

STANDARDS COMMITTEE

22 APRIL 2026

REPORT OF THE MONITORING OFFICER

A.3 REVIEW OF SOCIAL MEDIA GUIDANCE FOR MEMBERS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present the Committee with the outcome of a review of the Social Media Guidance for Members conducted by Officers for the Committee's comments and suggestions along with subsequent approval of the draft, following any associated adjustments.

EXECUTIVE SUMMARY

The current Social Media Guidance for Members (the Guidance) was last considered by the Standards Committee at its meeting held on 2 February 2022 and is attached as Appendix A, detailing Officers' comments after conducting their review.

Whilst the 2022 guidance was not incorrect it was felt necessary to produce a new draft based on current uses of social media platforms and terminology. The draft Social Media Guidance for Members is included as Appendix A.

The Council recognises the benefits of communication between Members and residents that social media platforms afford and is utilised by most Members with varying frequency. Social media can reach a demographic of society that may not always be reached by more traditional methods, along with the speed with which communication can take place, providing both potential benefit and pitfall, than traditional correspondence.

As part of its work programme, the Committee is requested to review the Guidance in association with Officers, to ensure that it is clear in order to assist elected Members in understanding social media and their use of it.

Members last received dedicated social media training on 27 January 2022 which broadly covered the following topics:

- Identifying strengths and weaknesses of major social media channels
- Working within the majors 'dos' and 'don'ts' of social media
- Finding and targeting an audience
- Building a 'brand' across social media platforms
- Managing trolls and keyboard warriors
- Applying the Seven Principles of Public Life (Nolan Principles) and Members' Code of Conduct to the use of social media
- Identifying Tendring District Council's existing policies for social media use (and development of future policies)
- Identifying the point for reporting misuse of social media

Through the Members' induction programme in 2023, Code of Conduct training (which was

refreshed again in 2025) referenced the Council's Social Media Guidance and the Local Government Association's published Social Media Guidance for Councillors.

The review undertaken by officers has considered the Local Government Association's Model Social Media Guidance, <https://www.local.gov.uk/our-support/communications-and-community-engagement/social-media-guidance-councillors> and the published Social Media Guidance for Councillors [Social media guidance for councillors | Local Government Association](#).

Following the Committee's consideration of the draft Social Media Guidance for Members, it is planned to develop an updated training session in association with the Council's Communications Team, to deliver to Members to accompany the reviewed Guidance, taking into consideration this review and the Committee's subsequent comments.

The Guidance and proposed training package will highlight that inappropriate use of social media could amount to a breach of the Members' Code of Conduct, and that it is the individual responsibility of each Member to consider the Guidance when using social media.

It is proposed that the training be delivered to District Councillors on the draft, to seek feedback and comments on the draft Guidance, in particular whether anything else needs to be covered, and report back to the Committee, to approve a final version.

RECOMMENDATION(S)

It is recommended that the Committee:

- (a) notes the contents of this report and the new draft Social Media Guidance for Members, as set out in Appendix A;**
- (b) subject to any comments or recommendations on Appendix A through the Committee's debate, approves Appendix A, as draft guidance for the purposes of training with District Councillors; and**
- (c) receives feedback following that training with Members, to approve a final version of the Social Media Guidance to ensure it is comprehensive and clearly understood.**

REASON(S) FOR THE RECOMMENDATION(S)

To provide a timely update to the Committee as part of its agreed work programme.

ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options associated with this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Declarations of Interest, in accordance with the Members' Code of Conduct, forms part of effective and positive governance, being a theme of Financial Sustainability and Openness within the Corporate Plan for 2024-28, adopted by full Council at its meeting in November

2023 (minute no.76).

Members' Declarations of Interests fall within Principle A of the Council's Annual Governance Statement, namely behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Whilst there is no additional legal or ethical burden around using social media, the usual rules still apply and need to be considered in this context. Predominantly, Members 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. Consideration should also be given during any pre-election period, guidance for which the Council produces for Members for each relevant period.

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 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 taking into account protected characteristics.

Obscene Material – Councillors should avoid publishing anything on social media that people would consider to be 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 applied 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 the 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 judgement on the other. As the latter is unsusceptible of proof, comments in the political context amounting to value judgements are tolerated even if untrue, so long as they have some – any – factual basis. What amounts to a value judgement as opposed to fact will be generously construed in favour of the former; and even where something expressed is not a value judgement 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 into 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 to 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.

FINANCE AND OTHER RESOURCE IMPLICATIONS

There are no finance or resource implications associated with this report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and

C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.

Through this report the Best Value Theme of Culture is demonstrated, describing how the established governance procedures and leadership are exercised.

The culture of a local authority is determined by an agreed set of shared values, ethics and beliefs, how decisions are made, as well as how elected members and officers behave, interact and carry out their roles.

