



Communities Directorate

8 January 2016

<p>Joint Governance Committee 6.30pm on Tuesday 19 January 2016 Gordon Room, Town Hall, Worthing</p>

<p>Adur District Council: Councillors Rod Hotton (Chairman), Fred Lewis, Carol Albury, Ann Bridges, Emily Hilditch, James Butcher, Paul Graysmark and Barry Mear</p>

<p>Worthing Borough Council: Councillors Elizabeth Sparkes (Chairman), Paul Yallop, Joan Bradley, Michael Cloake, Alex Harman, Lionel Harman, Louise Murphy and Bob Smytherman</p>

Agenda

Part A

1. Declarations of Interest

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

2. Minutes

To approve the minutes of the Joint Governance Committee meeting held on 24 November 2015, copies of which have been previously circulated.

3. Public Question Time

To receive any questions from members of the public.

(Note: Public Question Time will operate for a maximum of 30 minutes.)

4. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

5. Vibrant, effective and supported social media communications

To consider a report by the Chief Executive, copy attached as item 5.

6. Use of Electronic Devices in Meetings of the Council and its Committees

To consider a report by the Solicitor to the Councils, copy attached as item 6.

7. Motion on Notice - Worthing Borough Council

To consider a report by the Director for Communities and the Solicitor to the Councils, copy attached as item 7.

Part B - Not for Publication – Exempt Information Reports

None.

Recording of this meeting

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not record any discussions in Part B of the agenda where the press and public have been excluded.

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The agenda and reports are available on the Councils website, please visit
www.adur-worthing.gov.uk

Ward: [n/a]

Vibrant, effective and supported social media communications

Report by the Chief Executive

1.0 Summary

- 1.1 Social media has fundamentally changed the way that we are able to communicate with communities and individuals across the world. Used well, it can be a vibrant, exciting way to discuss ideas, share points of view and clearly deliver on open and transparent methods of governance.
- 1.2 As with any communications channel, there is a balance of opportunities to be enjoyed and pitfalls to be avoided. This report presents a policy for Members designed to support them in engaging in vibrant, effective, communications using social media.

2.0 Background

- 2.1 Adur and Worthing Councils have been active on social media for the past six years, developing its use for customer service, engagingly promoting activities and warning/informing communities as required.
- 2.2 The Councils' Communications Strategy (as approved at the JSC of 2 December 2014) contained a clear vision to create a supportive environment for social media use across the Councils; one which encouraged uptake of the opportunities while minimising the risks of engagement and protecting the Councils' reputation.
- 2.3 In order to create a common standard and understanding of beneficial social media use, it is important to agree a policy to guide its use. This policy and set of overarching principles (as attached at Appendix 1), is meant to support those who wish to get involved in sharing the Councils' stories and taking part in online public debate, while also providing supportive guidance to help Members avoid potentially difficult situations.

3.0 Proposals

- 3.1 That the social media policy for Elected Members, as attached to this report, is approved and forms part of the guidance available to Members as they undertake their roles.

4.0 Legal

- 4.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 4.2 Alternatively S1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation

5.0 Financial implications

- 5.1 There are no financial implications in accepting this policy.

6.0 Recommendation

- 6.1 The Joint Governance Committee is recommended to adopt the Social Media Policy for Elected Members to provide a supportive framework within which to maximise the benefits of this communications medium.

Local Government Act 1972

Background Papers:

Joint Strategic Committee Report - 2 December 2014 - item 14

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Under 'Catching the Wave' and 'Surf's Up', the Councils adopted forward looking frameworks to guide progress. As part of this, improving and supporting communications was identified as a key priority.

2.0 Specific Action Plans

- 2.1 This report and associated policy is intended as a set of guiding principles, therefore there are no specific action plans relating to it.

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified.

4.0 Equality Issues

- 4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

- 6.1 Matter considered and no issues identified.

7.0 Reputation

- 7.1 Using social media in a respectful way to open opportunities for dialogue with the community can have a positive impact on the Councils' reputation. Improper use of any kind can damage an individual's reputation and the reputation of the Councils as a whole.

8.0 Consultations

- 8.1 This report and policy has been created by the Councils' specialist Social Media Manager and the Head of Communications, in conjunction with advice from the Legal and Democratic Services teams.

9.0 Risk Assessment

- 9.1 Improper use of social media may harm the reputation of Members and the Councils as a whole. The policy is therefore designed to mitigate risk and provide awareness on the most beneficial way to engage in social media discussions.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 This report and policy does not require new equipment or software to be purchased.

