

Governance and Ethics Committee

9 July 2021

Report title

Code of Conduct Update

Cabinet member with lead responsibility

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Report to be/has been considered by

Recommendations for decision:

The Governance and Ethics Committee is recommended to:

1. Provide comments on the Social Media Protocol.
2. Agree revisions to hearing procedure attached at appendix 1 to this report.

1.0 Purpose

- 1.1 This report outlines a number of proposed changes now that the Council has adopted a revised Code of Conduct linked to that Code. The Committee's views are sought and once received the approach will then be adopted at the next meeting.

2.0 Background

- 2.1 The Council adopted a revised Code of Conduct in May 2021 based on the LGA Model Code of Conduct. This sets out clearly expectations on behaviour for elected members and has the advantage of being clearer on a number of fronts, both in the behaviour and in the rules on declaring interests.
- 2.2 The Code remains based on the Nolan principles of behaviour namely:

1.1 Selflessness

Holders of public office should act solely in terms of the public interest.

1.2 Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

1.3 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

1.4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

1.5 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

1.6 Honesty

Holders of public office should be truthful.

1.7 Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 2.3 The Code is split into a number of key types of activity and commitments not to carry out certain behaviour. As the Committee is aware the current legislative arrangements relating to the Code of Conduct are limited and only allow very limited sanctions for breach of the Code of Conduct.

3.0 Next steps

- 3.1 Across the Country a large number of authorities have found issues with the use of social media and have adopted an approach on social media a protocol that supports the Code of Conduct setting out expectations on behaviour regarding use of social media. It is recommended that the Committee, on behalf of the Council, adopts such an approach. This would set clear parameters on the expected behaviour and enable further training to be given to seek to prevent issues from arising in the first place.
- 3.2 The proposed protocol is below:

Guidance on Councillors' use of Social Media and Mobile Devices

This guidance applies to Councillors, it is also general good practice for professional conduct.

Social media is a positive tool to communicate and engage with your constituents and many councillors are increasingly using it to do just that. This guide is therefore not designed to put you off using social media, but rather to help you avoid its pitfalls.

The Council's Corporate Communications Team and the Democratic Services Team are available to help you with any questions you might have about social media.

What is the purpose of this guidance?

The purpose of this guidance is to provide parameters for Councillors' appropriate use of social media and mobile devices.

Improper use of social media and mobile devices could be used as grounds for challenging a contentious decision or result in complaints of breaching the Councillors' Code of Conduct, for a failure to show respect for others or bringing the Council or the office of Councillor into disrepute.

Good practice on the use of social media and mobile devices, popular social media platforms include Facebook, Twitter, LinkedIn, YouTube, Instagram, TikTok and blogs (web logs). Types of mobile devices include smartphones, tablets and laptops.

Councillors may use these and other platforms in their official capacity, but should remember that the public may still perceive them as acting in that capacity even when that is not their intention.

A general rule of thumb is that if you wouldn't say something in a public meeting, do not say it on social media.

Councillors should:

- *consider whether they need to set appropriate privacy settings for any blog or networking site – especially if it is a private, non-political blog;*
- *keep an eye out for potentially defamatory, untrue or obscene posts from others and remove them as soon as possible to avoid the perception that they condone such views;*
- *be careful about any connection with service users who are vulnerable adults or children, as this could be regarded as a safeguarding issue;*
- *ensure they use Council facilities appropriately;*
- *be aware that by publishing information that they could not have accessed without their position as a Councillor, they will be seen as acting in their official capacity;*
- *be careful about being too specific or personal if referring to individuals; and*
- *be aware that the libel laws and other legislation cover blogs, social media and other forms of digital content publication.*

Councillors should not:

- *place images or text on their site from a copyrighted source (for example extracts from publications or photos) without permission;*
- *post comments that they would not be prepared to make face to face;*
- *refer in a blog to any information identified by the Council as confidential or exempt;*
- *disclose information given to them in confidence by anyone or information acquired by them which they believe or are aware is of a confidential nature;*
- *publish personal data of individuals except with express written permission to do so;*
- *give the impression that they are expressing the views of the Council where it is not appropriate to do so; and*
- *if they are involved in determining planning or licensing applications or other quasi-judicial decisions, publish anything on their blog that might suggest they do not have an open mind about a matter they are involved in determining.*

The Use of Social Media and Mobile Devices at Meetings

Use mobile devices sparingly, discreetly and with common sense at meetings, considering the impression they are giving to others. Councillors should remember that

most meetings are now recorded. There may be occasions when texting or emailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes to other Councillors). Mobile devices also enable Councillors to manage their busy lives when time is at a premium.

However, frequent use of these devices during meetings may give the public the impression that the Councillor is not paying full attention to an item that is being discussed in a debate on a decision that is to be made.

Examples of acceptable use:

- reading and annotating meeting papers and background information relevant to that meeting;*
- communicating with others at the meeting on matters relevant to the debate at hand*
- sending and receiving communications to/from home relating to domestic circumstances (e.g. childcare arrangements), within reason and with common sense.*

Avoid the following:

- using social media during quasi-judicial meetings or during the consideration of confidential or exempt items of business at meetings; and*
- frequently checking emails and messages that are not related to the meeting;*
- taking and sending electronic images of proceedings; and*
- extended periods of use that suggests that insufficient attention is being paid to the meeting.*

The LGA (Local Government Association) has developed some background information on the use of social media for Councillors which is available to access [here](#). Further support and guidance such as do's and don'ts when using social media are also available from the LGA and available to access [here](#).

- 3.3 The Council currently has one independent person, Ray Tomkinson, appointed by the Council, it is intended to follow best practice and appoint a further independent person. Details of the proposals for appointment of a further Independent person(s) will be brought to the next meeting.
- 3.5 A report will be brought to the meeting on 3 September 2021 with an annual report on the Code of Conduct complaints received.

- 3.6 It is anticipated that some hearings will be taking place shortly. The details cannot be discussed in this report to avoid prejudicing the outcome of the matters. As such we need to update the hearings procedure which has been amended at appendix 1.

4.0 Financial implications

- 4.1 There are no financial implications arising from the recommendations in this report.
[AS/08072021/C]

5.0 Legal implications

- 5.1 There are no legal implications arising from the recommendations in this report.
[DP/07072021/A]

6.0 Equalities implications

- 6.1 There are no equalities implications arising from the recommendations in this report.

7.0 All other Implications

- 7.1 There are no other implications arising from the recommendations in this report.

8.0 Schedule of Background Papers

- 8.1 Changes to the Constitution, Governance Committee, 23 April 2021

9.0 Appendices

- 9.1 Appendix 1 – Revised Hearing Procedure