

**SOCIAL MEDIA CODE FOR COUNCILLORS**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **1 October 2019**

*From:* **Director of Governance and Legal Services and  
Monitoring Officer**

*Purpose:* **Constitution and Ethics Committee is asked to consider  
changes to the Social Media Code for Members.**

*Recommendations:* **The Committee is asked to:**

- a) Consider and agree amendments to the Social  
Media Code for Councillors; and**
- b) Issue it to all members of council with immediate  
effect.**

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## **1. BACKGROUND**

- 1.1 This report is submitted to the Constitution and Ethics Committee for consideration as part of its role in overseeing compliance with the Members' Code of Conduct and in promoting high standards of conduct by Members.
- 1.2 The Constitution and Ethics Committee is asked to consider under its Terms of Reference: "Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution, including the codes and protocols" and "Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the County Council including:
- approving and issuing guidance to Members
  - making recommendations to Full Council regarding the suggested amendment of the Members' Code of Conduct
  - approving training to be provided to members in the Code of Conduct
  - monitoring the operation of the Code of Conduct".
- 1.3 With the continuing rise in use of social media it is increasingly important that public sector organisations review existing policies and procedures to raise awareness of their expectations when social media is being used as an official and in some instances personal platform for public communications.
- 1.4 The purpose of this report is to provide the Constitution and Ethics Committee with an opportunity to consider changes to the Social Media Code for Members, which was previously considered and approved by the Committee at its meeting on 27th June 2019. A copy of the current Code is attached at **Appendix 1**.
- 1.5 While debating whether to include cross-references to the Social Media Code for Members in the Constitution at the full Council meeting on 23rd July 2019, Members expressed concern over the content of the Code and requested that the Constitution and Ethics Committee reconsider the code.

## **2. MAIN ISSUES**

- 2.1 Following the issues raised at Council, Members were invited to identify any concerns they had with the Code. Responses to this request are set out below.

### **2.2 Councillor Manning**

Overall the code seems to have been written from the perspective of someone who has never used social media. I have put a number of points below, some of which are technical, but overall this policy should have one introduction paragraph about social media, and then the following statement:

"You should behave online as you behave in real life, and apply all the same standards. Adding content to a social media site is the same as publishing in a traditional newspaper and carries the same benefits and liabilities."

Specific comments:

**First page** - way too verbose.

## **Second page:**

*"Councillors must ensure that they use social media sensibly and responsibly and that their use will not adversely affect the council or its business, nor be damaging to the council's reputation and credibility."*

This is effectively saying you cannot criticise the Council on social media, which is clearly nonsense in my view. The whole paragraph should be removed.

*"Do not do anything to jeopardise the council's obligations under the Freedom of Information Act and Data Protection Act such as citing or referencing residents, partners or suppliers without their written approval. Be aware that content on such social media websites may be subject to Freedom of Information requests."*

Read strictly this would require us to seek written consent for, e.g., Retweeting some ones tweet. Again, clearly nonsense.

*"Do not provide references for individuals on social or professional networking sites as this creates a legal liability."*

What is the legal liability? Most professional networking sites have the function for user A to *request* a reference of user B. To not respond to this would also create a legal liability on the individual.

All the rest on page 2 is covered by the existing code of conduct.

## **Third page:**

All covered by the existing code of conduct. Specific issues:

*"Do be mindful that what you publish will be in the public domain for a long time and can't be easily retracted once published."*

This is not even correct - anything put on social media is permanently public effectively. I note on page 4 this is put more strongly.

*"Do exercise caution in requesting or accepting a Council employee or contractor providing services to the Council as a "friend" on a social networking site where this can suggest close personal association."*

I have a particular problem with this - I know a number of officers who I was friends with before they worked for the Council, or that I became friends with without knowing they worked for the Council. The code here is effectively asking me to jeopardise personal relationships.

I think this could be applied to members of the Council, Strategic Management Team (SMT) and Councillors, but that would be a clear indication that **no** direct connections should be formed, and it would be on the SMT as much as the Councillors to comply.

## **Page Four**

*"Make use of stringent privacy settings if you don't want your social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure you understand their confidentiality/privacy settings."*

This is VERY poor advice and should be removed. Privacy settings do not prevent content being accessed.

## Page Five

"It is recommended that in the case of Facebook, councillors wishing to keep their personal life and role as a councillor separate create a Facebook page which members of the public can like rather than using their personal profiles."

This is the only bit I do not have an issue with in principle, but it needs to be more specific:

"It is recommended that in the case of Facebook, councillors wishing to keep their personal life and role as a councillor separate create a Facebook page **and separate profile to control that page** which members of the public can like rather than using their personal profiles. **Posts should be set to public by default.**"

### 2.3 Councillor Dupre

I would like to endorse Councillor Manning's comments. In particular, I would like to strongly oppose the suggestion that councillors should be prevented under the code from publicly criticising the council. The role of opposition councillors is to challenge the council and criticise it when it is wrong; this role should be protected not prevented.