12.0 Partnership Working

12.1 No specific partnership working relates to this report



Adur and Worthing Councils Social Media Policy for Elected Members

Supporting the Councils through effective, vibrant, social media communications





Introduction

Social media isn't new. If you take its literal meaning – ie the opportunity for an individual to share information with a wide audience in a way which allows others to interact with that information - 'Letters To The Editor' could be one of the earlier forms of social media! Today, the term 'social media' is more commonly used to describe the creation and sharing of content using the internet through a number of different websites or technologies (known as 'platforms').

This policy document refers to the modern definition of 'social media' and is divided into the following sections:

Background

- The purpose and objectives of this policy
- Who is this policy aimed at?
- Who owns (and is responsible for) this policy?
- Why we get involved with social media
- Our social media principles

Policy

Members' use of social media

- Members' Professional accounts

Technical considerations

- IT Policy
- Linked documents and policies

Appendices

[Appendix 1](#) – Definitions of Terms

Appendix 2 - Corporate Social Media Accounts

[Appendix 3](#) – Platform specific check points for corporate accounts

[Appendix 3](#) – Our social management structure



Revision of policy

Social media is a fast evolving environment and, as such, this policy is a live document which may be updated at any time.

This document will form part of the Council's constitution. It will be openly available on the Councils' website and intranet and, when updated, a message will be posted to the Councils' intranet notice boards (and any other appropriate communication channels) to help Members keep up to date with the latest version of the document. It will be supported by a collection of best practice guidelines and training opportunities, promoted through the intranet, to help Members make more effective use of social technologies in their work with customers.

This version is dated January 2016.

For any further information, or to raise any comments/questions, please contact Neil Hopkins, Head of Communications – Neil.Hopkins@adur-worthing.gov.uk / 01903 221242.

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The purpose and objectives of this policy

The objective of this policy is to support Adur and Worthing Councils' Members in the use of social media, providing a clear framework for interacting with customers online while supporting our strategic social media purpose. The outcomes from this objective will include:

- Confident, competent, social media users throughout the organisations, able to inspire conversation and connection with the Councils' customers for mutual benefit
- A wide and inclusive network of social media users who can share good practice, support each other and improve our relationship with our customers
- Development of, and appropriate contribution to, vibrant online communities of interest in which the Councils and Members can have a legitimate voice
- An annual training and networking plan to help users gain the most out of social media
- An understanding of the boundaries between personal and professional social media use
- Clear links to sources of support, coaching and training to maintain confidence and keep developing skills

This policy is also designed to maximise the benefits of social media use to the Councils and to mitigate some of the risks inherent with social media. The outcomes from this objective will include:

- To protect and enhance the reputation of Adur and Worthing Councils
- To protect the Councils' ICT systems from misuse and/or damage
- To support the Councils' overarching strategic objectives as embodied in 'Catching The Wave'

Additionally, our use of social media should also support our Councils' key priorities as laid out in 'Catching The Wave' through fostering connections, sharing information and encouraging dialogue. These priority areas are:

- Supporting our wealth generators
- Cultivating enterprising communities
- Becoming an adaptive council.



Who is this policy aimed at?

This policy also offers guidance to all Members and outlines considerations for Members in their usage of social media communications for professional purposes. The activities of both Officers and Members on social media (and other forms of communication) can have an impact on how the Councils are perceived.

Who owns (and is responsible for) this policy?

We all are responsible for our conduct online, in both our professional and personal capacities – on social media we have the shared opportunity to influence how we and the Councils are portrayed.

Ultimately, the Head Of Communications is responsible for the ownership and implementation of this policy.

Why we get involved with social media

Over the last 6 years our Social Media (SM) presence has grown and it is now an integral part of our communications tool kit.

At Adur & Worthing Councils, we use social media to form meaningful relationships with communities of interest, showing the Councils as an approachable figure of authority and Officers as subject matter experts working for the good of the whole community.

We encourage and empower Members to use social media to share information and open new dialogues with people in their community and beyond.

Therefore, our strategic social media purpose is three-fold:

- To involve and engage the public with the work of the Councils and the local democratic process
- To enable and facilitate the meeting of communities of interest to act for the benefit of the whole Adur and Worthing area
- To protect and enhance the reputation of the Councils through customer focused communications.



What we believe in

To get the most out of social media, the following principles must be maintained at all times:

Meaningful – social media interactions should be meaningful, building on our purpose for using social media and the Councils' overarching priorities. We should avoid idle chatter where possible!

