

AGENDA

STANDARDS COMMITTEE MEETING

Date: Wednesday, 1 February 2023

Time: 7.00 pm

Venue: Virtually via Microsoft Teams*

Membership:

Councillors Lloyd Bowen, Roger Clark, Nicholas Hampshire, Ken Ingleton, Elliott Jayes, Denise Knights, Hannah Perkin (Chair), Ken Rowles, Bill Tatton, Ghlin Whelan and Corrie Woodford.

Quorum = 3

Independent Person (non-voting): Mrs Patricia Richards and Christopher Webb.

Kent Association of Local Councils representatives (non-voting): Mr Graham Addicott OBE.

PAGES

Information about this meeting

Members of the press and public can listen to this meeting live. Details of how to join the meeting will be added to the website by 31st January 2023..

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Visitors and members of the public who are unfamiliar with the building and procedures are advised that:

- (a) The fire alarm is a continuous loud ringing. In the event that a fire drill is planned during the meeting, the Chair will advise of this.
- (b) Exit routes from the chamber are located on each side of the room, one directly to a fire escape, the other to the stairs opposite the lifts.
- (c) In the event of the alarm sounding, leave the building via the nearest safe exit and gather at the assembly point on the far side of the car park. Do not leave the assembly point or re-enter the building until advised to do so. Do not use the lifts.
- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPis) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

4. Minutes

To approve the [Minutes](#) of the meeting held on 27 September 2022 (Minute Nos. 326 -330) as a correct record.

5. Social Media Policy

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6. Verbal Update - Member Officer Protocol

Issued on Tuesday, 24 January 2023

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about this Standards Committee, please visit www.swale.gov.uk

**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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Standards Committee	
Meeting Date	1 February 2023
Report Title	Social Media Policy
EMT Lead	Larissa Reed – Chief Executive
Head of Service	David Clifford – Head of Policy Governance and Customer Services
Lead Officer	Larissa Reed – Chief Executive
Classification	Open.
Recommendations	1. To propose the adoption of the Social Media Policy to Full Council

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the social media policy for councillors, which is to be considered at Full Council

2 Background

- 2.1 Social Media is a part of modern life. It can be used to disseminate information to a wider audience and it can enable councillors to link more closely with communities.
- 2.2 Social Media can also cause significant levels of distress and anxiety for users if it is used in a way which intends to cause harm.
- 2.3 Although, the council supports the use of social media, it was agreed by group leaders that it was important that policy guidelines were produced to assist members in understanding the legal obligations of a councillor when using social media, but also where and how to access help if they are victim to on line bullying

3. The proposal

- 3.1 A draft social media Policy can be found at appendix A

4 Other options considered and rejected by officers

- 4.1 Not to have social media policy – this was rejected as the policy will assist elected councillors in using social media safely

5 Consultation Undertaken or Proposed

- 5.1 The policy was developed following two Group Leader workshops which included all Group Leaders. The Policy was then considered by the constitutional working group.

5 Implications

Issue	Implications
Corporate Plan	Renewing local democracy and making the council fit for the future. Social Media has the ability to reinvigorate democracy by increasing the reach of councillors and enabling more people to share views at a time that suits them
Financial, Resource and Property	There are no financial implications to this property
Legal, Statutory and Procurement	The Nolan Principles of openness, accountability and leadership are the bedrock of this policy. In addition, the legal requirements around social media are set out in this policy. This is to protect the council and also councillors.
Crime and Disorder	On line hate is a growing problem. This policy gives some good practice on how to operate on social media to reduce crime and disorder issues
Environment and Climate/Ecological Emergency	The are no environmental, climate or ecological emergency issues
Health and Wellbeing	The mental and physical health and well being of councillors is paramount. There is evidence increased levels of mental ill health caused by online bullying. The council has a duty of care to councillors and this policy sets out how councillors can protect their well and wellbeing when using social media.
Safeguarding of Children, Young People and Vulnerable Adults	It is essential that councillors understand the impact of social media on vulnerable adults and young people. This policy should be read in conjunction with the councils safeguarding policies
Risk Management and Health and Safety	The effects of poor use of social media is a health and safety issues and all members using social media must consider their health and safety – both physical and mental.

