediently, then they are highly unlikely to be held liable for others breaches (see 4d).

**I publish a post on my Personal Blog regarding an upcoming licensing hearing that I will be making a decision on. As this is my Personal Blog do the rules for pre-determination and bias still apply to me?**

Yes they will. The guidance provided in Section 3 of the Policy also extends to Personal Blogs (see 4g). Therefore, Councillors should not publish information regarding an on-going or forthcoming licensing hearing as it may void the decision or leave it open to review (see 3(c)(ix)).

**Do any special rules apply to Social Media and Personal Blogs during a local election?**

During election period Councillors should be particularly aware that legislation relating to electoral matters will apply to the online publication of electoral material/statements relating to the election (see 3(c)(xii)). For example, if you were to publish a statement on your Personal Blog regarding an opposition candidate's conduct, the Representation of the People Act 1983 may apply. Under this act it is a criminal offence to make or publish a false statement of fact about the personal character or conduct of an election candidate.

### **General**

**What happens if I breach the Social Media Policy?**

It really depends on the nature of the breach. However, the punishment for a serious breach could be a standards complaint or perhaps even personal liability (see 3(d), 4(d), 5(g),).