

Minutes of the Standards Committee

**16th September, 2016 at 2.30 pm
at the Sandwell Council House, Oldbury**

Present: Councillor Lewis (Chair);
Councillor S Crumpton (Vice-Chair);
Councillors Edwards, E M Giles, Sandars and
Shackleton.

Observers: Mr Bell and Mr Tomkinson (Independent Persons).

Apologies: Councillor Trow;
Ms Williams (Independent Person).

14/16 **Minutes**

Resolved that the minutes of the meeting held on 29th July, 2016 be confirmed as a correct record.

15/16 **Members' Gifts and Hospitality Annual Review**

Guidance for members on how to treat offers of gifts and hospitality and the process for declaring such offers formed part of the Council's Constitution. This was last reviewed by the Committee in March 2015 as part of the review of the Code of Conduct.

The Monitoring Officer maintained a public register of members' interests and also a record of any gift or hospitality received with an estimated value of at least £100.00. The Register of Members' Gifts and Hospitality was available for inspection by the public at all reasonable hours. Declarations of gifts and hospitality by individual members were also recorded on the Committee Management Information System [CMIS] on the Council's website which was accessible at any time from the internet.

The Committee carried out its inspection of the Register of Gifts and Hospitality.

16/16 **Social Media Policy Review**

The increase in the use of social media by the public and members had created a new medium of communication. To ensure that care was taken to ensure that members did not breach the Code of Conduct, a Social Media Policy was approved by the Standards Committee on 19th September 2014 (see Minute No. 16/14).

In line with good governance, the Social Media Policy had been reviewed.

The Committee was minded to recommend the proposed changes to the policy to Council and also recommended an addition to section 3 in relation to the duty of members not to demonstrate pre-determination in their use of social media.

Resolved to recommend to Council that the revised Social Media Policy, as set out at Appendix 1, be approved.

17/16 **Allegations Update**

The Committee received an update on complaints received during the 2016/17 period in respect of member conduct and the outcome of those complaints.

18/16 **Case Summary**

The Committee considered a case about a Staffordshire Borough Council member who had been found to have passed on sensitive council information to his son over dinner, breaking a confidentiality agreement.

The councillor had attended a private meeting regarding the borough council's process of awarding a grant to voluntary groups and had discussed the outcome of the meeting with his son, who was also a Staffordshire councillor. His son e-mailed councillors at East Staffordshire Borough Council regarding voluntary aid and an investigation was launched with regard to how he had received the information.

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The Council concluded that the release of sensitive and confidential information could bring the council into disrepute and could have damaged the authority's reputation, especially as the information formed part of the then unreleased council budget for the following year.

The councillor admitted the breach early on in the investigation and apologised for his error.

The borough council's Standards Committee decided that the findings of the investigation and hearing would be published, that the councillor would have additional training and that sensitive information would be withheld from the councillor unless he signed an undertaking to adhere to the confidentiality rules.

19/16

Committee on Standards in Public Life Annual Report 2015/16

The Committee received an extract from the Annual Report of the Committee on Standards in Public Life.

The Committee on Standards in Public Life maintained a watching brief on the need for a mandatory code of conduct, strong local leadership, effective independent persons and concern at the lack of sanctions. There was evidence to suggest that the role of the independent person was generally well received and that vexatious complaints were falling. However, the effectiveness of the sanctions regime was still of concern. The committee continued to invite councils to consider whether their own local standards regime were sufficient to address standards breaches and build public trust.

Members were aware that sanctions were more severe in some other local authorities and requested that officers look at a sample of other local authorities to compare how sanctions varied.

The Deputy Monitoring Officer confirmed that the current arrangements were being reviewed and a report would be submitted to the Committee at its December meeting. Officers would make a comparison with local authorities with regard to sanctions and the Deputy Monitoring Officer would also meet with the three independent persons to discuss the proposed revisions to the arrangements prior to submission to Standards Committee.

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Resolved that the Deputy Monitoring Officer include a comparison with other local authorities in respect of sanctions as part of a further report to be considered by the Standards Committee relating to standards arrangements.

20/16

Review of Work Programme 2016/17

The Committee considered the revised work programme for the 2016/17 municipal year.

The Deputy Monitoring Officer confirmed that the review of arrangements for dealing with standards under the Localism Act 2011 and the annual review of the register of members' interests would be submitted to the December meeting.

In line with the duty of the Council to promote high ethical standards, the Independent Persons had received training on 1st September, 2016. The Deputy Monitoring Officer had also identified the need to review the protocol for independent persons to clarify a number of areas.

Resolved:-

- (1) that the revised work programme for 2016/17 be approved and that it be kept under review during the year by the Monitoring Officer and the Standards Committee;
- (2) that the Deputy Monitoring Officer submit a report to a future meeting in relation to the protocol for independent persons.