Equality and Diversity	There are no specific Equality and Diversity issues with this policy other than it is unlawful to discriminate against people on social media.
Privacy and Data Protection	The policy sets out that members must not publish personal data of other people, including photographs, without their express permission to do so;

6 Appendices

6.1 Appendix A – Swale Councillors Social Media Policy

7 Background Papers

7.1 None

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Social Media Policy for Councillors

Section 1 – Introduction

1. Social media is a term used for online tools, websites and interactive media that enables users to interact with each other by sharing information, opinions, knowledge, and interests. This policy covers what is social media, the issues over using social media and Councillors' responsibilities to protect themselves and others where possible. This policy links to the Councillor Code of Conduct.
2. Social media can be useful as it increases access to audiences and improves the accessibility of communication. It enables an active relationship with residents, partners and stakeholders whilst encouraging people to be involved in local decision making and enabling better engagement and feedback. This ultimately helps to improve the services we provide. Social media can be very useful in the Council getting feedback on proposals and communicating information about what we are doing. 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.
3. For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, Instagram, Flickr, YouTube, LinkedIn, blogs, discussion forums, wikis, Tiktok and any sites which may emerge after the creation of this policy where Swale Borough Council could be represented via online participation.
4. This policy applies to Councillors. It gives guidelines on how to use social media, sets out how to effectively manage social media usage and indicates how any risks or pitfalls can be minimised or mitigated by users. The following risks can be identified with social media usage (this list is not exhaustive):
 - Virus or other malware infection from infected sites.
 - Disclosure of confidential information.
 - Damage to the Council's reputation.
 - Social engineering attacks (known as 'phishing').
 - Bullying or "trolling"
 - Civil or criminal action relating to breaches of legislation.

- Breach of safeguarding using images or personal detail leading to the exploitation of vulnerable individuals.
- Breach of the code of conduct for members through inappropriate use.

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

As such this policy aims to ensure:

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

5. The Council welcomes and wishes to encourage Councillors' use of new technology, including social media. It is not a requirement for Councillors to have a Facebook or Twitter account or use other forms of social media. If Councillors are already using or planning to use social media in connection with their work as a Councillor, they should ensure that they are familiar with this policy. Councillors must ensure their use of social media does not involve the use of Council resources for party political purposes or put the organisation's information and security systems at risk.
6. Most people are familiar with doing things online and residents will increasingly expect the Council to provide its services online, with the same level of interactivity that they find everywhere else. However, there are challenges that may discourage Councillors and the Council from using social media. For example, inappropriate use (which may occur inadvertently) can cause significant damage to a Councillor's (or the Council's) reputation and can lead to legal claims. In addition, technology is changing fast. This can mean that it is hard to keep up and maintain useful interaction with residents.

Section 2 – Legal Considerations

7. Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a helpful tool for public debate.
8. In the same way as anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. Some of the main ones are these:
 - a. **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you;
 - b. **Defamation:** if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages;
 - c. **Harassment:** it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;
 - d. **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so;
 - e. **Incitement:** it is an offence to incite any criminal act;
 - f. **Discrimination and ‘protected characteristics’:** it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);
 - g. **Malicious and obscene communications:** it is an offence to send malicious or obscene communications.
9. Likewise, inappropriate and offensive material should not be published. This includes revealing confidential or commercially sensitive information belonging to the Council, personal or confidential information about an individual, publishing something that could reasonably be considered insulting or threatening and something that promotes illegal activity or is intended to deceive.
10. Additional considerations apply to Councillors.

Bias and pre-determination

11. Members sitting on regulatory committees such as planning or licensing should be aware that they are allowed to have a view but must not have gone so far as to have

predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated.

Equality and discrimination

12. Swale Borough Council is a public authority required to comply with the Equalities Act 2010. It is an offence to discriminate against anyone based on their protected characteristics. The Council must also have 'due regard' to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

Electioneering

13. Council resources, including the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre- election period. The Electoral Commission has further guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

Human Rights

14. Article 8 of the European Convention sets out that public authorities (Swale Borough Council is a public authority) should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of one of the aims set out in Article 8(2). (These are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights).

