



STANDARDS COMMITTEE

DATE:	Wednesday 28 June 2017
TIME:	10.00 am
VENUE:	Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor Heaney (Chairman)	Councillor Davis
Councillor Honeywood (Vice-Chairman)	Councillor Nicholls
Councillor J Brown	Councillor Steady
Councillor Bucke	

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686 585.

DATE OF PUBLICATION: TUESDAY 20 JUNE 2017

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 6)

To confirm and sign as a correct record, the minutes of the meeting of the Standards Committee, held on 27 March 2017.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or other interest, and the nature of it, in relation to any item on the Agenda.

4 Report of the Monitoring Officer - A.1 - On-going Review of Members' Code of Conduct (Pages 7 - 36)

For the Committee to continue with its review of the Members' Code of Conduct and consider the proposed changes made following the suggested revisions at its meeting in September 2016.

5 Report of the Monitoring Officer - A.2 - Review of Social Media Policy and Guidelines (Pages 37 - 60)

For the Committee to review the Council's Social Media Guidelines and give specific advice to be issued for elected Members.

6 Discussion Topics and/or Updates from the Monitoring Officer

(1) The Monitoring Officer will give a quarterly update on Complaints.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Standards Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 10.00 am on Wednesday 27 September 2017.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

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Your calmness and assistance is greatly appreciated.

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**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON MONDAY, 27TH MARCH, 2017 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Heaney (Chairman), Cawthron, Nicholls, Steady and Whitmore
Also Present:	John Wolton (Independent Person)
In Attendance:	Lisa Hastings (Head of Governance and Legal Services) and Ian Ford (Committee Services Manager)

17. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor J A Brown (with no substitute) and Councillor Honeywood (with no substitute).

18. MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON 26 SEPTEMBER 2016

The minutes of the meeting of the Standards Committee, held on 26 September 2016, were approved as a correct record and signed by the Chairman.

19. DECLARATIONS OF INTEREST

There were no declarations of interest received.

20. REPORT OF THE MONITORING OFFICER - A.1 - COMPLAINTS PROCEDURE - REFERENCE BACK FROM FULL COUNCIL

There was submitted a report (A.1) by the Monitoring Officer which, at the request of full Council, asked the Committee to reconsider its previous recommendation to amend the Complaints Procedure.

The Committee was aware that the Standards Framework included the Complaints Procedure (contained within the Members' Constitution Booklet) and that Section 5 of the Complaints Procedure set out how an investigation was to be conducted and under Section 5.6, that the investigation report must contain a conclusion as to whether the evidence supported a finding of failure to comply with the Code of Conduct. Annex E of the Complaints Procedure set out the Investigation Procedure.

Members were also aware that, if an investigation concluded that there was no evidence of a failure to comply with the Code of Conduct, the Council's Complaints Procedure at Section 6.1 provided the Monitoring Officer with the authority, in consultation with the Independent Person, to decide no further action was required. In such circumstances, the Monitoring Officer would notify the Standards Committee.

At the meeting of the Committee held on 26 September 2016 (minute no. 14 referred) Members had been made aware that the current procedure, which had been adopted by

full Council in November 2013, did not provide the Monitoring Officer with any discretion to refer a matter to the Standards Committee, if they considered an investigation was finely balanced. In most cases, an investigator would have a clear conclusion as to whether any evidence existed of a failure to comply with the Code of Conduct but, in rare circumstances, this might not be the case. The Monitoring Officer, in consulting colleagues in other authorities, had found that their Councils had provided them with a discretion to refer to the Standards Committee, if they personally felt it was necessary to do so.

Therefore, at that meeting and following discussion, the Standards Committee had decided, inter alia, to:

“(f) Recommend to Council to amend the Complaints Procedure, as set out in the Constitution to allow the Monitoring Officer, at their own discretion and, in exceptional cases, following consultation with the Chief Executive and the Chairman of the Standards Committee, to decide to refer cases to the Committee for determination where the outcome of an investigation was to recommend no breach of the Code of Conduct.”

The Committee was reminded that, at the meeting of Council held on 22 November 2016, when that recommendation was being considered (minute 83 referred) Councillor Calver had moved an amendment, which was seconded by Councillor Bray, that to have the ongoing confidence of the entire Council it required the possibility of any political interference to be removed and that the recommendation would be safer and stronger if any consultation was between the Chief Executive and the Monitoring Officer with no involvement of the Chairman of the Standards Committee.

Following those concerns raised by Members with respect to the original recommendation of the Standards Committee and pursuant to Council Procedure Rule 16.6 (Alteration of Motion), Councillor Stock, with the consent of both the meeting and his seconder, (Councillor Heaney), indicated that he was prepared to alter his motion so that it read as follows:

- (a) that the minutes of the meeting of the Standards Committee held on 26 September 2016, as circulated, be received and noted; and*
- (b) that consideration of the recommendation to Council, as contained in Minute No.14 (resolution (f)) of the Standards Committee of 26 September 2016 be deferred and that the matter be referred back to the Standards Committee for reconsideration.*

Councillor Calver and Councillor Bray had both then agreed to withdraw their amendment and Councillor Stock's altered motion was then approved.

The Standards Committee were therefore requested to reconsider their proposed amendment to the Complaints Procedure taking into account the concerns raised at the meeting of full Council on 22 November 2016.

Having discussed the matter, it was moved by Councillor Heaney, seconded by Councillor Nicholls and:

RECOMMENDED TO COUNCIL that the Complaints Procedure, as set out in the Constitution, be amended to allow the Monitoring Officer, at their own discretion and, in exceptional cases, following consultation with the Chief Executive, to decide to refer cases to the Committee for determination where the outcome of an investigation was to recommend no breach of the Code of Conduct.

21. REPORT OF THE MONITORING OFFICER - A.2 - REVIEW OF MONITORING OFFICER PROTOCOL

The Committee was requested to review the Monitoring Officer Protocol and suggest any proposed amendments to that Protocol for consideration by full Council.

Having considered the contents of the current Monitoring Officer Protocol it was moved by Councillor Whitmore, seconded by Councillor Steady and:

RESOLVED that the Committee is satisfied with the current Monitoring Officer Protocol and therefore has no amendments that it wishes to make at the present time.

22. REPORT OF THE MONITORING OFFICER - A.3 - DISCLOSURE OF INFORMATION - NON-PAYMENT OF COUNCIL TAX BY COUNCILLORS

There was submitted a report (A.3) by the Monitoring Officer which requested the Committee to discuss whether it agreed to add the matter of processes and procedures involving Councillors and the payment of Council Tax to its work programme, or that a guidance note be issued for Members following on from case-law, concerning the public interest and fairness in disclosing information of non-payment of council tax by councillors.

The Committee was reminded that, at the meeting of full Council held on 22 November 2016, Councillor Everett had asked a supplementary question to the former Portfolio Holder for Finance (minute no. 81 referred) concerning the general matter of processes and procedures involving councillors and the payment of council tax. As this matter fell within the remit of the Standards Committee, the Monitoring Officer had agreed to take this matter to the next meeting for a discussion as to whether the Committee wanted to include it within their work programme.

Members were informed that in March 2016 an Upper Tier Tribunal (Administrative Appeals Chamber) had decided that it was fair and reasonable to identify a councillor who had defaulted in the payment of council tax, due to being a serious matter of public concern, both as to the ability of the councillor to perform their key functions and in terms of public confidence and accountability.

The Monitoring Officer explained in detail the view of the Tribunal in *Haslam v Information Commissioner and Bolton Council [2016]* and drew Members' attention to several sections of the judgement handed down by Judge Markus QC. This included how the Tribunal had taken into account the legal aspects of Section 106 of the Local Government and Finance Act 1992, Sections 1(1) and 40(2) of the Freedom of Information Act 2000 and Section 1 of the Data Protection Act 1998.

The Monitoring Officer also reported that it was alleged that Leeds City Council were to challenge the Information Commissioner's decision (Reference: FS50635609 Dated: 3 November 2016) that it must release the names of four councillors who were in arrears,

to a newspaper. The Information Commissioner had told the Council to release the names of Members who had been sent court summons over unpaid council tax to the Yorkshire Post. It was understood that Leeds Council believed that there were mitigating circumstances and in all of the cases, one instalment had been accidentally missed and reasonable explanations had been given as to why and all outstanding debts had not immediately been paid.

Having considered the detail of the Upper Tribunal's ruling together with the legal advice provided by the Monitoring Officer it was moved by Councillor Whitmore, seconded by Councillor Nicholls and:

RESOLVED that a Guidance Note be issued by the Monitoring Officer to all Councillors informing them of the outcome of the Upper Tribunal case and that, in response to any Freedom of Information request concerning non-payment of Council Tax, information may be disclosed.

**23. REPORT OF THE MONITORING OFFICER - A.4 - ANNUAL REPORT
DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS**

There was submitted a report (A.4) by the Monitoring Officer which provided the Committee with an overview on the register of, and declarations of interests by, Members.

