

## REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

### 1 REPORT OF THE EXECUTIVE

- 1.1 This item of business was referred by the Executive on 5 February 2014 to Full Council with a recommendation related to a Social Media Policy. An extract of the key elements of the report of the Chief Executive to the Executive is attached at Appendix A.
- 1.2 It is proposed that Council **RESOLVES** that the Social Media Policy and associated Member Guidance Note be agreed. (CE)

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**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.



## 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.

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.

- (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

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 [            ]