Respectful – our interactions must be respectful, even if other people are not being so. We must ensure that whatever we share online is not harmful, offensive, derogatory or discriminatory to any other person or organisation, and that we uphold the high standards that our Code of Conduct has set for us

Confidential – confidential or privileged information must never be disclosed

Transparent – our social media interactions must be clear and transparent, especially when discussing links with other organisations or community bodies

Ethical – everything that we do must conform to the highest ethical standards.

These principles are in line with our Code of Conduct, which governs all of our actions in our dealings with our customers and our colleagues.



Members' Professional social media accounts

Considerations regarding Social Media usage

The style of communication employed in the Social Media environment tends to be fast, informal and instant. Messages can appear to be 'off the cuff' or 'throw away'. This presents certain risks in the usage of Social Media in terms of damage to individual reputation and legal implications for individuals concerned.

This risk can, however, be managed by following some simple considerations in the use of Social Media. The guidelines below will help you to use Social Media as a valuable and positive communications channel.

- 1) You should follow the Terms and Conditions of the relevant Social Media network or platform you are posting to. These can be found on the website of the relevant social media network and you will be asked to accept them before you create an account.
- 2) Be aware that any posts you make on social media become a publication and are likely to endure even if you delete them.
- 3) Social Media posts you make may also be subject to both the Code of Conduct (specifically in regard to your role of elected Member) and various laws (as apply to both Members and Officers). More detail is given on these areas below.
- 4) Be aware that even if you don't identify yourself as a Member as part of your social media presence your personal and professional identities can easily blur online. Any personal social media activity may have an impact on your professional reputation and that of the Councils.

Code of Conduct

When you make a posting remember that the Councils' Member Code of Conduct may apply when you are deemed to be acting in the capacity of Member. Members are obliged to behave in a manner that is consistent with certain principles to maintain public confidence in the Councils.

If you can be identified as a Member when you are using Social Media, either by account name or how you describe yourself or by what you comment upon and how you comment, the requirements of the Code **could** apply.

In your role as an elected Member you should be aware of the Code of Conduct and particularly keep in mind the following principles when using Social Media:

Show Respect for Others – do not use Social Media to be rude or disrespectful.

Do not disclose confidential or exempt information about people, the Council or third parties.



Do not bully or intimidate others – repeated negative comments about or to individuals could be interpreted as bullying or intimidation.

Do not try to secure a benefit for yourself or disadvantage others

Do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti faith. Even as a joke or 'tongue in cheek'

Predetermination

A further specific area for consideration is to avoid making any comments on Social Media that could be considered to demonstrate predetermination. The fast and informal nature of Social Media communication increases the risk of a comment being taken out of context or misconstrued.

While it is valuable and a necessary part of Member's role to express views on a range of locally relevant issues, care must be taken to avoid giving the impression that your mind is closed on a particular decision making issue before a decision is reached. This is particularly relevant for planning application or licensing matters.

With regard to decision making by Member the above guidance should be read in conjunction with the Code of Conduct for Members, which is of paramount importance.

Legal Considerations

Any inappropriate use or misuse of social media could amount to an offence of harassment, an offence under the Malicious Communications Act, or give rise to a claim of defamation, breach of copyright or breach of data protection legislation.



IT Policy

The Councils' IT Policy is designed to protect our equipment and systems from any damage caused by the downloading or use of malicious software, whether intentional or otherwise, and should be read in conjunction with this document.

Linked Documents

There are a number of policies which should be considered in conjunction with this social media policy. These are:

- The Councils' IT Policy
- The Communications Strategy
- The Adur District Council Members Code of Conduct
- The Worthing Borough Council Members Code of Conduct

These can all be found on the Councils' Intranet, or hard copies can be provided on request. If you're unsure about where to find these, please contact the Head of Communications for advice.



Appendix 1 - Definitions of Terms

Social Media: For the purpose of this document, social media is the collective term used for online platforms that encourage interactions among people in which they create, share, and exchange information and ideas in virtual communities and networks.

Platforms: Any website or technology which facilitates creation or sharing of content. Examples include: Twitter; Facebook; Youtube; Vine; Instagram; Pintrest; Google+; LinkedIn; Quora; Disqus; TripAdvisor; Blogs; Wikis. (This is not a definitive list as there is a constantly evolving number of social media platforms)

Content: Anything created by a user of a social media platform and uploaded to one or more platforms. This could include words, images, videos, files, audio clips or any other format.

Communities of interest: Groups of social media users who come together to discuss particular topics based on their individual interests. This might include place based discussions, hobbies, leisure pursuits or anything else that encourages discussion.

Social media dashboard: The Councils use a tool called Crowd Control HQ to monitor and manage social media. Crowd Control HQ allows content to be scheduled across multiple platforms and into multiple communities. It also offers powerful search and moderation functions to ensure that the Councils are able to track and report on the success of social media use, and identify areas for improvement, as well as providing reputation management/protection.