The Committee recalled that, at its meeting held on 29 June 2016 (Minute 8 referred), it had agreed that, as part of its annual work programme, the Committee would receive an annual report on declarations of interest and associated matters. The report before Members covered the period from 1 August 2016 to 10 March 2017.

Having considered the information submitted it was moved by Councillor Steady, seconded by Councillor Whitmore and:

RESOLVED that:

- (a) the contents of the report be noted; and
- (b) the Monitoring Officer be requested to ensure that any declarations of offers/receipt of gifts and hospitality made by District Councillors be published on the Council's website.

**24. REPORT OF THE MONITORING OFFICER - A.5 - STANDARDS COMMITTEE -
ANNUAL WORK PROGRAMME**

There was submitted a report (A.5) by the Monitoring Officer which sought to agree the Committee's work plan for the 2017/2018 Municipal Year.

The Monitoring Officer reminded Members that the elements of the Standards Framework were:

- The Members' Code of Conduct (contained within the Members' Constitution Booklet);
- The Monitoring Officer Protocol (contained within the Members' Constitution Booklet);

- The Independent Persons' Protocol (contained within the Members' Constitution Booklet);
- Member and Officer Relations Protocol (contained within the Members' Constitution Booklet); and
- The Complaints Procedure (contained within the Members' Constitution Booklet).

The overall approach of the arrangements was to seek:

- Information and training for Members and Officers to increase awareness and support good standards of behaviour;
- Proportionality – responses to complaints which were proportionate to their seriousness;
- Timeliness – with clear timescales for the various stages of complaints to be progressed;
- Checks, balances, reporting requirements and delegation to the Monitoring Officer of key elements of the process to maximise independence from the political process; and
- Early and informal intervention to resolve complaints wherever possible (including an expectation that Group Leaders would play a key role).

The Monitoring Officer further reminded Members that the arrangements had been adopted by full Council in November 2013, and that elements had been reviewed in 2014, 2015, 2016 and 2017 in order to ensure that the procedures and protocols were robust, up to date and fit for purpose. The Members' Code of Conduct was currently being reviewed.

To enable the Committee to focus on promoting high standards of conduct as well as reacting to complaints it was considered appropriate to discuss and agree a work plan for the Committee for 2017/18. Members referred to Appendix 1 of the Monitoring Officer's report.

It was moved by Councillor Nicholls, seconded by Councillor Steady and **RESOLVED** that:

- (a) the contents of the report be noted; and
- (b) the Annual Work Plan for 2017/2018, as set out in Appendix 1 to the Monitoring Officer's report, be approved.

25. DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER

Quarterly Complaints Update

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave general details of complaints received, without providing any names, and went through it with the Committee. The Monitoring Officer also highlighted a number of other matters which included:

Advice sought by Clerks to Parish/Town Councils

There had been an increase in the number of occasions when Clerk to Parish/Town Councils had sought advice on matters which did fall within the remit of the Monitoring Office, such as on constitutional matters or on-going complaints or actions taken by the

Council. In each instance, the Clerk had been advised that this Council's legal department was not the legal adviser to the parish/town council.

There had also been an increase in the number of requests for advice with regard to declarations of interest at Parish/Town Council level and queries being raised as to whether declarations should have been made.

Politically Motivated Queries

The Monitoring Officer reported that queries were being raised by members of the public and councillors concerning the actions of others and, in most instances, it was clear that those were politically motivated, especially with the County Council Elections pending.

'No Further Action' Cases

The Monitoring Officer reiterated that even in cases where 'no further action' was decided, detailed reasons were provided to both the complainant and the respondent to explain that decision.

Training Session for new Councillors

The Monitoring Officer informed the Committee that a training session would shortly be arranged for both the newly elected Councillor Bush and also for the Councillor who would be elected following the by-election in the St James Ward on 6 April 2017.

Requests for Dispensations

No requests for dispensations had been submitted since the last meeting of the Committee.

26. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Nicholls, seconded by Councillor Steady and:

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the item detailed below on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.

27. EXEMPT MINUTE OF THE LAST MEETING HELD ON 26 SEPTEMBER 2016

The exempt minute of the meeting of the Standards Committee, held on 26 September 2016, was approved as a correct record and signed by the Chairman.

The Meeting was declared closed at 11.01 am

Chairman

STANDARDS COMMITTEE

28 JUNE 2017

REPORT OF THE MONITORING OFFICER

A.1 REVIEW OF THE MEMBERS' CODE OF CONDUCT

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

For the Standards Committee to continue with its review of the Members' Code of Conduct and consider the proposed changes made following the suggested revisions at its meeting in September 2016.

EXECUTIVE SUMMARY

As part of its annual work programme the Standards Committee commenced a review of the Members' Code of Conduct, with particular attention paid to the definitions of interests.

At its meeting on 29 June 2016 Members were informed that there would be some merit in undertaking a light touch review of the Code of Conduct and to consider removing the distinction between "Other and Non Pecuniary Interests" by joining them together and reviewing the definitions. The three different types of interest had caused confusion with Members and the public and therefore, could be made simpler. In addition, it had been raised whether the provisions on declarations of interests had gone far enough and questions had been asked whether the Council should be retaining a register of interests. Matters such as membership of various groups or organisations had caused concerns with elected Members and the public that those were not registered, and whilst this was not required on a statutory basis, provisions could be included within the local Code. Members discussed the advantages of a register of interests, beyond the statutory minimum which is required by the legislation and welcomed further exploration in this area.

The Monitoring Officer informed Members that nationally, a number of Councils had reviewed their codes since adoption, some in response to feedback on definitions or areas which were missing, or due to the lack of sanctions available if the obligations were compromised. New ideas such as a voluntary acceptance of suspension and a recall scheme were emerging and information on those could be presented to the Committee for information through the review of the Code.

At its meeting in September 2016, potential changes and additions to the Code were discussed to provide clarity in relation to:

- Separating the Rules of Conduct and General Obligations from the introduction and interpretation part of the Code;
- Merge Other Pecuniary Interests with Non-Pecuniary Interests; and
- Effect of Other or Non-Pecuniary Interests on participation.

It was agreed that the Monitoring Officer would produce a revised draft Code of Conduct for further discussion to take place at the next meeting so that the Committee could work towards recommending minor changes to the Members' Code of Conduct to full Council.

A revised draft Code of Conduct is produced showing tracked changes in Appendix 1 and a clean copy in Appendix 2 for further consideration and discussion.

RECOMMENDATION

That the Standards Committee continues with its review and provides comments on the proposed amendments to the drafted revised Code of Conduct and other matters which arise through members' debate.

APPENDICES

- Appendix 1 – existing Code of Conduct with tracked changes
- Appendix 2 – clean copy of draft revised Code of Conduct.

TENDRING DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT

1. **Introduction to the Code of Conduct**

1.1 Trust and confidence in public office-holders and institutions are important for the functioning of local authorities. This is particularly true in the case of elected office-holders. The Council has therefore adopted this Code of Conduct for elected members (also referred to as "Councillors") to promote and maintain high standards of conduct in public life. It is each Councillor's responsibility to comply with the provisions of this Code.

1.2 The Code of Conduct applies to all elected Councillors, voting co-opted members and appointed members.

1.3 The Code covers three main areas:

- Part 1 sets out some general obligations regarding the behaviour of elected and co-opted members ("Rules of Conduct")
- Part 2 explains how members should behave if they have a personal/code interest in an item of Council business ("Members' Interests")
- Part 3 sets out rules requiring registration of interests for public inspection ("Register of Members' Interests")

The Principles of Public Life are set out in the Appendix.

2. **Interpretation of ~~W~~hen does the Code of Conduct apply?**

2.1 In this Code "meeting" means any meeting of

- (a) Tendring District Council ("the Authority");
- (b) the Cabinet (also known as the Executive) of the Authority
- (c) any of the Authority's or Cabinet's its Executive's committees, sub committees joint committees, joint sub-committees, or area committees (including working parties and panels); or
- (d) informal meetings with other Members and/or Officers relating to the discharge of the Authority's functions.

2.2 The Code of Conduct applies—

- (a) whenever you conduct the business, or are present at a meeting, of the Authority; or
- (b) whenever you act, claim to act or give the impression you are

- acting in the role of Member to which you were elected or appointed; or
- (c) whenever you act, claim to act or give the impression you are acting as a representative of the Authority (including representation on outside bodies); or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 3.4(a) and 3.5; or
- (e) in respect of any criminal offence for which you have been convicted during your term of office.

2.3 Where you are elected, appointed or nominated by the authority to serve on any other authority or body you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body.

2.4 Where you are elected, appointed or nominated by the authority to serve on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, unless it conflicts with any other lawful obligations to which that other body may be subject.

3. Principles of Public Life~~Rules of Conduct~~

3.1 The Localism Act 2011 requires the Authority to have a code of conduct which is consistent with the ‘Nolan Principles’ determined by the Committee on Standards in Public Life. These Principles are set out in the Appendix to this Code. The Code is consistent with the Nolan Principles but any breach of the principles is not by itself a breach of the Code.