### 2.4 Councillor Downes

It would have been easier if the paragraphs had been numbered rather than just using bullets.

There are two phrases that leave me uneasy:

- a. On page 2, second paragraph. 'Be damaging to the council's reputation and credibility'

I would argue that it is not possible for me to fulfil my role as a constructive member of the council without, from time to time, having to criticise the council's policies. I never make any personal comments about the actions of officers but I do sometimes point out why the policy that the council has voted for is not, in my opinion, in the best interests of the residents of the county. I try to do this in a rational and logical way and I think this is what my constituents expect of me.

- b. Under Key Principles, seventh bullet, it seems to me to be difficult for a member of the ruling group to avoid infringing this.

### 2.5 Councillor Van de Ven

I would like to add my voice to Councillor Dupre's representation to you, which I wholeheartedly support.

## 2.6 Councillor A Taylor

Many of the provisions will make it very hard to determine when the code has been breached, e.g. the matter of when a councillor is perceived to be acting officially; how can a perception be proven, and whose perception counts?

My two main objections are:

1. The prohibition on writing about meetings or conversations that are not public

No distinction is made between properly exempt information and things that are said in casual meetings or conversations, e.g. a one-to-one with an officer about a scheme in one's division. For example, I might tweet to my constituents that I've had a useful meeting with the signals team and that they will fix the traffic lights on Hills Road, or I might respond to a Facebook query about a broken streetlight by telling them how to contact Balfour Beatty. On occasion I have reported on social media on fact-finding visits, e.g. a post on an afternoon out with the mobile library service – this informed constituents about the service.

2. The prohibitions on writing anything negative about the council or anything that might bring it into disrepute

Councillors represent our constituents to the council and they expect us to tell it as it is. We cannot represent people properly if we do not inform them, and that sometimes involves giving a view on decisions and policy. Residents need information and assessments in order to be able to tell us what they think so we can represent them effectively. Telling us we may not say anything negative is a form of censorship, and would sometimes conflict with Principle (v) of the Code of conduct, *Openness*.

v. **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Other points:

- Page 2
  - Do not cite residents, partners or suppliers without written approval. This is disproportionate and obstructive. We often refer to partners — eg is someone says on Facebook that a streetlight is broken, I will respond giving them the Balfour Beatty email address, or tell them that BB is acting on it.
  - Do not write on matters prior to the publication of reports - no reason not to if the information is known independently
  - Do not blog or tweet in haste ... if you are tired or have consumed alcohol. This is ludicrous: who is going to monitor councillors' speed of writing or typing or our levels of fatigue or inebriation?
- Page 3
  - First hollow bullet point about not making negative comments about anyone or anything — conflicts with the Principle of Openness
  - Third hollow bullet point about bad reflection and lowering of reputation — conflicts with the Principle of Openness
  - Sixth solid bullet point — do tolerate disagreement – conflicts with the first hollow bullet point about not allowing people to leave damaging comments on your site
- Page 4

- Whether we publish our own addresses and contact details is a matter for us, not the Council
- Prohibition on reporting on internal meetings — conflicts with the Principle of Openness
- Page 5
  - The bullets about safety and threats are a virtual repeat of ones on page 4.
  - The bullet about discrete pages for personal and council-related personae repeats similar advice on page 4.

2.8 **Councillor Count** is proposing that a draft guidance which is under development at Fenland District Council (attached at **Appendix 2**) could replace the previously approved Cambridgeshire County Council Social Media Code.

### 3. LOCAL GOVERNMENT ASSOCIATION

3.1 The Local Government Association (LGA) has published information on handling abuse on social media, which provides advice on handling intimidation and abuse online <https://www.local.gov.uk/handling-abuse-social-media>

3.2 The LGA has also published information on Councillors and social media which provides some background information on the use of social media for councillors <https://www.local.gov.uk/councillors-and-social-media>. The LGA thanked the Welsh LGA for its reproduction of their guidance on social media. A copy of this guidance is attached at **Appendix 3**.

Source Documents	Location
Minutes of the Constitution and Ethics Committee meeting held on 27th June 2019	<a href="https://cambridgeshire.cmis.uk.com/cc_c_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1069/Committee/10/Default.aspx">https://cambridgeshire.cmis.uk.com/cc_c_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1069/Committee/10/Default.aspx</a>
Minutes of the Council meeting held on 23rd July 2019	<a href="#"><i>County Council meeting 23/07/2019</i></a>