Appendix 2 - Corporate Social Media Accounts

Corporate Social Media Accounts

Corporate Accounts are those social media accounts which represent particular strands of Council business.

Examples of these include the Councils' [official Twitter feed](#) or the [AWCS Facebook page](#).

It may be useful for Members to follow some or all of the Corporate Accounts and to reshare information posted by these accounts or engage in dialogue with these accounts as appropriate. All users of social media affiliated with the Councils are reminded that any dialogue on social media is public and should follow all usual guidance outlined elsewhere in this policy.

Corporate accounts are allocated to individual teams or projects and are primarily managed through the corporate social media dashboard, CrowdControl. A limited number of individuals have access to each corporate account through CrowdControl to ensure clarity of use and communication.

They are not linked to any single individual, may be updated by multiple colleagues and are used for warning, informing and, increasingly, customer services. Posts are written in the third person ("We are delighted..." "Congratulations to our..." etc).

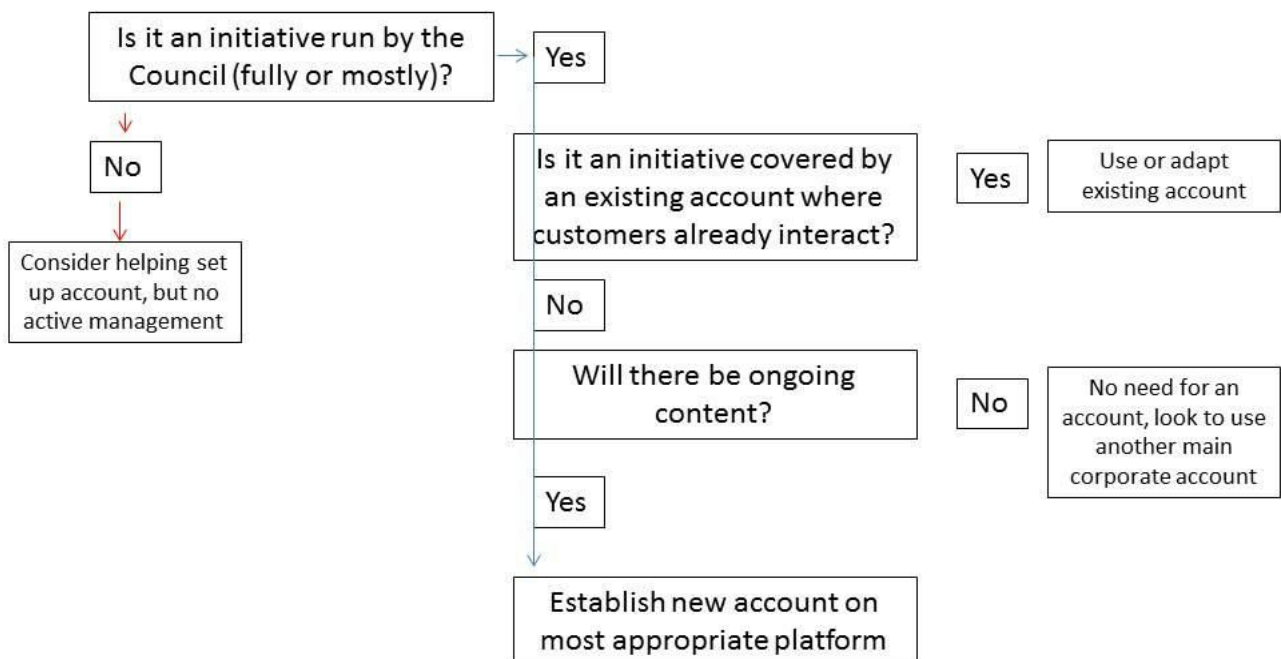
It is our policy that all corporate accounts must be clearly identified as belonging to Adur and Worthing Councils, and any new accounts may only be opened in conjunction with the Head of Communications and Communications Team input to ensure that there is no duplication of effort and that the appropriate training/support may be given.

Easy methods of identifying account ownership will come in the account name, header graphics and user pictures used – the Communications Team can help with this and any other branding issues.

This flow chart on the following page illustrates how the decision to open a new corporate account is made and is applicable for any service wishing to get involved with social media – whether commercial in focus or not. Although not all services will be 'selling' something (in the way that Theatres or Leisure do, for example), we are all competing for the finite attention of the public – known as 'share of mind'. This is why we need to be clear that our content doesn't duplicate other accounts, that it will remain fresh and that it will be clearly branded as belonging to the Councils.