3.2 As a Member of Tendring District Council you shall have regard to the Seven Principles of Public Life ~~as it is these principles which underpin the Rules of Conduct set out below.~~

<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	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.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best

	evidence and without discrimination or bias.
<i>Accountability</i>	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.
<i>Openness</i>	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.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	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.

~~These general principles are the underlying principles behind the rules of conduct set out below.~~

PART 1 **RULES OF CONDUCT**

3.2 In fulfilling your Duties and Responsibilities

You must not:

- (a) breach your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) disrespect others;
- (c) bully or harass any person; or
- (d) do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the Authority.

3.3 Information

You must not:

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent,

- or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

3.4 **Conduct**

You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the Authority.
- (c) comply with any request of the authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted in accordance with their respective statutory powers.

3.5 **Use of your Position**

You must not:

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the Authority—
- (i) imprudently;
 - (ii) in breach of the Authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the Authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

3.6 **Registration of Interests**

In accordance with and subject to Part 2 of the Code you are required to register details of your Disclosable Pecuniary Interests and your Code/Personal Interests within 28 days of becoming a Member (or being re-elected or reappointed) or a change in those details, in the Authority's Register of Interests.

3.7 Decision Making

You must:

- (a) when participating in meetings or reaching decisions regarding the business of the Authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the Authority's officers, in particular by—
 - (i) the Authority's [Head of Paid Service](#);
 - (ii) the Authority's s.151 Officer/ Chief Finance Officer;
 - (iii) the Authority's Monitoring Officer/ Chief Legal Officer;
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

3.87 Compliance with the Law and the Authority's Rules and Policies

You must:

- (a) observe the law and the Authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) **comply with the Local Authority Code of Publicity made under the Local Government Act 1986 and any relevant guidance issued;**
- (c) comply with the provisions of the Bribery Act 2010 or similar;
- (d) comply with the Authority's Gifts and Hospitality Policy;
- (e) comply with any other policy (or part of policy) which sets out required conduct from Members, for example the Member/Officer Working Protocol and Planning Code for Members, or similar.

PART 2 MEMBERS' INTERESTS

Holding the position of a District Councillor is NOT an interest which is required to be declared at meetings, unless you are involved in the decision making within the ward you were elected to.

4. Disclosable Pecuniary Interests

4.1 Disclosable Pecuniary Interests (DPIs) are defined by *The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012* and are set out in Appendix B to this Code. It is important that councillors understand what amounts to a DPI, that they identify carefully all DPIs relevant to them and that they take the necessary action required by law. Breach of the requirements related to DPIs are a criminal offence and are referred to the Police.

4.2 You have a Disclosable Pecuniary Interest in any business of your authority if it is of a description set out in Appendix B 4.2 below and is either:

- (a) an interest of yours,
or that of a Relevant Person being:
- (b) an interest of your spouse,
- (c) an interest of your civil partner, or
- (d) an interest of a person you are living with as a spouse or civil partner,

and in the case of paragraphs 4.24(b) – (d) you are aware that the Relevant Person has the interest.

4.2 ~~“Disclosable Pecuniary Interests” are defined by *The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012* and are:-~~

~~Employment, office, trade, profession or vocation~~

~~Any employment, office, trade, profession or vocation carried on for profit or gain.~~

~~Sponsorship~~

~~Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.~~

~~Contracts~~

~~Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority— under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.~~

Land

Any beneficial interest in land which is within the area of the relevant Authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.

Corporate tenancies

Any tenancy where (to the Member's knowledge)—
the landlord is the relevant Authority; and
the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—
that body (to the Member's knowledge) has a place of business or land in the area of the relevant Authority; and
either—
the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

5. Other Pecuniary Interests

5.1 You have a Other Pecuniary Interest in any business of the Authority where it relates to or is likely to affect:
any person or body who employs or has appointed you;
any contract for goods, services or works made between the Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraphs 6.1 (a)-(b) which has been fully discharged within the last 12 months; or
the financial position of a related person, whether a family member, friend or business associate.

Comment [.1]: The Standards committee previous preference was to combine Other Pecuniary Interests and Non-Pecuniary Interests to one category – see below

6. Code or Personal Non-Pecuniary Interests

6.1 You have a Code or Personal Non-Pecuniary Interest in any item of business of the Authority where it relates to or is likely to affect –

(a) any person or body who employs or has appointed you;

(b) any existing contract for goods, services or works, which has not been fully discharged or has expired within the last 2 years, and made between the Authority and

Comment [LH2]: Standards Committee to advise which category they prefer

- (i) you,
- (ii) a Related Person;
- ~~(ii)~~(iii) a body in which you have a Disclosable Pecuniary Interest
- ~~(iii)~~ a firm in which you are a partner;
- ~~(iv)~~ a company of which you are a remunerated director,
- ~~(iv)~~ or a person or body of the description specified in paragraphs 6.1 (c)-(d);

(c) any body of which you are a member or in which you hold a position of general control or management and to which you are appointed or nominated by the Authority;

(d) any other body of which you are a member or in which you hold a position of general control or management –

- (i) exercising functions of a public nature;
- (ii) directed to charitable purposes; or
- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

~~of which you are a member or in a position of general control or management;~~

(e) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

(f) a decision in relation to that business which might reasonably be regarded as affecting ~~your~~ the financial position or wellbeing of:

- (i) yourself or
- (ii) a related person;

to a greater extent than the majority of ~~(in the case of Authorities with electoral divisions or wards)~~ other council tax payers, ratepayers or inhabitants of the electoral division or ward, ~~as the case may be~~, affected by the decision.; ~~or~~

~~(ii) (in all other cases) other council tax payers, ratepayers or inhabitants of the Authority's area.~~

6.2 Related Person is defined as:

- a member of your family; or
- any person with whom you have a close business or personal association.

7. Disclosure of Members' Interests (Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests)

Comment [.3]: Speak to Standards Committee to change disclose to declare

- 7.1 Subject to sub-paragraphs 7.2 to 7.3, where you have a Disclosable Pecuniary Interest, ~~other Pecuniary Interest~~ or Code or Personal Non-Pecuniary Interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.
- 7.2 Sub-paragraph 7.1 only applies where you are aware or ought reasonably to be aware of the existence of the Relevant Person's (as defined in 4.2 above) Interest.
- 7.3 Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 7.1 but by virtue of paragraph 12 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests and the interest is a Disclosable Pecuniary Interest you need not disclose the nature of the interest to the meeting.
- ~~7.4 Where you have a Pecuniary Interest in any business of the Authority and a function of the Authority may be discharged by you acting alone in relation to that business, you must ensure you notify the Authority's Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business.~~
- ~~7.5~~ Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 7.1 and you are acting as a Cabinet Member, have ~~making de~~ an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest. In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

8. **Disclosure of Interests generally**

- 8.1 Subject to sub-paragraphs 8.2 & 8.3 below, you have a duty to disclose any interest, as set out in paragraphs 5 and 6 above, in considering any business of the Authority, where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 8.2 **Holding the position of a District Councillor is NOT an interest which is required to be declared at meetings, unless you are involved in the decision making within the ward you were elected to.**
- 8.3 You do not have a disclosable interest in any business of your Authority where that business relates to the functions of your Authority in respect of:

Comment [LH4]: Declaration or disclosure?

- i. housing, where you are a tenant of your Authority provided that those functions do not relate particularly to your tenancy or lease;
- ii. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- iv. an allowance, payment or indemnity given to Members;
- v. any ceremonial honour given to Members; and
- vi. setting Council Tax or a Precept under the Local Government Finance Act 1992

9. Effect of Disclosable Pecuniary Interests on participation

- (a) If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and you are aware of that Interest:
 - (i) You must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting.
 - (ii) You must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's Monitoring Officer.
- (b) If you have a Disclosable Pecuniary Interest in any business of the Authority you must not:
 - (i) exercise executive functions in relation to that business; and
 - (ii) seek improperly to influence a decision about that business
- (c) If a function of the Authority may be discharged by a Member acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).

10. Effect of ~~Other Pecuniary~~ or ~~Code or Personal Non-Pecuniary~~ Interests on participation

- 10.1 If you have a ~~pecuniary~~ a ~~Code or Personal~~ interest (other than a disclosable pecuniary interest) or a ~~Code or Personal non-pecuniary interest~~ in any

business of your Authority which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered you must:-

- (a) Disclose the existence and nature of the interest in accordance with paragraph 7.1 (but subject to paragraph 12)
- (b) Withdraw from the room or chamber where the meeting considering the business is being held, immediately after making your representations or in any other case when the business is under consideration, unless you have obtained a dispensation from your authority's Monitoring Officer

PART 3 REGISTER OF MEMBERS' INTERESTS Registration of Members' Interests

11.1 Subject to paragraph [132](#), you must, within 28 days of—

- a. this Code being adopted by or applied to your authority; or
- b. your election, re-election or appointment or re-appointment to office (where that is later), or co-option onto the authority,

register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- (i) [Disclosable Pecuniary Interests](#) as referred to in paragraph [4](#), [and defined in Appendix B](#), that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time.

