



REPORT OF: DIRECTOR OF HR & LEGAL & GOVERNANCE

TO: STANDARDS COMMITTEE

ON: 4th March 2020

SUBJECT: Work Programme 2019/20 – Councillors & Social Media

1. PURPOSE OF THE REPORT

To consider the advice available for Councillors in respect of Social Media.

2. RECOMMENDATIONS

The Standards Committee is asked:

To review the current LGA advice available in respect of Councillors and Social Media and make any recommendations.

3. BACKGROUND

At their meeting on 26th June 2019 the Standards Committee agreed the work programme for 2019/20.

It was agreed that at this meeting that the Committee would Review Social Media Guidance for Elected Members.

The Council has over the years provided training to members and provided general support and guidance. More recently as reported elsewhere on this Agenda, at their meeting in January the Committee reviewed the Local Government Association (LGA) Guide to handling intimidation for Councillors. The full Guide is available to download in full via the link below.

www.local.gov.uk/councillors-guide-handling-intimidation

The LGA have confirmed this Guide will be continuously updated with the latest advice and information available.

The Guide also provides specific links to general social media guidance covering key points such as:

- Social media being very useful in getting feedback on proposals and communicating information about councillors' activities

- Councillors needing to acknowledge that Social media is always on, so members should consider setting personal limits and establishing a personal routine
- Councillors being aware that they are subject to the council's code of conduct when using social media

The specific section can be accessed via this link:

<https://www.local.gov.uk/councillors-and-social-media>

The guidance then expands to describe further:

- Why Councillors may find Social Media Useful
- On-line Safety, personal security and digital citizenship
- Responsibilities of Councillors on Social Media
- Managing and moderating a Councillors own Group or page

The Guide also goes on to provide advice on handling intimidation and abuse online via this specific link:

<https://www.local.gov.uk/handling-abuse-social-media>

As the Committee will be aware all Councillors have been provided links to this Guidance directly last year and the Standards Committee is now asked to review this Guidance and make any recommendations for further action.

4. RATIONALE

The Standards Committee's role and function includes oversight of the development of quality information to support members in their roles as decision makers and Ward councillors. The national Guide in its introduction describes becoming and serving as a councillor as a responsibility, a privilege and a hugely rewarding undertaking. It describes how social media has become an every-day communications tool for councillors and the people they represent, and the potential for councillors using social media is huge. Social media allows Councillors to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.

However Social Media also presents different challenges for Councillors in undertaking their safely and effectively. For example, Councillors are personally responsible for the content they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a defamation action for which you will be personally liable. The same applies if a Councillor passed on any similar untrue statements they receive.

Another example is fully acknowledging and understanding that social media sites are in the public domain and how important it is, to ensure Councillors are confident of the nature of the information they publish. Once published, content is almost impossible to control and may be manipulated without a Councillor's consent, used in different contexts, or further distributed.

5. POLICY IMPLICATIONS

There are no direct policy implications from the report.

6. FINANCIAL IMPLICATIONS

There are no financial implications from this report.

7. LEGAL IMPLICATIONS

The LGA Guide confirms that *“The code of conduct for members and relevant legislation continues to apply online and in social media. If you (a Councillor) are referring online in any way to your role as a councillor, you are deemed to be acting in your “official capacity” and any conduct may fall within the code.”* In addition as set out in this report Councillors are subject to the same legal duties and obligations as any member of the public, i.e. Councillors are personally responsible for the content they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a defamation action for which they would be personally liable. As councillors are personally responsible for the content they publish, the Council cannot cover or be held liable for any damages arising councillor’s postings etc on social media.

8. RESOURCE IMPLICATIONS

Support to members by the provision of local advice and support is provided via existing resources in the HR, Legal & Governance team.

9. EQUALITY IMPLICATIONS

There are no equality implications as the Guide has been produced to support a healthy democracy and provide guidance to councillors supporting existing legislation designed to protect not only councillors but the general public as a whole and ensure that equality of treatment and access to advice and services for all are maintained.

10. CONSULTATIONS

The Standards Committee is being consulted through this report.

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