It is our policy that our social media dashboard – Crowd Control HQ – will be used for the majority of direct interactions with the social media community. Crowd Control HQ allows easy scheduling of information, a simple way of tracking incoming messages and a powerful reporting tool. It all allows departmental managers to easily monitor all conversations going on in their area (please see the structure chart at Appendix 4) and respond appropriately if needs be.

Corporate: What gets an account?





Appendix 3 - Platform specific check points for corporate accounts

Twitter + Instagram

- All accounts must be clearly identified as belonging to the Councils with appropriate headers, logos and biographical statements
- Account holders have no control over posts made by other users on Twitter / Instagram therefore there is no requirement for a warning on appropriate behaviour or to police comments made by others.
- Other users who repeatedly post inappropriate or offensive content / replies may be reported to Twitter by the Corporate Account holder.

Facebook

- Corporate Facebook pages may only be administered by corporate account holders – personal profiles should never be used to administer official accounts as there is a danger that personal opinions (or private conversations) may be interpreted as official Council policy. The Head of Communications can assist colleagues in establishing professional Facebook accounts for the sole aim of administering corporate Facebook pages where there is an operational need to do so
- All posts made to corporate pages/groups, or replies to the posts of others, must be signed off using the real name of the person doing the administration.
 - o e.g “Thanks for the comment – I'll make sure the team hear it! Regards, Admin Sarah”
- Our Facebook pages and groups are our spaces and, as such, we require a certain level of politeness and respect from all of those who interact on them. It is entirely correct to put a behaviour warning in the description for any page/group and to enforce it if required.
 - o e.g “We will not condone use of foul or inappropriate language and any comment containing any will be removed / deleted. If you have something to say please express yourself with language that everyone would find appropriate. “

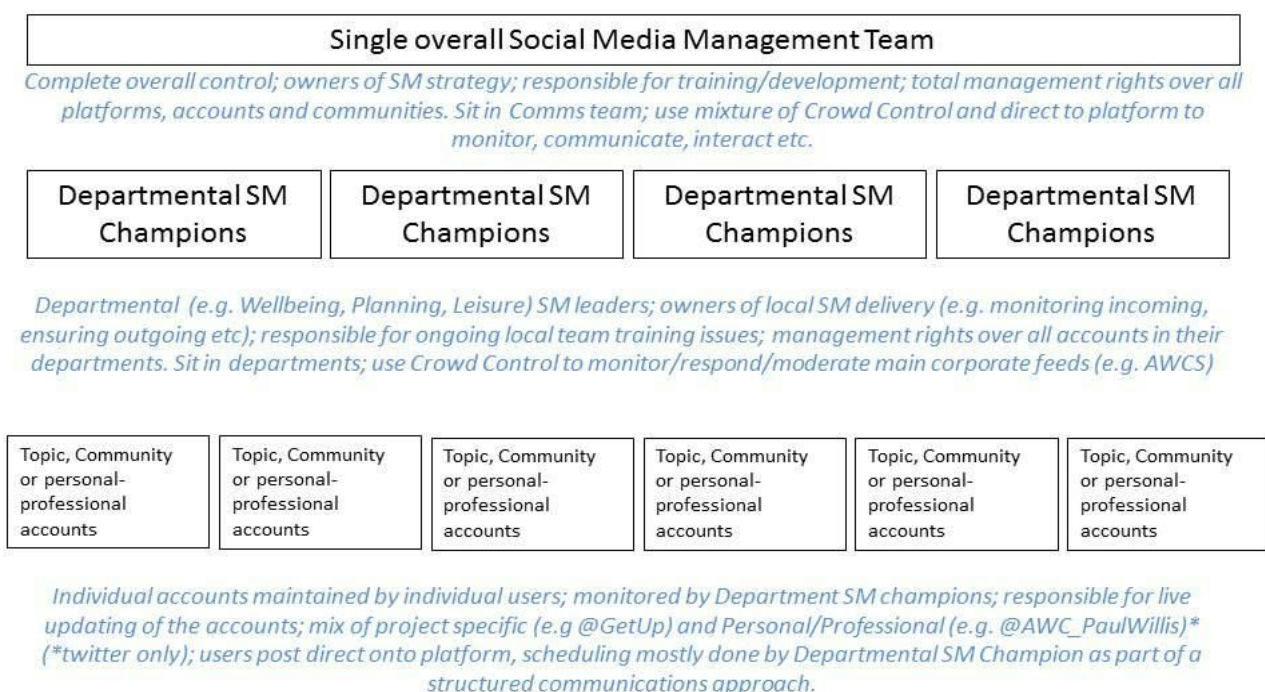
Google+ / Youtube / Periscope

- As with Facebook, our Google+ pages/communities, our Youtube channels and our Periscope channels are our spaces – we should set boundaries for interactions and be prepared to enforce them appropriately.
- Please note that users who post in appropriate comments during a Periscope broadcast can be blocked from further comment during that broadcast by tapping the relevant comment on screen.