11.2 Subject to paragraph 12, you must, within 28 days of becoming aware of any new [or amended Disclosable Pecuniary Interest](#) as referred to in paragraph [4](#), [and defined in Appendix B](#), that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any interest registered under paragraph 4 above by providing written notification to your authority's Monitoring Officer.

[12.1 Subject to paragraph 13, you must, within 28 days of—](#)

- [a. this Code being adopted by or applied to your authority; or](#)
- [b. your election, re-election or appointment or re-appointment to office \(where that is later\), or co-option onto the authority,](#)

register in your authority's register of members' personal interests details of personal interests as referred to in paragraph 5, that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time.

Comment [.5]: I do think we should request registration of spouse etc. interests to be registered in advance unless they're DPis.

12.2 Subject to paragraph 12, you must, within 28 days of becoming aware of any new or amended Disclosable Pecuniary Interest as referred to in paragraph 4, and defined in Appendix B, that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any interest registered under paragraph 4 above by providing written notification to your authority's Monitoring Officer.

12. Sensitive Information

- 12.1 Where you have an ~~an Disclosable Pecuniary registerable~~ interest referred to in paragraphs 4 or ~~5 other Pecuniary Interest referred to in paragraph 5~~, and the nature of the interest is such that you and your authority's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 12.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 18.1 is no longer sensitive information, notify your authority's Monitoring Officer.
- 12.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

APPENDIX A

The Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services and state that holders of public office.

The Nolan Principles

<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	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.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	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.
<i>Openness</i>	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.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	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.

Appendix B

“Disclosable Pecuniary Interests” are defined by *The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012* and are:-

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority—
(a) under which goods or services are to be provided or works are to be executed; and
(b) which has not been fully discharged.

Land

Any beneficial interest in land which is within the area of the relevant Authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.

Corporate tenancies

Any tenancy where (to the Member’s knowledge)—
(a) the landlord is the relevant Authority; and
(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—
(b) that body (to the Member’s knowledge) has a place of business or land in the area of the relevant Authority; and
(c) either—
(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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**TENDRING DISTRICT COUNCIL
MEMBERS' CODE OF CONDUCT**

1. Introduction to the Code of Conduct

- 1.1 Trust and confidence in public office-holders and institutions are important for the functioning of local authorities. This is particularly true in the case of elected office-holders. The Council has therefore adopted this Code of Conduct for elected members (also referred to as "Councillors") to promote and maintain high standards of conduct in public life. It is each Councillor's responsibility to comply with the provisions of this Code.
- 1.2 The Code of Conduct applies to all elected Councillors, voting co-opted members and appointed members.
- 1.3 The Code covers three main areas:
- **Part 1** sets out some general obligations regarding the behaviour of elected and co-opted members ("**Rules of Conduct**")
 - **Part 2** explains how members should behave if they have a personal/code interest in an item of Council business ("**Members' Interests**")
 - **Part 3** sets out rules requiring registration of interests for public inspection ("**Register of Members' Interests**")

The Principles of Public Life are set out in Appendix A.

2. Interpretation of when the Code of Conduct applies?

- 2.1 In this Code "meeting" means any meeting of
- (a) Tendring District Council ("the Authority");
 - (b) the Cabinet (also known as the Executive) of the Authority
 - (c) any of the Authority's or Cabinet's committees, sub committees joint committees, joint sub-committees, or area committees (including working parties and panels); or
 - (d) informal meetings with other Members and/or Officers relating to the discharge of the Authority's functions.
- 2.2 The Code of Conduct applies—
- (a) whenever you conduct the business, or are present at a meeting, of the Authority; or
 - (b) whenever you act, claim to act or give the impression you are acting in the role of Member to which you were elected or appointed; or

- (c) whenever you act, claim to act or give the impression you are acting as a representative of the Authority (including representation on outside bodies); or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 3.4(a) and 3.5; or
- (e) in respect of any criminal offence for which you have been convicted during your term of office.

2.3 Where you are elected, appointed or nominated by the authority to serve on any other authority or body you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body.

2.4 Where you are elected, appointed or nominated by the authority to serve on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, unless it conflicts with any other lawful obligations to which that other body may be subject.

3. Principles of Public Life

3.1 The Localism Act 2011 requires the Authority to have a code of conduct which is consistent with the 'Nolan Principles' determined by the Committee on Standards in Public Life. These Principles are set out in the Appendix to this Code. The Code is consistent with the Nolan Principles but any breach of the principles is not by itself a breach of the Code.

3.2 As a Member of Tendring District Council you shall have regard to the Seven Principles of Public Life as it is these principles which underpin the Rules of Conduct set out below.

PART 1 **RULES OF CONDUCT**

4.1 In fulfilling your **Duties and Responsibilities**

You must not:

- (a) breach your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) disrespect others;
- (c) bully or harass any person; or
- (d) do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the Authority.

4.2 Information

You must not:

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

4.3 Conduct

You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the Authority.
- (c) comply with any request of the authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted in accordance with their respective statutory powers.

4.4 Use of your Position

You must not:

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the Authority—
 - (i) imprudently;
 - (ii) in breach of the Authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the

- Authority or of the office to which you have been elected or appointed;
- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

4.5 Registration of Interests

In accordance with and subject to Part 2 of the Code you are required to register details of your Disclosable Pecuniary Interests and your Code/Personal Interests within 28 days of becoming a Member (or being re-elected or reappointed) or a change in those details, in the Authority's Register of Interests.

4.6 Decision Making

You must:

- (a) when participating in meetings or reaching decisions regarding the business of the Authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the Authority's officers, in particular by—
 - (i) the Authority's Head of Paid Service;
 - (ii) the Authority's s.151 Officer/ Chief Finance Officer;
 - (iii) the Authority's Monitoring Officer/ Chief Legal Officer;
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

4.7 Compliance with the Law and the Authority's Rules and Policies

You must:

- (a) observe the law and the Authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) comply with the Local Authority Code of Publicity made under the Local Government Act 1986 and any relevant guidance issued;
- (c) comply with the provisions of the Bribery Act 2010 or similar;
- (d) comply with the Authority's Gifts and Hospitality Policy;
- (e) comply with any other policy (or part of policy) which sets out required conduct from Members, for example the Member/Officer Working Protocol and Planning Code for Members, or similar.

PART 2 MEMBERS' INTERESTS

Holding the position of a District Councillor is NOT an interest which is required to be declared at meetings, unless you are involved in the decision making within the ward you were elected to.

5. Disclosable Pecuniary Interests

5.1 Disclosable Pecuniary Interests (DPIs) are defined by ***The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012*** and are set out in Appendix B to this Code. It is important that councillors understand what amounts to a DPI, that they identify carefully all DPIs relevant to them and that they take the necessary action required by law. Breaches of the requirements related to DPIs are a criminal offence and are referred to the Police.

5.2 You have a Disclosable Pecuniary Interest in any business of your authority if it is of a description set out in Appendix B and is either:

- (a) an interest of yours,
Or that of a Relevant Person being:
- (b) an interest of your spouse,
- (c) an interest of your civil partner, or
- (d) an interest of a person you are living with as a spouse or civil partner,

and in the case of paragraphs 5.2(b) – (d) you are aware that the Relevant Person has the interest.

5.

Comment [.1]: The Standards committee previous preference was to combine Other Pecuniary Interests and Non-Pecuniary Interests to one category – see below

6. Code or Personal Interests

6.1 You have a Code or Personal Interest in any item of business of the Authority where it relates to or is likely to affect –

- (a) any person or body who employs or has appointed you;
- (b) any existing contract for goods, services or works, which has not been fully discharged or has expired within the last 2 years, and made between the Authority and

Comment [LH2]: Standards Committee to advise which category they prefer

- (i) you,
 - (ii) a Related Person;
 - (iii) a body in which you have a Disclosable Pecuniary Interest
 - (iv) or a person or body of the description specified in paragraphs 6.1 (c)-(d);
- (c) any body of which you are a member or in which you hold a position of general control or management and to which you are appointed or nominated by the Authority;
- (d) any other body of which you are a member or in which you hold a position of general control or management –
- (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
- (e) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- (f) a decision in relation to that business which might reasonably be regarded as affecting the financial position or wellbeing of:
- (i) yourself or
 - (ii) a related person;
- to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, affected by the decision.;

6.2 Related Person is defined as:

- a member of your family; or
- any person with whom you have a close business or personal association.

7. Disclosure of Members' Interests

- 7.1 Subject to sub-paragraphs 7.2 to 7.3, where you have a Disclosable Pecuniary Interest, or Code or Personal Interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.
- 7.2 Sub-paragraph 7.1 only applies where you are aware or ought reasonably to be aware of the existence of the Relevant Person's (as defined in 4.2 above) Interest.