Code of Conduct

15. Councillors may use social media in both an official and personal capacity, but they must be aware that the public may perceive them as acting in either capacity when that is not their intention. Any social media account which could be potentially linked to a Councillor would need to meet the standards of the code of conduct. Any social media use on a Council device (irrespective of whether it is used for a personal account, will be deemed to have been used in an official capacity).

Section 3 – Responsibilities of Councillors

16. Whilst Councillors cannot be held responsible for what other people say on their site, Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others. Allowing defamatory, untrue or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material and could also give rise to Code of conduct issues where allowing comments to remain could be seen as condoning or endorsing them.
17. Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code of conduct considerations may apply.
18. Councillors have the right to freedom of speech, and it is entirely reasonable for Councillors to allow disagreement rather than to seek to censor it. However, Councillors do not need to respond to everything, and unhelpful online arguments should be avoided. Councillors posting in an official capacity should be professional, respectful, and polite.
19. Careful use of language is required. When using sarcasm, irony and ambiguous comments, Councillors should consider how the reader may take them and whether this brings the Councillor or Council into disrepute.
20. It is accepted that mistakes happen, however when working in a professional (Councillor) capacity, Councillors should always promptly admit to mistakes, and where they have been shared or liked – ensure that it is clear there was an error.
21. Councillors have a responsibility to think carefully about who to 'follow' or 'befriend' online. Online 'friendships' with Council officers should be avoided as they may compromise the appearance of impartial advice. It is inadvisable to 'follow' anyone without a good reason – some constituents may find it uncomfortable (and see the Human Rights comments above). Many Councillors wait to be 'followed' before returning the compliment.
22. Councillors must always ensure the security of their devices to prevent unauthorised

access by third parties who may make inappropriate use of the device.

Section 4 – Principles for using Social Media

Councillors should follow these five guiding principles for any social media activities when acting in a professional capacity:

23. **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people’s confidentiality – do not disclose non-public information or the personal information of others.

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

25. **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Councillors must be clear about their own personal role, in particular a clear distinction should be drawn between use of an account in a personal capacity and use in a capacity as a Councillor. Merely stating a Councillor is acting in a private capacity may not be sufficient.

26. **Think twice** – Councillors should think carefully about all social media posts. Once published it will be too late to change.

27. **Safety First** – Councillors should consider their safety when posting messages on Social Media. Councillors should take care if they are posting details of where they may be at a specific time or advising the public when their house will be empty. More information and personal safety advice can be found at <https://www.suzylamplugh.org/Pages/Category/personal-safety-advice>

Section 5 – Use of Social Media during Committee Meetings

28. Social Media can be used during meetings, however Councillors should be aware of the impression they are giving to others. Councillors should be mindful that regulatory committees such as planning or licensing require the Councillor to alert officers to any lobbying material they have received and if this arrives during a meeting and the

Councillor reads it, they must declare it.

29. Mobile devices enable Councillors to manage their busy lives when time is at a premium. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes) however it is important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. That could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code complaints of a failure to treat others with respect or of bringing the Council into disrepute.

Section 6- Inappropriate use of Social Media by Others

30. Anyone receiving threats, abuse or harassment via their use of social media should report it to the police.

31. Other inappropriate content can be reported to the social media site directly to ask for it to be removed. You may wish to save a screenshot in the circumstances.

32. The Council has a duty of care to all Councillors and will work with the appropriate authorities to ensure the safety of all Councillors.

33. If Councillors are worried about postings on their Social Media, they should contact the Monitoring Officer or the Chief Executive as soon as it is safe to do so.

Section 7 – Complaints

34. This policy does not form part of the Code of Conduct for Members but should be read alongside it. There may be instances where Councillors' use of social media amounts to a breach of the Code of Conduct and the Monitoring Officer may take this policy into account when considering whether such a breach has taken place.

35. The Standards Regime is not sophisticated enough to deal with many of the complaints arising from social media use, however the Council will provide independent mediation where the complaint arises as result of complaints being made by a Councillor about a Councillor. It will be essential that both Councillors

agree to the process.