Appendix 4 - Our social management structure

The Councils' social media management structure is designed to provide a balance of flexibility and central support.

Account Management Structure



The overall Social Media Management Team will be located centrally in the Communications Team as it has been in the past. They will still provide a certain level support, however there will now key Departmental Champions who monitor for the team and also post for staff who do not have access to CCHQ.

Officers will be identified to have a personal professional presence and they will be responsible for updating their own account. This account will still be monitored via the corporate team and relevant Departmental Champion. All professional/personal accounts users must identify themselves as Adur and Worthing Councils officer with an appropriate head and shoulders shot which will include the AWC swish across the bottom of the image. Please contact the Head of Communications for more details.

Ward: All

Use of Electronic Devices in Meetings of the Council and its Committees

Report by the Solicitor to the Councils

1.0 Summary

- 1.1 This report asks Members to consider the use of electronic handheld devices by Elected Members, when partaking in both Council and Committee meetings of Adur District Council and Worthing Borough Council.
- 1.2 Members are asked to consider the existing provisions relating to the use of electronic handheld devices for communication, recording or publishing information, by way of social media or otherwise, by Members, in the current Constitution, including Council Procedure Rules and Protocols.

2.0 Background

- 2.1 Council Procedure Rule 32.6 in Part 4 of both Councils' Constitutions, deals with the use of electronic devices. It provides that Elected Members may at any meeting, use any device for the recording of the meeting, the sending or receiving of communications in relation to the meeting and the publication of the contents of the meeting. This is on the provision that such devices do not emit audible signals, there is no recording or communication of any matter relating to confidential or exempt parts of a meeting, the use of the device does not disrupt the meeting or distract members of the public or other Members, and it is not permissible to record an oral commentary during such a meeting. Council Procedure Rules therefore permit Elected Members use of electronic devices during Council and Committee meetings, provided such use does not cause disruption, it is not used in respect of confidential or exempt information and an oral commentary is not recorded.
- 2.2 Each Council's Constitution also contains a 'Protocol for the Public/Press Recording of Public Council Meetings' in Part 5. This Protocol is primarily aimed at providing guidance for the press and public on the use of recording and social media in meetings of the Council and its Committees. However, paragraph 5 of the Protocol relates to Elected Members and states:

"Members, as participants at meetings, are in a different position to members of the public and their actions affect the reputation of the Council. Members have an obligation to pay close attention to the proceedings of meetings they attend and

demonstrate that they are playing an active part. Therefore during meetings, Committee Members are strongly discouraged from engaging in the use of social media.

This is in addition to the general point of showing respect and courtesy to other participants and other provisions of the Members' Code of Conduct. Any use of modern media tools by Members in meetings should be considered in this context, particularly in regulatory meetings”.

The Protocol for Public/Press Recording of Public Council Meetings therefore makes use of social media and electronic devices in Council and Committee meetings permissible, but to be discouraged by Members participating in any meeting, particularly regulatory meetings.

- 2.3 The Members' Code of Conduct is based on the seven Nolan principles, one of which is integrity. If a Member participating in a Committee meeting is regularly and frequently throughout the meeting using social media or a handheld electronic device, it could be argued that they are not giving the matter in hand their full attention, which could affect their integrity of decision-making.
- 2.4 Article 12 of the Councils' Constitutions deals with the principles of decision-making and provides that Elected Members must act with procedural propriety, when making decisions, in accordance with the rules of fairness and natural justice. Again, it could be argued that significant use of an electronic device by a Member in the course of a Committee meeting could lead to procedural impropriety.
- 2.5 During regulatory meetings, the role of Elected Members is a quasi-judicial role and the principles of natural justice must be complied with. It is imperative that Members give their full attention to proceedings and take into account all relevant considerations in their decision-making and disregard all irrelevant considerations.

3.0 Proposals

- 3.1 It is proposed that the Constitutions, including Council Procedure Rules and supporting guidance and protocols, be amended to provide for the following:-
 - That Members participating in a regulatory Committee meeting are prohibited from using handheld electronic devices during the meeting, other than to access Council papers relating to the meeting, and communicating with others during the meeting via media.
 - Members may at any meeting where they are observing, rather than participating, use any device for recording the meeting, sending or receiving communications in relation to the meeting and publishing the contents of the meeting, provided that it does not cause any disruption or distraction, nor relates to confidential or exempt material.