Comment [.3]: Speak to Standards Committee to change disclose to declare

- 7.3 Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 7.1 but by virtue of paragraph 12 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests and the interest is a Disclosable Pecuniary Interest you need not disclose the nature of the interest to the meeting.
- 7.4 Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 7.1 and you are acting as a Cabinet Member, making an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest. In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

8. **Disclosure of Interests generally**

Comment [LH4]: Declaration or disclosure?

- 8.1 Subject to sub-paragraphs 8.2 & 8.3 below, you have a duty to disclose any interest, as set out in paragraphs 5 and 6 above, in considering any business of the Authority, where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 8.2 **Holding the position of a District Councillor is NOT an interest which is required to be declared at meetings, unless you are involved in the decision making within the ward you were elected to.**
- 8.3 You do not have a disclosable interest in any business of your Authority where that business relates to the functions of your Authority in respect of:
- i. housing, where you are a tenant of your Authority provided that those functions do not relate particularly to your tenancy or lease;
 - ii. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - iv. an allowance, payment or indemnity given to Members;
 - v. any ceremonial honour given to Members; and
 - vi. setting Council Tax or a Precept under the Local Government Finance Act 1992

9. **Effect of Disclosable Pecuniary Interests on participation**

- (a) If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you have a Disclosable Pecuniary Interest in any matter to be

considered, or being considered, at the meeting and you are aware of that Interest:

- (i) You must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting.
 - (ii) You must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's Monitoring Officer.
- (b) If you have a Disclosable Pecuniary Interest in any business of the Authority you must not:
- (i) exercise executive functions in relation to that business; and
 - (ii) seek improperly to influence a decision about that business
- (c) If a function of the Authority may be discharged by a Member acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).

10. Effect of or Code or Personal Interests on participation

- 10.1 If you have a a Code or Personal interest (other than a disclosable pecuniary interest) in any business of your Authority which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered you must:-
- (a) Disclose the existence and nature of the interest in accordance with paragraph 7.1 (but subject to paragraph 12)
 - (b) Withdraw from the room or chamber where the meeting considering the business is being held, immediately after making your representations or in any other case when the business is under consideration, unless you have obtained a dispensation from your authority's Monitoring Officer

PART 3 REGISTER OF MEMBERS' INTERESTS Registration of Members' Interests

Disclosable Pecuniary Interests:

11.1 Subject to paragraph 13, you must, within 28 days of—

- a. this Code being adopted by or applied to your authority; or

- b. your election, re-election or appointment or re-appointment to office (where that is later), or co-option onto the authority,

register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- (i) Disclosable Pecuniary Interests as referred to in paragraph 5, and defined in Appendix B, that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time.

- 11.2 Subject to paragraph 13, you must, within 28 days of becoming aware of any new or amended Disclosable Pecuniary Interest as referred to in paragraph 5, and defined in Appendix B, that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any interest registered under paragraph 5 above by providing written notification to your authority's Monitoring Officer.

Code or Personal Interests

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- a. this Code being adopted by or applied to your authority; or
- b. your election, re-election or appointment or re-appointment to office (where that is later), or co-option onto the authority,

register in your authority's register of members' personal interests details of personal Interests as referred to in paragraph 5, that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time.

- 12.2 Subject to paragraph 13, you must, within 28 days of becoming aware of any new or amended Disclosable Pecuniary Interest as referred to in paragraph 4, and defined in Appendix B, that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any interest registered under paragraph 5 above by providing written notification to your authority's Monitoring Officer.

Comment [.5]: I do think we should request registration of spouse etc. interests to be registered in advance unless they're DPis.

13. Sensitive Information

- 13.1 Where you have an registerable interest referred to in paragraphs 4 or 5 , and the nature of the interest is such that you and your authority's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

- 13.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 18.1 is no longer sensitive information, notify your authority's Monitoring Officer.
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APPENDIX A

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

- Objectivity** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- 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.
- 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.
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Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority—

- (a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

Land

Any beneficial interest in land which is within the area of the relevant Authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.

Corporate tenancies

Any tenancy where (to the Member's knowledge)—

- (a) the landlord is the relevant Authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (b) that body (to the Member's knowledge) has a place of business or land in the area of the relevant Authority; and
- (c) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

STANDARDS COMMITTEE

28 JUNE 2017

REPORT OF THE MONITORING OFFICER

A.2 REVIEW OF SOCIAL MEDIA GUIDELINES FOR MEMBERS

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

For the Standards Committee to review the Council's Social Media Guidelines and give specific advice to be issued for elected Members.

EXECUTIVE SUMMARY

The Council has produced Social Media Guidelines, which were last updated in March 2016; these are attached as Appendix A.

Social Media is being used more and more by Councillors. Given the clear benefits of Social Media and recognising it has become part of everyday life for some Councillors engaging with residents who may not be reached through more traditional means, the Standards Committee decided as part of its annual work programme and following on from a previous investigation, to review the Council's Social Media Policy to ensure the guidelines are clear to assist understanding of potential pitfalls of using Social Media.

Draft Guidelines for Members, which set out some simple rules, are attached as Appendix B and include a reminder that inappropriate use of Social Media could amount to a breach of the Members' Code of Conduct.

RECOMMENDATION

It is recommended that:

- 1. Subject to any proposed amendments requested by the Standards Committee, that the draft Guidelines for Members when using Social Media, as set out in Appendix B be approved and adopted; and**
- 2. The approved Guidelines be circulated to all Members and annexed to the Corporate Social Media Guidelines to ensure it provides advice to both Councillors and Officers.**

BACKGROUND INFORMATION, CODE OF CONDUCT & LEGAL CONSIDERATIONS

Many Councillors are interacting with others, including the people they represent, online through Social Media. This is regarded as a modern and, more increasingly, normal method of communication.

Social Media is the term for online tools, websites and interactive media that enable users

to interact with each other by sharing information, opinions, knowledge and interests. For the purposes of the guidance, the term 'Social Media' covers sites and applications including, but not restricted to, Facebook, Twitter, Flickr, LinkedIn, blogs and any emerging sites which develop after the creation of this report as Social Media is developing quickly. These principles may equally apply to any other electronic communication addressed to a wider audience, e.g. multi addressee emails and texts.

As a District Councillor you are in a position where you are able to request information from officers that might not otherwise be publically available and you will also be included on information sent out to all Members. This may be privileged information that is provided to you to ensure you are aware of local issues and to enable you to fulfil your role as a District Councillor. You must consider how you use this information since it may be that it is private or privileged. You should check before posting this information on social media.

Anything posted on social media becomes a publication; effectively a broadcast has been made, and it is in the public domain. With Social Media platforms increasing in popularity it is important for Councillors to be able to use modern technology to represent their residents without falling foul of the law or compromising the Members' Code of Conduct.

MEMBERS' CODE OF CONDUCT:

The Code of Conduct applies to Councillors whenever they —

- (a) conduct council business, or are present at a meeting, of the Authority; or
- (b) act, claim to act or give the impression they are acting in the role of Member to which they were elected or appointed; or
- (c) act, claim to act or give the impression they are acting as a representative of the Authority (including representation on outside bodies).

Also the Code applies if a Councillor conducts themselves in a manner which could reasonably be regarded as bringing their office or that of the Council into disrepute.

It is important to understand that Councillors can have 'blurred identities'. This means they may have a Social Media account and comment both as a Councillor and as an individual. For example a Facebook account and post a comment about a great night out (personal) and another time explained the District Council's position on pothole repairs (Councillor). It may be clear in the individual Councillor's mind they are posting in a private capacity or as a Councillor, but it could be less clear to others.

Such blurred identities might have serious implications where a Councillor's views are taken by others as those of the Council, rather than a personal opinion. It's worth Councillors considering making Social Media accounts/profiles clear on the capacity in which they are commenting, and be more confident on what can and cannot be said.

Councillors are expected to communicate and comment politically, but in the same way members are required to act in Council meetings or within their communities.

Members should:

- **show respect for others** – do not use social media to be rude or disrespectful
- **not disclose confidential information about people or the council**
- **not bully or intimidate others**
- **not try to secure a benefit or advantage for themselves or others**
- **abide by the laws of equality**

It is not permissible to use Council resources for personal or political purposes and during the run up to elections, additional guidance will be issued.

LEGAL CONSIDERATIONS

Whilst there is no additional legal or ethical burden around using Social Media, the usual rules still apply and need to be thought about in this context. In the main, Councillors have the same legal duties online as anyone else, but failure to comply with the law may have more serious consequences. There are additional duties around using websites for electoral campaigning and extra care needs to be taken when writing on Council business, for example Planning or Licensing matters.

- **Libel**

If an untrue statement is published about a person, which is damaging to their reputation they may take a libel action against the Councillor (not the Council). This will also apply if the Councillor allows someone else to publish something libellous on their Social Media, if the Councillor knew about it and didn't take prompt action to remove it. A successful libel claim will result in an award of damages, even if only repeating statements made by others.

- **Copyright**

Placing images or text on Social Media from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Councillors should avoid publishing anything they are unsure about, or seek permission in advance. Breach of copyright may result in an award of damages.

