

COUNCILLOR CONDUCT COMMITTEE

11 MAY 2016

SOCIAL MEDIA AND THE CODE OF CONDUCT FOR COUNCILLORS

Report from: Perry Holmes, Monitoring Officer

Summary

This report seeks the views of the Committee as to the need for an explicit reference to the use of social media to be included in the Councillors' Code of Conduct.

1. Budget and Policy Framework

- 1.1 Upholding high standards of conduct are a matter for the Councillor Conduct Committee.

2. Background

- 2.1 The Councillor Code of Conduct does not currently make any explicit mention of social media use by Councillors. There is a commentary on such usage provided to Members in the "Use of Council Resources" guide.
- 2.2 At the January 2016 full Council meeting Councillor Maple raised concerns regarding the use of social media by Councillors. He asked the Monitoring Officer to raise the issue with the Councillor Conduct Committee and specifically whether it should be directly referred to in the Code of Conduct.

3. Advice and Analysis

- 3.1 The Councillor Code of Conduct which meets the Council's obligations under the Localism Act 2011 provides a framework for appropriate behaviours by Councillors when elected. As drafted, it does not refer specifically to social media use. It applies to Councillors "when acting in your capacity as a member or co-opted member..."
- 3.2 The document "Guidance for Members of Medway Council on use of Council resources" which was issued by the Committee to all Members in February 2015 makes the following comments:

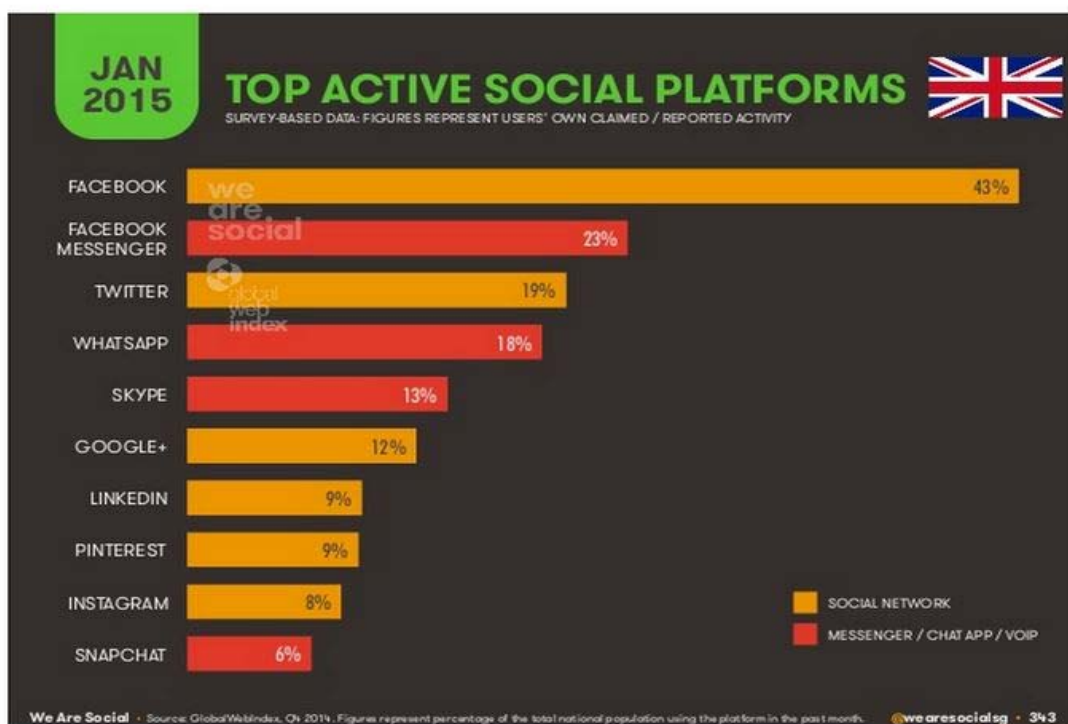
3.2.1 “**Social Media:** The use of social media tools for councillors represents an opportunity to engage with people who may not traditionally contact their local councillor.

Councillors wishing to use social media should ensure they are familiar with the tools they wish to use and seek appropriate training as required. The provisions for the use of council resources, such as computers and letterheads, apply when using social media. Council resources should not be used to publish material that encourages or appears to encourage support for a particular political point of view.

It is important to recognise that all content published on social media is publicly available. Councillors are advised to not publish anything on social media that they would be unwilling to say face to face or to have published in the local newspaper. In particular councillors should be aware that their use of social media as a councillor could potentially be subject to the Member Code of Conduct.”

3.3 Members will recall that following specific case law, the Code of Conduct cannot and does not apply to Councillors when they are not acting in their capacity as Councillors. Social media use in the private life of a Councillor would not therefore be caught by the Code.

3.4 Almost always legislation is catching up with the practicalities of real life. Social media use continues to increase in the UK and globally. The table below shows monthly usage across a mix of platforms in the UK in January 2015.



4. Legislation

- 4.1 The Localism Act 2011 provides the framework for Councillor conduct matters. What is contained in the 2011 Act is a legal requirement to have a Code of Conduct and a process for investigating breaches of it.
- 4.2 One then has to look at caselaw decided before the Local Government Act 2000, which introduced the original “standards framework” to see the kinds of sanctions such as censure that can be discerned as appropriate if a breach is found.
- 4.3 What are not currently covered are concepts of the quality of democratic representation or the broader idea of the image of public servants.

5. Options

- 5.1 The Committee has the option to recommend to full Council adding a specific mention in the Code of Conduct to social media usage, or to leave the current situation as it is.

6. Risk management

Risk	Description	Action to avoid or mitigate risk
Reputation	No direct reference to the use of social media in their role as Members in the Code of Conduct could increase the risk of inappropriate use of social media which could lead to adverse publicity.	Guidance could be added to the Councillors Code of Conduct to supplement that already available elsewhere.

7. Financial and Legal Implications

- 7.1 This report contains no specific financial implications.
- 7.2 The legal implications are contained in the body of the report.

8. Recommendation

- 8.1 The Committee considers whether the risks associated with the inappropriate use of social media would be mitigated by adding a reference to it in the Councillor Code of Conduct.

Lead officer contact:

Jan Guyler, Head of Legal Services
Telephone: 01634 332158
Email: jan.guyler@medway.gov.uk

Appendices

None

Background Papers:

None