- That Members participating in a non-regulatory Committee or Council meeting are discouraged from using handheld electronic devices, other than to access Council papers relating to the meeting, or communicating via social media.

3.2 To effect these principles, it is proposed that:

- Council Procedure Rule 32.6 be amended, in accordance with Appendix A;
- The Protocol for Public/Press Recording of Public Council Meetings be amended, in accordance with Appendix B;
- A new Protocol on the use of handheld electronic devices during Council meetings be adopted, in accordance with Appendix C; and
- A new Protocol on social media for Council Members be adopted (see separate report).

4.0 Legal

- 4.1 The Councils are obliged, in accordance with the Localism Act 2011, to have a Constitution. Such Constitution contains the Members' Code of Conduct, Council Procedure Rules and various Council Policies and Protocols.
- 4.2 Openness of Local Government Bodies Regulations 2014 sets out the public's rights for filming, recording and blogging from Council meetings.

5.0 Financial implications

- 5.1 There are no financial implications arising from this report.

6.0 Recommendation

- 6.1 The Joint Governance Committee is recommended to resolve to recommend to both Adur District Council and Worthing Borough Council that:-
- 6.1.1 The Solicitor to the Council and Monitoring Officer be authorised to replace Council Procedure Rule 32.6 with wording set out at Appendix A to this report.
- 6.1.2 That the existing Protocol for Public/Press Recording of Public Council Meetings be replaced with the revised document as set out at Appendix B to this report.
- 6.1.3 That the Adur and Worthing Councils' Protocol on the Use of Handheld Electronic Devices during Council Meetings as set out at Appendix C to this report be adopted.

Local Government Act 1972

Background Papers:

Adur District Council Constitution
Worthing Borough Council Constitution

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Schedule of Other Matters

1.0 Council Priority

- 1.1 [Set out which of the Council's priorities the proposal meets and how.]

2.0 Specific Action Plans

- 2.1 (A) [Set out the specific outcomes from the Corporate Plan the proposal is aimed at achieving and how]
(B) [Set out any specific government target the proposal is aimed to achieve]

3.0 Sustainability Issues

- 3.1 [Details of any sustainability issues, checklist to be completed and submitted to Community Wellbeing]

4.0 Equality Issues

- 4.1 [Details of any equality issues or how the proposal improves the current position]

5.0 Community Safety Issues (Section 17)

- 5.1 [Details of how the proposal helps reduce crime and disorder and to meet the Council's duty regards crime and disorder reduction targets]

6.0 Human Rights Issues

- 6.1 [Does the proposal impinge on anyone's human rights and if so how is it justified under the Human Rights Act? Human rights include:
Right to a fair trial, respect for family life, private life, home and correspondence, freedom of thought, expression, assembly and association and protection and quiet enjoyment of property and possessions. Also ask, is the action proportionate to the anticipated response or outcome?]

7.0 Reputation

- 7.1 [Is the proposal likely to have an impact on the reputation of the Council(s)]

8.0 Consultations

- 8.1 (A) [Details of relevant internal (staff UNISON etc) and external (including Stakeholder Groups; etc.) consultation]
(B) Include how have you used the feedback from the consultation in this proposal

9.0 Risk Assessment

- 9.1 [Details of risks of doing or not doing? Are there insurance or public liability issues? Is there a statutory duty on the Council to do what is proposed and what are the consequences of not doing it? Highlight if this report meets an element in the corporate business continuity plan]

10.0 Health & Safety Issues

- 10.1 [Details of any health and safety issues]

11.0 Procurement Strategy

- 11.1 [Confirm that the report complies with the Procurement Strategy or explain why the Strategy had not been complied with. Include how your recommendation meets the strategy making reference to Best Value principles if necessary]

12.0 Partnership Working

- 12.1 [Detail any partnership working the report/proposal seeks to promote]

Appendix A: Council Procedure Rule 32.6

32.6 - Electronic Devices

This Council Procedure Rule should be read in conjunction with the following documents:-