- **Data Protection**

Avoid publishing the personal or sensitive data of individuals unless express written permission has been obtained in advance.

- **Equality**

Care must be taken in publishing anything that could breach Councillors' duties and responsibilities to have due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.

- **Obscene material**

It goes without saying that Councillors should avoid publishing anything on Social Media that people would consider obscene. Publication of obscene material is a criminal offence.

FREEDOM OF EXPRESSION

It is important for the Committee to understand the principles of the right to freedom of expression and its restrictions. Article 10 provides:

- “(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers....*
- (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of...the protection of the reputation or rights of others ...”*

It is also important to note the words of Collins J in ***Livingstone v The Adjudication Panel for England [2006] EWHC 2533 (Admin)*** [at para.39]:

“The burden is on [the Adjudication Panel for England] to justify interference with freedom of speech. However offensive and undeserving of protection the appellant’s outburst may have appeared to some, it is important that any individual knows that he can say what he likes, provided it is not unlawful, unless there are clear and satisfactory reasons within the terms of Article 10(2) to render him liable to sanctions”.

The right to freedom of expression is a crucially important right in a democratic society and it is clear that it may only be interfered with where there are convincing and compelling reasons within the terms of Article 10(2) justifying that interference. Comments made on Social Media related to matters within legitimate concerns as a Councillor (political or quasi-political comment) would benefit from a high level of protection under Article 10.

The question as to whether information is fair and balanced should be, in the first instance, the stuff of political debate and journalistic analysis. A clear distinction exists between “rough and tumble” politicking, which is aimed squarely at the competence of political opponents and making statements which would fall foul of the legal consideration set out above. In a democratic system the actions or omissions of any governing body must be subject to the close scrutiny not only of the legislative and judicial authorities but also of the press and public opinion.

In ***Heesom v Public Service Ombudsman for Wales***, Mr Justice Hickinbottom considered a Councillor’s right to free speech in some detail. His considerations drew attention to a number of earlier cases in which the following propositions could be derived:

- While freedom of expression is important for everyone, it is especially so for an elected representative of the people. They represent their electorate, draw attention to their preoccupations and defend their interests.
- The enhanced protection applies to all levels of politics, including local.
- Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that

context, is tolerated.

- Whilst, in a political context, Article 10 protects the right to make incorrect but honestly made statements, it does not protect statements which the publisher knows to be false.
- The protection goes to “political expression”; but that is a broad concept in this context. It is not limited to expressions of or critiques of political views, but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others.
- Past cases draw a distinction between facts on the one hand, and comment on matters of public interest involving value judgment on the other. As the latter is unsusceptible of proof, comments in the political context amounting to value judgments are tolerated even if untrue, so long as they have some – any – factual basis. What amounts to a value judgment as opposed to fact will be generously construed in favour of the former; and, even where something expressed is not a value judgment but a statement of fact (e.g. that a council has not consulted on a project), that will be tolerated if what is expressed is said in good faith and there is some reasonable (even if incorrect) factual basis for saying it, “reasonableness” here taking account of the political context in which the thing was said
- As Article 10(2) expressly recognises, the right to freedom of speech brings with it duties and responsibilities however, any restriction must respond a “pressing social need”.

There have been other cases in which the courts have given consideration to freedom of expression, the public interest in such a freedom, and on the other side of the balance, the public interest in proper standards of conduct by elected members. The Article 10 balancing process is highly fact sensitive and while decisions will provide valuable guidance on the general approach, the courts have stressed that it is important to keep in mind the particular facts in any one case. What is essential is who comments are directed to, who is involved in the debate and if the recipient is not part of the political environment, the impact of the comments on them. In addition, it is possible to justify interference with the right to freedom of expression if the intention or impact results in civil or criminal activity, such as defamation, inciting public disorder, or breach of equality duties.

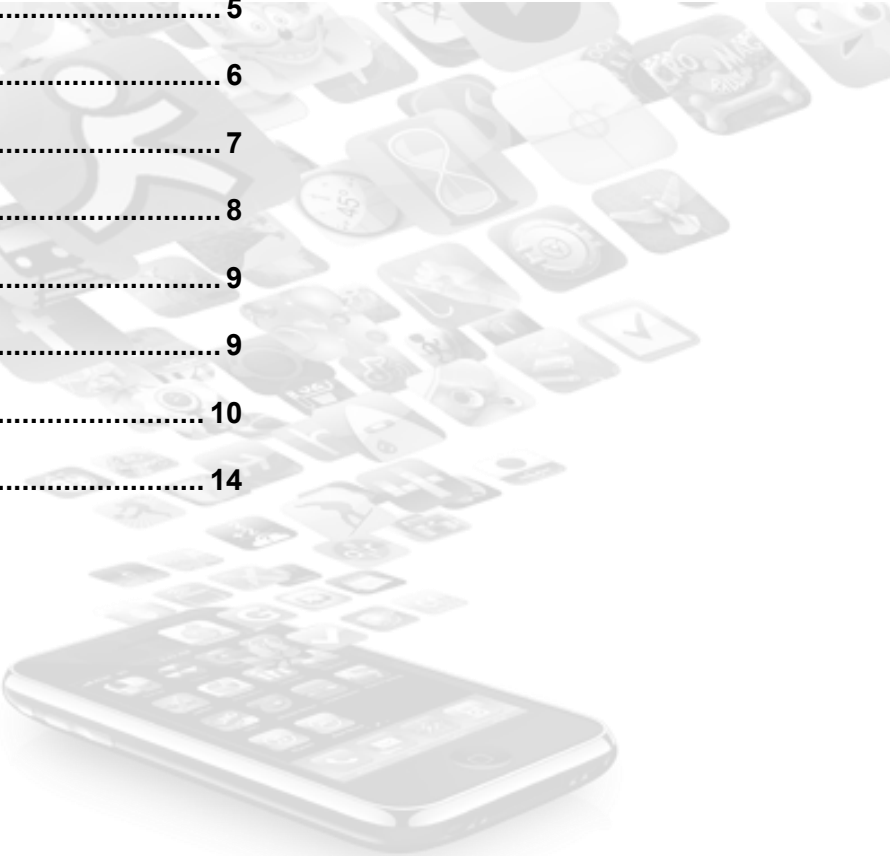
APPENDICES

- Appendix A – Tendring District Council Social Media Guidelines – updated March 2016
- Appendix B – Draft GUIDELINES FOR MEMBERS WHEN USING SOCIAL MEDIA

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Introduction

Social media is the term commonly given to websites and online tools (such as Facebook and Twitter) which allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests. As the name implies, social media involves the building of communities or networks, encouraging participation and engagement.

The use of social media presents exciting opportunities for the Council to have conversations with the wider community in order to share news, provide information on services, and seek opinions from our residents and service users. Alongside these opportunities it must be recognised that there are risks attached to the use of social media. Distribution of material cannot be controlled. Once posted to an initial target audience, material can be posted anywhere through the networks of each individual in that audience and beyond. It is therefore important that users of social media understand the pitfalls as well as the benefits of the technology.

Tendring District Council (TDC) has a corporate Twitter account with over 4,000 followers, enabling immediate responses to enquiries received in this way and providing two-way communication. Recent tweets are featured on the home pages of Ping! and the TDC website.

The Facebook logo, consisting of the word "facebook" in white lowercase letters on a dark blue rectangular background.The YouTube logo, featuring the word "You" in black and "Tube" in white inside a red rounded rectangle.The Digg logo, featuring the word "digg" in a blue, stylized, outlined font.The Twitter logo, featuring the word "twitter" in a light blue, rounded, lowercase font with a white outline.The Foursquare logo, featuring the word "foursquare" in a blue, rounded, lowercase font with a white outline.The Flickr logo, featuring the word "flickr" in a blue and pink lowercase font.The WordPress logo, featuring a circular icon with a white "W" on a dark background, with the word "WORDPRESS" in blue capital letters below it.The LinkedIn logo, featuring the word "Linked" in black and "in" in white inside a blue square.

Introduction (continued)

There are a number of Facebook pages for various Council services in operation, to give up to date information on events and services we provide. For example, the Leisure Centre Facebook Pages are used to inform customers of class and timetable changes and receive feedback from them. The Princes Theatre Facebook group has over 2,500 friends and has become an invaluable tool for raising awareness of various events and shows the theatre hosts to large numbers instantaneously. This provides an excellent communication portal for customers to express opinions as well as ask questions.

