

## 4.4 Communications and Media Issues

### 4.4.1 Distinction between Council and Party/Group Communications

All the Council's communications are guided by the [code of recommended practice on local authority publicity](#), published by the Ministry of Housing, Communities and Local Government. Publicity is defined as 'any communication, in whatever form, addressed to the public at large or to a section of the public'.

Local authorities are required to have regard to the underpinning principles of the codes of recommended practice, which require that publicity must:

- Be lawful.
- Be cost effective.
- Be objective.
- Be even-handed.
- Be appropriate.
- Have regard to equality and diversity.
- Be issued with care during periods of heightened sensitivity (pre-election period).

It is important to differentiate between Council publicity and party publicity.

Under the Local Government Act 1986, local authorities may not publish material which appears to be designed to affect public support for a political party. This will be decided on the content and style of the materials, the timing and circumstances of the publication, and the likely effect on those to whom it is directed.

There are times when it is clear that as a Councillor you are speaking on behalf of the authority, are authorised to do so, and are commenting on approved Council policies and practices. On these occasions, always involve the communications team. Outside of the legally defined pre-election period, it is generally acceptable for the authority to publicise work done by individual Members and to present their views on local issues.

However, there will be times when you will be speaking as an individual or on behalf of your political party. In these circumstances any publicity should only be issued by or on behalf of the political party, and you should only use a personal or party email address or letterhead, not a swale.gov.uk email or council letterhead.

It is difficult for a Member to speak directly to the press without being perceived as speaking for the authority unless it is made clear that the Member is speaking as an individual or through party publicity/documents, etc. Where a Member wishes to

make a party political statement, any media release or interview must make it clear that they are issued by the individual/party.

**It is a legal requirement that Members ensure that where such releases are made they come from their personal/group/party e-mail address, and/or be on individual or party/group letterhead.**

Ensuring that the communications team is involved whenever you plan to talk to or issue documents to the press helps to ensure that council communication is consistent and in accordance with agreed policy decisions, and that information is presented in a non-party-political way.

This protects you by ensuring you are supported to:

- Avoid any breach of the rules on party political publicity.
- Avoid speaking out and potentially binding the council to a course of action which has not been properly agreed.
- Be aware of potential traps that may be around the corner in relation to particular issues.
- Take professional advice in dealing with the media through press releases and other engagement.

Separate guidance will continue to be issued to all Members about pre-election periods. If you have any questions please contact the communications team.

#### **4.4.2 Social media issues**

Social media is a great way for engaging with residents, with platforms like Facebook, Twitter and Instagram being used daily by thousands of people across the borough. However, using them is not without risk, and councillors need to be mindful of the potential pitfalls of using them.

**You are personally responsible for what you publish on social media, including when you share content produced by another user.**

It is important that you think before you publish, as even if you delete a hastily fired-off post, it will probably already have been read and will be indexed or duplicated in places beyond your reach.

The council's social media policy contains more information about what is expected of members and officers using social media. Some of the points of most relevance to councillors are summarised below. In the main, councillors have the same legal

duties online as anyone else, but failures to comply with the law may have more serious consequences.

### ***Libel***

If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it. A successful libel claim against you will usually result in an award of financial damages against you.

### ***Data Protection***

You must avoid publishing personal information about individuals unless you have their express written permission to publish each item of information.

### ***Bias and pre-determination***

Members of quasi-judicial committees should avoid publishing anything that might suggest you don't have an open mind about a matter you may be involved in determining. There are some options for dealing with situations where you have strong views about a matter and want to be able to publish those views, but it is best to discuss these with the monitoring officer before taking any action.

### ***The code of conduct***

Whether councillors are acting in that capacity or in a personal capacity is not always clear, but there are often tighter legal restrictions on what you can do as a councillor than as a private citizen. This can be problematic when councillors have social media accounts where they comment both as a councillor and as an individual, for example a Facebook account where you've posted about a great night out (personal) and another time explained the council position on pothole repair (councillor). It may be clear in your own mind whether you are posting in a private capacity or as a councillor, but it could be less clear to others, or indeed in law.

While this question is more about judgment than hard-and-fast rules, it is worth assuming that **any online activity can be linked to your official role**. Unless you've gone to significant effort to keep an online persona completely separate from your councillor identity, you are unlikely to be able to claim that you were acting in a completely private capacity.

This can be problematic, because people posting to the web in a capacity as a councillor can be held to higher standards than private citizens. With this in mind, you need to be aware that how you use your online identity will also determine how

online content will be treated in respect of the members' code of conduct. Councillors are expected to communicate politically, and it is accepted that this sometimes includes an element of 'trading blows' – but this only really applies when you are communicating politically with other councillors, not with constituents.

Aspects of the members' code of conduct will apply to your online activity in the same way it does to other written or verbal communication you undertake. Members should comply with the general principles of the code in what they publish and what they allow others to publish. You will need to be particularly aware of the provisions on treating others with respect, avoiding personal attacks, avoiding disrespectful, rude or offensive comments, and avoiding using discriminatory language or hate speech.

### ***Bringing the council into disrepute***

Councillors should be aware and recognise that there is a risk of damage being caused to the council by their personal use of social media when they can be identified as an elected councillor. You should:

- Expressly state (through a prominent disclaimer) on any profile or content that identifies you as a councillor (or otherwise refers to or implies a relationship with the council) that the stated views are your own personal views and are not those of the council.
- Ensure that readers are not misled into believing that any material published by you is on behalf of the council, authorised by the council, or official council policy if it is not in fact those things.
- Ensure all content that relates to the council or council business is accurate, fairly balanced, not misleading, and complies with any relevant council policy.

In addition you must not:

- Make any comment or post material that would give a reasonable person the impression that you have brought your office as councillor or the council into disrepute.
- Imply that you are authorised to speak as a representative of the council nor give the impression that the views you express are those of the council.
- Post or publish any material that is harassing or bullying. Harassment may include personal attacks on officers.
- Disclose confidential information, including matters considered under Part B of any council meeting. If you are in any doubt about this you should first speak to the monitoring officer.