Characteristics of a well-functioning authority

- Members and officers promote and demonstrate the highest ethical standards and appropriate working behaviours through established shared values and ways of working.
- A culture of cooperation, respect and trust between members and officers, and between departments exists, along with a commitment to transparent decision-making.
- A culture of compliance with legislation, strategies, policies and procedures throughout the organisation.

MILESTONES AND DELIVERY

This report is presented to the Committee in accordance with the work programme.

ASSOCIATED RISKS AND MITIGATION

Not presenting this information could have a detrimental impact on the Council's reputation.

OUTCOME OF CONSULTATION AND ENGAGEMENT	
None undertaken.	
EQUALITIES	
Equality considerations are taken into account for each decision made.	
SOCIAL VALUE CONSIDERATIONS	
Social value considerations are taken into account for each decision made.	
IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION	
Through the review Officers have considered the guidance provided to Members on use of social media at both Braintree and Colchester Councils, both of which refer to the LGA's published Social Media Guidance for Councillors.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050	
This is taken into account for each decision made.	
OTHER RELEVANT IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	Not applicable
Health Inequalities	Not applicable
Area or Ward affected	No Wards are directly affected by the contents of the report.
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
An ever-increasing number of Councillors use social media to communicate with residents regarding any issues that residents may have and also to promote the work that individual Councillors, or the Council as a whole, are doing. This is an efficient and fast paced means of communicating and information can be received by far reaching audiences. Social media is the term for online tools, websites and interactive media that enables users to interact with each other, share information, opinions, knowledge and interest. The various terms that social media describe are referred to throughout this report. The principles applied to using social media may also apply to any electronic communication. District Councillors are in a position whereby they may request information from Officers that may not be publicly available, in addition to being included on information sent out to all Members. Often this is privileged and sometimes sensitive information that is being provided in order that Councillors are aware of local issues to enable them to fulfil their role as a District Councillor. It must be considered how this information is used and Councillors should

check before posting or sharing this information on social media. Anything posted on social media becomes a publication and will be in the public domain, even if it subsequently deleted by the originator.

With social media being an important and increasingly utilised tool in which Councillors may represent their residents, it is important that they use social media responsibly and consider not only the legal ramifications but also adhere to, and be mindful of, the Members' Code of Conduct.

MEMBERS' CODE OF CONDUCT

The Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- You misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor

The Code applies to all forms of communication and interaction, including:

- At face-to-face meetings
- At online or telephone meetings
- In written communication
- In verbal communication
- In non-verbal communication
- In electronic and social media communication, posts, statements and comments

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

The Code also 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, posting about personal events and also Council business. It may be clear to the Councillor whether they are posting in an official or private capacity but could be less clear to others.

Such blurred identities might have serious implications where a Councillor's views are taken by either as those of the Council rather than a personal opinion. It is recommended that Councillors consider making social media accounts/profiles clear on the capacity in which they are commenting. It is expected that Councillors will communicate and comment politically, but in the same way in which they are required to act in Council meetings or within their communities.

It is not permissible to use Council resources for personal or political purposes and during the pre-election period.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Full Council on 22 November 2022 (minute no. 51) **RESOLVED** that Council approves:

- a) The adoption of the Local Government Association's Model Members' Code of Conduct, as set out in Appendix 2, for the purposes of Sections 27 & 28 of the Localism Act 2011, with a commencement date of the Annual Meeting of the Council in

May 2023;

- b) That all Town and Parish Councils in the Tendring District be invited by the Monitoring Officer to adopt the same Code for their own Councils;
- c) That all duly elected Tendring District Council members at the Council's elections in May 2023 attend mandatory training sessions on the new Code of Conduct; and
- d) That the new Code of Conduct be incorporated into Part 6 of the Council's Constitution in due course.

The Town and Parish Councils' Standards Sub-Committee meeting held on 12 February 2026 recommended that:

- a) Town and Parish Councils take on a fuller education programme on the Code of Conduct and its terms of reference;
- b) Town and Parish Councils should be aware of the available social media guidance but that also they should adopt adequate policies and procedures for the use of social media in their respective Councils;
- c) The appropriate training be delivered to ensure that the requirements of the guidance and the social media policies are at the forefront of Councillors' minds to ensure that they understand and acknowledge its requirements; and
- d) Town and Parish Councils should take ownership of introducing the right policies for their own Town and Parish Council.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers associated with this report.

APPENDICES

Appendix A – Social Media Guidance for Members 2026

REPORT CONTACT OFFICER(S)

Name	Lisa Hastings
Job Title	Corporate Director Law & Governance and Monitoring Officer
Email/Telephone	lhastings@tendringdc.gov.uk
Name	Karen Hayes
Job Title	Corporate Governance, Performance and Procurement Manager
Email/Telephone	khayes@tendringdc.gov.uk