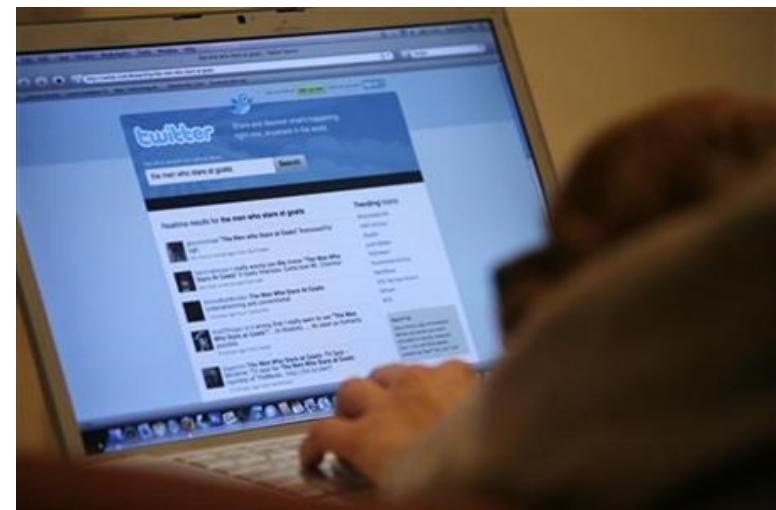
TDC is committed to improving the quality and interest of the posts and timeliness of updating through these channels of communication, which will in turn lead to messages being spread by word of mouth and to get a two-way dialogue developing. This will help us to understand who is interacting with us and what they are interested in. This knowledge can then help us to develop and market our products such as leisure facilities, theatre productions and business help, and to engage with a wider customer base.

Social media channels are an important vehicle for the Council to connect with a wider range of groups such as young people who are expert web users, or those who may be dissatisfied with the Council and want to register a complaint.

There are specific safeguarding issues that employees who work closely with children or vulnerable adults need to be aware of. Any employee with concerns regarding these service users should seek further advice from their line manager, both for the protection of their service users and themselves.

These guidelines have been introduced to ensure appropriate, legal and effective use of Facebook and Twitter as communication channels for Tendring District Council.

This guidance should be read in conjunction with the Council's IT monitoring, IT security, Internet and e-mail policies and the Corporate Communications Strategy.



Aim of these Guidelines

- To provide guidance to our staff on the use of social media in relation to the Council.
- To ensure that any Council communication through social media meets legal requirements and is consistent with other communication activities.
- To ensure that all the Council's social media sites are easily identifiable as originating from the Council and correctly apply the Council's logo and brand guidelines.
- To protect the reputation of the Council while embracing the possibilities of social media as a communication channel.
- To prevent the unauthorised use of Council branding on employees' personal social media sites.
- To ensure that any personal use of social media on TDC equipment is confined to outside normal working hours in line with the approved internet policy.

Principles

These principles apply to your online participation and set out the standards of behaviour expected as an employee of the Council. Remember - you should participate in the same way as you would with other media or public forums.

- ✓ **Be professional** - remember that you are an ambassador for the Council.
- ✓ **Be responsible** - be honest at all times and when you gain insight; share it with others where appropriate.
- ✓ **Be credible** - be accurate, fair, and thorough and make sure you are doing the right thing.

Always remember that participation online results in your comments being permanently available and open to being republished in other media. Never give out personal details like home address and phone numbers. Also be aware that you may attract media interest in you as an individual, so proceed with care whether you are participating in a business or a personal capacity. If you have any doubts, take advice from your line manager or Communications representative. Stay within the legal framework and be aware that libel, defamation, copyright and data protection laws apply.

Applying these Guidelines - Personal Use

In accordance with the Council's IT policies staff are able to use Council equipment to access the internet outside normal working hours. This policy also applies to the use of social media.

As an employee you must take the following into consideration when accessing social media:

- Do not engage in activities on the internet that might bring the Council into disrepute.
- Do not allow your online activities to interfere with your day job. Unless you are using social media to directly support you in your work you should only access sites outside of your normal working hours.
- Do not use the Council logo on personal web pages.
- Do be aware of your association with the Council. If you identify yourself as a TDC employee, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and customers.
- Do not reveal information which is confidential to the Council.
- Do not publish comments on your work or services offered by the Council on any personal account.
- Do not make any offensive or derogatory remarks about the Council, Councillors or other members of staff as this could amount to cyber-bullying or defamation and could result in disciplinary action.



Applying these Guidelines - Council-run Channels

Staff wishing to use social media as a channel for a project or campaign must first discuss and agree this with their Head of Department/ Corporate Director to ensure that there is a clear purpose and content is suitable for the target audience.

- Social media channels featuring the Council's logo or branding must comply with branding guidelines.
- The use of the Council logo or branding on social media channels must be authorised prior to publication by the Communications & Public Relations Manager (Nigel Brown).
- If you come across a group using the Tendring brand and/or Logo which you know not to be run by the Council, please contact the Communications & Public Relations Manager.
- Contact details or photos of service users or staff should not be included without first obtaining their permission.
- Individual employees can post items on Council sites providing it complies with the Guidance provided to all staff, and that they have been given the relevant authority to do so by their line manager / Head of Department / Corporate Director.
- Individual employees are personally responsible for the content they publish on blogs, wikis or any other form of social media.
- Copyright, fair use and financial disclosure laws must be complied with at all times.
- Do not reveal information which is confidential to the Council - consult your line manager if you are unsure.

Please ensure that you comply fully with this Guidance at all times whilst using any forms of Social Media whilst carrying out your work.

If you have any queries please contact your line manager, departmental Communications Representative or Head of Department/Corporate Director.

Failure to maintain high standards will result in the channel being removed.

Officer Authorisation

Function-specific Social Media accounts and profiles must be agreed by the relevant Head of Department/Corporate Director prior to being set up, to ensure that they can be properly resourced and managed. A Senior Manager appropriate to the function will act as “responsible officer” for each account, and will be required to monitor content and use of the account and to identify the officers to be authorised to post / tweet.

Current Twitter accounts in use within Tendring District Council are:

Accounts	Twitter Handle	Responsible Officer	Admins
Corporate	@Tendring_DC	Lizzie Ridout	Lizzie Ridout Matt Cattermole James Mealing
Princes Theatre	@PrincesTheatre	Kai Aberdeen Melissa Diplock	
TDC Leisure Centres	@CentresTDC	Mike Carran	
Clacton Air Show	@ClactonAirShow	Sarah Daniells	Jo Needham
Love Clacton	@LoveClacton	Mike Carran	Sarah Daniells Jessica Wood
Seafronts	@TDCSeafronts	Nikki Nepean	Holly Gwillam Briony Faulkner
Recycling	@TendringRecycle	Jonathan Hamlet	April Dale
Cycle Tendring	@CycleTendring	Mike Carran	Jessica Wood
Careline	@Tend_Careline	Claire Ellington	Claire Ellington

Authorised staff are provided with this guidance document to ensure the integrity of the Council is upheld at all times. They are required to sign to confirm that they adhere to this Guidance.





Getting Started with Facebook

Before you create a Facebook Account there are a few things to think about and take note of:

- What you would like the page to be called, and what information will you want to include?
- Think about what you would like the end part of your web address to be after **http//** - for example <http://www.facebook.com/<whatyouwanthere>>.
- You can post links, photographs and videos to your page, the same as on your personal wall. This is not your personal wall. Do ensure that everything you post is appropriate.
- Don't ask your PC to remember your username and password when you first log in. It is too easy to forget who you are logged in as and accidentally post an inappropriate 'funny' video to the wrong place.
- You can, for example, delete a photograph you've posted in the wrong place. However, the way Facebook works means that your photograph will already have been posted into the Facebook news feed of everyone following your page. They may have already seen it before you delete it. Assume, therefore, that nothing can be deleted.
- You are still a representative of the Council when posting information, photographs etc. on our Facebook pages. Spellcheck your posts and check them for grammar. Never use text speak. Do not replace letters with numbers. Do not drop random E's or O's.
- If you wish to promote your new page by linking to it on other Council pages please contact your departmental or the corporate Website editors who will assist you with this. It is not appropriate to do this more than once a week, nor if your last link is still the last thing on the wall. You will annoy people and destroy any goodwill built up.
- Remember your audience. The tone of your words will help specific people understand your point.
- Never write anything on Facebook which you would not say to someone's face.
- Do not get into an argument on Facebook. If you feel a situation is descending into confrontation, ask the poster to use more private means of communicating with your departmental area such as telephone or email.

Getting Started with Facebook (continued)

- If someone is abusive, racist, sexist or in any other way inappropriate, please contact your line manager or a member of the Communications Group for advice. If necessary, we will report the person for inappropriate behaviour for you.
- Be aware that the people you are communicating with might have literacy issues, be dyslexic or not have English as their first language. Do always be patient.
- If you are ever unsure of how to deal with a situation on Facebook, please contact your line manager or a member of the Communications Group.

Getting Started with Twitter



Before you create a Twitter Account there are a few things to think about and take note of:

- When setting up a Twitter account for the first time, you will be asked to choose a username. Choose wisely, you cannot change your mind. The longer the username, the fewer letters you can type into the Twitter update box, which means less space to tell people about your event.
- You can delete a tweet but there is no guarantee no one will have seen it in the time it takes you to delete it. Just because it doesn't exist any more doesn't mean there might not be a PR fallout because of it.
- It is unlikely that you will be able to monitor your Twitter account 24/7 – please ensure you say so in your bio.
- If someone asks you to comment on any news stories, please refer them to our Communications and PR Manager.
- Never use text speak. Do not replace words with numbers and do not randomly drop an E or an O. Even on Twitter we are communicating on behalf of Tendring District Council and will be judged as such.
- If you pass details of your account to someone else if you are on leave, ensure that person has used Twitter before, that they have understood these guidelines and that their written communication skills are up to it. It is better to have no updates than ones which misrepresent the Council.

