

Report of	Meeting	Date
Monitoring Officer	Governance Committee	Wednesday, 17 January 2024

## Code of Conduct and Associated Social Media Protocol

Is this report confidential?	No
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### Purpose of the Report

- Members are asked to recommend to full council the approval of the Local Government Association Model Code of Conduct and scope the terms of reference for the Working Group to review the Social Media Protocol.

### Recommendations

- That the Model Code of Conduct be recommended to full council for approval and adoption.
- That members of the committee agree terms of reference for a working group established to consider the associated Social Media Protocol.

### Reasons for recommendations

- Whilst the current code of conduct is compliant, one of the recommendations of the Office for Standards in Public Life is to have consistent form and presentation of codes of conduct across different organisations. Adoption of the model code delivers this recommendation.
- The Social Media Protocol was adopted some time ago and it is right that it is reviewed given the changes to the Code of Conduct and increased prevalence and use of social media as a communication tool.

### Other options considered and rejected

- None.

### Corporate priorities

- The report relates to the following corporate priorities: (Please bold one)

Housing where residents can live well	A green and sustainable borough
An enterprising economy with vibrant local centres in urban and rural areas	<b>Healthy, safe and engaged communities</b>

## **Background to the report**

7. A report presenting the new model code of conduct was received by Committee at the last meeting. (*link to the report and model code is contained as a background paper below*). Concerns were highlighted by members over the application of the code of conduct to the use of social media and it was resolved to hold a working group to review how to address these issues.
8. Members were invited to participate in the working group and this report is seeking to agree membership of the working group and terms of reference for its considerations.
9. This report also represents the model local code to a decision to recommend its adoption at full council.

## **Social Media Protocol**

10. The council have adopted a social media protocol (appendix 1). This forms part of the Members Handbook. It applies primarily to officers but contains good guidance for members also. It does not however specifically reference the code of conduct for members. In reality this should not impact its effectiveness as the behaviours are those envisaged by protocol. The absence of this 'specificity' may cause some confusion for members.
11. Attached at appendix 2 is an example of a social media protocol that has been adopted by another council that is specific for members. It is a much shorter document and an easier read. Councillors may feel that as a result it is not specific enough.
12. The following text is an extract from a Political Parties Code so as it relates to social media use

### ***Behaviour on Social Media***

*Every Party member must not misuse social media.*

*A Party member may have misused social media when the use:*

- a. *commits a crime*
- b. *commits an unlawful act and/or engages in prohibited conduct under either or both Equality Acts 2006 and 2010*
- c. *publishes or republishes data in breach of Data Protection Act 2018*
- d. *breaches the Code of Conduct (including bullying, etc)*
- e. *breaches the Party's Safeguarding Policy*
- f. *in any way that, intentionally or not, breaches any part of the Party Constitution, including in particular in any way that brings the Party into disrepute*
- g. *breaches the Party's Opposition Candidacy and Agency Complaints Rules*
- h. *breaches the confidentiality of any disciplinary process*

- i. to “like” or “share” or “repost” or otherwise republish or endorse posts made by others that (had they been Party members) would breach any of these criteria

*“Use” for these purposes means posting or endorsing information on social media. It is immaterial whether the social media account belongs to the member or is in the name of the member. This includes social media accounts belonging to, for example, Associations or Federations, Conservative Council Groups, Branches, Campaign Groups and Affiliate Groups.*

*“Use” covers situations where Party members allow others access to social media accounts over which they have control.*

*The Rules which apply to breaches of this obligation not to misuse social media are the Social Media Complaints Rules.*

13. These codes have been provided for information and to help inform members discussions.

### **Scope / Terms of Reference**

14. It is suggested that the committee should seek to provide terms of reference to the working group to assist in directing their discussions. Matters may include
  - a. Authority to review other similar protocols;
  - b. Whether the wording should be declarative “I will” or directive “you will”;
  - c. Whether it should be comprehensive of light touch;
  - d. Should it include a “dos and don’ts”; and
  - e. Any other consideration committee thinks will assist the working group.
15. Whilst it is important that the protocol will provide some certainty for members as to how the code should apply, it should also recognise that not all members have the same level of familiarity with social media; and the protocol should not discourage members from using a valuable tool for communicating with residents.

### **Equality and diversity**

16. Members are reminded of their duties under the Equalities Act. Any protocol proposed should consider not only the duties in relation to communications with residents but also in relation to members themselves.

### **Comments of the Statutory Finance Officer**

17. There are no financial implications arising in this report.

### **Comments of the Monitoring Officer**

18. Comments in relation to the adoption of the code of conduct have been made in the previous report and are adopted here. The principle of have a protocol specific to members relating to the use of social media is supported.

### **Background documents**

List any background documents which are relevant, including policy documents or previous Cabinet reports. Remember for a public report all background documents referred to are open to public inspection on request. Use links to any web-based documents.

Constitution Update Report 29 November 2023

<https://democracy.chorley.gov.uk/documents/s165968/Constitution%20Update.pdf>

## Appendices

List the appendices in the order that they are attached to the report with titles as appropriate. Any spreadsheets/diagrams should be in pdf format and be headed up.

Appendix 1 Social Media Protocol (CBC)

Appendix 2 Social Media Protocol – other authority

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