(Meeting ended at 3.33 pm)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

SOCIAL MEDIA POLICY

1. Introduction

Social media enables members to readily engage with citizens, partners and stakeholders. It enables people to get involved in local decision making, encourages better engagement and feedback, and helps the authority to improve the services it provides.

For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, LinkedIn, Flickr, YouTube, blogs, discussion forums, wikis and any similar sites which may emerge after the creation of this policy.

2. Aims of this policy

The Council acknowledges social media as a useful tool and encourages members to use social media channels to communicate with the public, partners and stakeholders.

This policy is aimed at ensuring social media is used effectively and to ensure its use does not expose the members or the Council to security risks, legal or reputational damage or breach of the Data Protection Act 1998.

There are often risks associated with the use of social media, some have been identified below:

- Disclosure of confidential information
- Damage to the reputation of the Council
- Social engineering attacks (often conducted by individuals fraudulently claiming to be a business or client)
- Civil or Criminal action relating to breaches of legislation
- Breach of safeguarding (social media is often used by offenders)
- Virus or other malware (malicious software) infection from infected sites

In light of the risks, this policy aims to regulate the use of social media and provide guidance to members on how to successfully engage with social media.

3. Members' responsibilities

In their use of social media, members should ensure:

- They do not breach the Code of Conduct for Members.
- Council information remains secure and is not compromised through the use of social media.
- The Council's reputation is not damaged or adversely affected, or left open to action under criminal (for example, harassment) or civil law (for example, libel).
- That they are aware of safeguarding issues and report any concerns immediately.
- That members fully understand the risk associated with using social media.
- That social media is used in line with this policy.
- That members do not make any comments that could be seen to be predetermination of a matter.

When using social media members should note that in the event of a complaint, the first consideration will be whether the member has been acting in his or her official capacity. Social media should not contain content that holds the member out to be acting in his/her official capacity or give that impression unless this is intended or the site is specifically meant to be used in an official capacity. Depending on the circumstances such communication might be regarded as conducting the business of the office of a member. Examples may include:

- Communication with constituents at large about issues of local political interest.
- Making reference to the Council e.g A Councillor who posted a comment saying that the town Councillors were "clearly corrupt and incompetent" under a news story about a controversial decision made by the Council, under a name that did not identify her as a Councillor, was found by the Council's Standards Committee to be acting in her official capacity as she was commenting on Council business
- Identifying issues discussed by the Council.
- Referring to identifiable persons in the Council.
- The link between the Councillor's office and the conduct should have a degree of formality

The above list is not exhaustive and care should be taken in this area.

4. Advice for members using social media

Members should be aware that they are personally responsible for any content they publish on any form of social media.

The authority reserves the right to request the removal of any content that is deemed to be in breach of this policy.

Social media sites are in the public domain and it is important to ensure that members are confident of the nature of the information they publish. Once published, content is almost impossible to control and may be manipulated without their consent, used in different contexts, or further distributed.

Members SHOULD:

- Make use of privacy settings - particularly if they do not want their social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure they understand their confidentiality/privacy settings. Facebook, for example, has a Data Use Policy that includes privacy settings and much information on how information is shared and used.
- State, if appropriate, that their views are their own personal views and may not represent the views of the Council.
- Keep safeguarding in mind. Social media sites are often misused by offenders. Safeguarding is everyone's business – if members have any concerns about other site users, members have a responsibility to report these immediately.
- Observe copyright laws. Using images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything members are unsure about or seek permission from the copyright holder in advance.
- Report any threats, abuse or harassment via their use of social media to their political group leader, Members' Services and/or the police.

Members should NOT:

- Disclose others' personal details such as home addresses and telephone numbers – even inadvertently. Members should ensure that they handle any personal or sensitive information in line with the Council's Data Protection Policy.

- Publish or report on meetings which are private or internal (where no members of the public are present or where the information is of a confidential nature) or contain confidential information or matters which are exempt.
- Use the Council's logo on a personal social media account.
- Send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors or officers either in or outside the work environment.

5. Principles when using social media

Members should follow the following five guiding principles for any social media activities:

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. Respect people's confidentiality and not disclose private information or the personal information of others.

Be credible and consistent – be accurate, fair, thorough and transparent. Encourage debate and deliberation. Make sure that comments online are consistent with other communications.

Be honest about identity – it is important that any accounts or profiles that members set up are clearly and easily identifiable. Be clear about their own personal role.

Be responsive – make an effort to share information appropriately. Offer help and insights where appropriate and put people in touch with someone who can help if members cannot. Respond to questions and comments in a timely manner.

Be confident – do not be afraid of participating. Follow these rules and seek further guidance if needed.

6. Further information

If members have any queries about this policy, please contact the Monitoring Officer or, in their absence, the Deputy Monitoring Officer.