Getting Started with Twitter (continued)

- Don't get into a fight on Twitter. If the tone of a discussion is going downwards, take it off Twitter and onto a more appropriate communication channel such as email or telephone.
- Be aware of other people wanting to re-tweet (pass on) your tweets. If you're posting about an event, keep it concise. You have 140 letters to play with, minus your username, the @ before it and the RT: which stands for re-tweet and which Twitter automatically inserts. Spaces count towards your limit of 140 letters per update.
- If you want to re-tweet someone else's tweets, this is fine, but if the original message goes over 140 letters and you need to change it, don't change the thrust of the message.
- If you can't edit the message to make sense and you want to pass a link on, it's fine to post the link in a new update and put via <username> where username is the person who originally brought the link to your attention.
- If someone is asking for information, pointing them to a link which explains in detail is fine. Not everything can be answered in 140 letters.
- If you are tweeting from a public meeting, always be impartial. You are an observer when tweeting information on, not a participant.
- If you have committed to tweeting from a public meeting and are unable to due to reception issues, contact someone outside the meeting to post your apologies for you.
- Don't 'spam' people. In other words, don't send 6 updates in quick succession when you can fit your message into 1. The 6 updates won't appear in other people's streams in succession, instead they'll make no sense as other peoples updates appear in between yours.
- Don't butt into other people's conversations unless you've spoken to at least one of the participants before. If you have something really important to say, send a Direct Message.
- Don't post too many updates per day. If you have a lot to say, consider whether Twitter is the best communication channel to say it with.



Getting Started with Twitter (continued)

- Don't send a batch of updates every morning and then say nothing again all day. People are likely to ignore 6 tweets from the same account all at once, assuming it's just 'spam'. If you have a lot of short messages regarding different events, for example, consider using *Tweetdeck*^a or something similar to send pre-typed updates at certain times of day.
- Never ever write anything in reply to someone you wouldn't say to their face.
- Engaging with people is encouraged. Spending hours trying to placate the same person is not. If someone is persistently either complaining or asking questions, Twitter is not the best communication channel to use. Ask them to either telephone or write to the relevant point of contact in your service area.
- People will talk back to you. If you are comfortable answering their questions or dealing with their complaints, then it is fine for you to do so. If you are not, refer them to the usual point of contact for complaints in your service area.
- Be aware that the people you are communicating with might have literacy issues, be dyslexic or not have English as their first language. Try to be patient.
- People will sometimes be rude. You do not have to interact with anyone making racist or sexist remarks or those being abusive. There is a *Block*^b function on Twitter, use it, and make a quick record of the date and circumstances, just in case.
- If you are ever unsure of how to respond to a tweet, contact the Communications team who will be happy to advise you.

^a *Tweetdeck* is an application which runs from your PC which allows you to read your tweets, instead of using <http://www.twitter.com> – for more information see <http://www.tweetdeck.com> or contact the Communications Team.

^b The *Block* feature is built in to *Tweetdeck* – hover over the user's icon, left click the icon in the bottom right hand corner (a cog), select *User* and then click on *Block* in the menu which appears. At <http://www.twitter.com> enter the users name as <http://www.twitter.com/<user>> and select *Block* from there.

Contacts



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Website Editors	Tel	Website Editors	Tel
Lisa Leggett	6507	Sharon Harwood-Bee	6596
Lizzie Ridout	6340	Sarah Creelman	6133
Katie Wilkins	6315	Wendy Townsend	6764
Sam Harding	6940	Antony Read	6162
Lauren Gifford	6457	Charlotte Hurrell	6516
Lauren Cuthbert	6309	Eve Ramsden	6129
Matt Cattermole	6552	Sianie Biswell	6342
James Mealing	6335	Emma Norton	6490
Michael Pingram	6585	Lynn Lee	6651
Sophie Hickson	6007	Sharon Martin	6698
Ashley Wood	6583	Tommy Draper	6494
Sam Wright	6249	Gill Hall	6778
Vicky Harrington	6327	Michelle Gordon	6376
Janey Nice	6572	Sally Leonard	6701
Yana Humphreys	6664	Shelley Correia-Bird	6130

Communication Group Members	Tel
Nigel Brown	6338
Lizzie Ridout	6340
Katie Wilkins	6315
Lisa Leggett	6507
Sam Wright	6249
Sally Cornish	6012
Matt Cattermole	6552
Emma Norton	6490
Sharon Harwood-Bee	6596
Charlie Fripp	6140
Shelley Correia-Bird	6130
Nikki Nepean	6984

GUIDELINES FOR MEMBERS WHEN USING SOCIAL MEDIA

What do the Guidelines Cover?

These Guidelines cover all Social Media platforms, including but not limited to:

- Social Networking Sites (Facebook, Myspace, Foursquare, LinkedIn, Google+)
- Micro-blogging sites (Twitter)
- Blogs (including personal blogs as well as comments)
- Video and Photo Sharing Websites (Flickr, YouTube)
- Forums and discussion Boards (Google Groups, Yahoo! Groups)
- Email between councillors and other parties

Social Media

Social Media is a collective term used to describe easy ways to create and publish on the internet. People generally use the term to describe how organisations and individuals share content – text, video and pictures – and create conversations on the web. Examples of Social Media tools include blogs, Twitter, Facebook, Google+, Flickr, Tumblr and YouTube. The Council recognises the benefits that these new methods of communication can bring, but reminds all Members to use Social Media responsibly.

Summary Principles:

- **These Guidelines should be considered in conjunction with the Council's Members' Code of Conduct**
- **It relates to all use of Social Media, when acting in any capacity**
- **When making use of Social Media, Councillors should make use of stringent privacy settings if they do not wish them to be accessed by press or the public**
- **You are personally responsible for the content you publish on any form of Social Media**
- **Treat others with respect**
- **Comply with equality laws**
- **Do not disclose confidential information**
- **Do not disclose any personal or sensitive information**
- **If using third party material, ensure you have the requisite permission and that it is accurate.**

- **Since the judgment of whether you are perceived to be acting as a Councillor will be taken by someone else, it is safest to assume that any online activity can be linked to your official role.**

Key Points

- ❖ Your online presence reflects on the Council and your role as a Councillor. Be aware that your actions captured via images, posts or comments can affect your ability to take part in Council business.
- ❖ Comments posted on personal blogs should have clear disclaimers that the view expressed by you in the blog are your views alone and do not represent the views of the Council. Be clear and write in the first person. Make it clear that you are speaking for yourself and not on behalf of the Council.
- ❖ Comments on personal blogs, other blogs, forums and social networking sites should be respectful to the Council, it's staff and other people.
- ❖ You need to use sound judgement and control what you publish online. What you publish is widely accessible and will be around for a long time so consider the content carefully.
- ❖ Social Media activities should not host content which is defamatory of others.
- ❖ Abuse of Social Media can be a criminal offence.

The Council has produced the below simple guidelines to help Members:-

- ✓ **Do** – listen to what people are saying online, consider it and only respond if you feel it is appropriate
- ✗ **Don't** – publish anything you would not say in traditional media, for example during the pre-election period, or saying how you will vote on a particular issue
- ✓ **Do** – remember libel and copyright laws still apply to things you post on Social Media sites and what you publish is widely accessible and may always be around
- ✗ **Don't** – bring the Council, or your Member role, into disrepute
- ✓ **Do** – make it clear whether you are speaking from a personal perspective or as a Member representing the Council or a Member representing your political party
- ✗ **Don't** – use Social Media during Committee meetings if you are a Member of the Committee or taking part in the meeting, if it interferes with or distracts from the business of the meeting
- ✓ **Do** – think about how the public might perceive who you follow on Twitter or befriend on Facebook etc
- ✗ **Don't** – disclose any information which you have received in confidence
- ✓ **Do** – be respectful in your communications with others. Avoid personal attacks and disrespectful, rude or offensive comments (which can be a criminal offence). Think before you publish!

- ✘ **Don't** – assume that everyone shares your sense of humour. Others may be offended by the joke you thought was hilarious, or may not realise when you are being sarcastic or ironic
- ✔ **Do** – use Social Media when sober. Drinking alcohol and tweeting is not a good idea.

Remember – Although Freedom of Expression provides Councillors with a greater degree of protection when acting as a Councillor, inappropriate use of Social Media could amount to a breach of the Member Code of Conduct.

As a District Councillor you are in a position where you are able to request information from officers that might not otherwise be publically available and you will also be included on information sent out to all Members. This may be privileged information that is provided to you to ensure you are aware of local issues and to enable you to fulfil your role as a District Councillor. You must consider how you use this information since it may be that it is private or privileged. You should check before posting this information on social media.

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