- Protocol on the Use of Handheld Electronic Devices during Council Meetings;
 - Councils' Social Media Policy for Elected Members.
- (a) Subject to (d) below, Members attending, but not participating in, any meeting of the Council or its Committees, may use any device for:
- i. The recording of the meeting;
 - ii. The sending or receiving of communications in relation to the meeting;
 - iii. The publication of the contents of the meeting.
- (b) Subject to (d) below, Members may at any non-regulatory meeting of the Council or its Committees, where they are a participant of such a meeting, use any device for:
- i. The recording of the meeting;
 - ii. The sending or receiving of communications in relation to the meeting;
 - iii. The publication of the contents of the meeting.
- However, such use of electronic devices in these circumstances is discouraged. Should Members use electronic devices in these circumstances, they must ensure that such use does not interfere with their participation and attention to the business of the meeting, nor affect the integrity of their decision-making process.
- (c) Members participating in a regulatory meeting of the Council and its Committees are prohibited from using any electronic handheld device for:
- i. The recording of the meeting;
 - ii. The sending or receiving of communications in relation to the meeting;
 - iii. The publication of the contents of the meeting.
- (d) Paragraphs (a) and (b) above are subject to the following restrictions, namely that:
- i. Such device does not emit any audible warning or other disruptive signal;
 - ii. The Member does not record or communicate any matter or information relating to the contents of any meeting or part of a meeting which is in relation to information which is confidential or from which the Members have agreed to exclude the press and public in accordance with the Access to Information Procedure Rules;

- iii. The use of the device does not disrupt the meeting or distract members of the public or other Members from the content of the meeting;
 - iv. It is not permissible to record an oral commentary during the course of the meeting.
- (e) Where a Member's use of a device does not comply with this Council Procedure Rule then the person presiding at that meeting shall consider whether or not action should be taken, including the removal of the device or ultimately removal of the Member from the meeting.

Appendix B: Protocol for Public/Press Recording of Public Council Meetings

1.0 BACKGROUND

- 1.1 This protocol provides guidance on acceptable conduct for audio and visual recording and the use of social media tools at public Council meetings.
- 1.2 Adur and Worthing Councils support the principle of transparency in the decision-making process and therefore will allow, subject to the control of the Person Presiding of the relevant meeting, the recording of the public section of Full Council, Committee and Sub-Committee meetings by members of the press and public.
- 1.3 The Councils audio record Full Council, Committee and Sub-Committee meetings and retain a copy of the recording along with the written minutes of the meeting. More detail on this procedure can be found within the Council Procedure Rules at Part 4 of the Constitution.

2.0 WHAT IS 'REPORTING'?

- 2.1 Reporting means:
 - a) Filming, photographing or making an audio recording;
 - b) Using social media, such as Twitter, Facebook, blogging or similar;
 - c) Using any other means for enabling a person not present to see or hear proceedings at a meeting, as it takes place or later.

3.0 WHEN IS REPORTING PERMITTED?

- 3.1 Subject to the following rules, the public and press are permitted to record in any meetings of the Councils that are held in public, except where the public have been excluded as permitted by law.
- 3.2 Where meetings are held in private, due to confidential or exempt information being included, no recording by the press or public is permitted.
- 3.3 No recording equipment may be left in the meeting room during any part of a meeting which is conducted in private.

4.0 RULES ON REPORTING

- 4.1 Anyone wishing to undertake recording should notify Democratic Services, by email at democratic.services@adur-worthing.gov.uk or by telephone on 01903

239999, 24 hours prior to the commencement of the meeting and comply with any requests made by the Person Presiding.

- 4.2 All recording must take place from a fixed position in the meeting room (i.e. public gallery) approved by the Person Presiding.
- 4.3 Recording should be directed at Members of the Council and members of the public seated in the public gallery should not be recorded. This also applies to a member of the public asking a question, presenting a petition or making a representation.
- 4.4 No recording of anyone under the age of 18 is permitted.
- 4.5 If a member of the public is concerned about being recorded at a Council meeting, please inform the Democratic Services Officer present at the meeting. No image or recording of a member of the public should be used if consent is refused by that individual. The Person Presiding can suspend recording when a member of the public is speaking and has expressed that they do not wish to be recorded.
- 4.6 The Democratic Services Team will ensure signs are prominently displayed at meetings to remind attendees that recording may be undertaken and that the Council has no control over where a recording might appear (for example posted on the internet). Meeting agendas will also carry this message and at the commencement of a meeting, the Person Presiding will announce if any requests to record have been made by the public.
- 4.7 Persons recording meetings are not permitted to carry out an oral commentary or report whilst the meeting is in session.
- 4.8 The use of flash or additional lighting in connection with recording at meetings will not be permitted without the prior notification and agreement of the Person Presiding.
- 4.9 Where any part of a meeting is held in private, no recording by the press or public will be permitted. All recording equipment must be removed from the meeting room during the exclusion.
- 4.10 Where the Person Presiding considers any recording is disrupting the meeting, the operator of the equipment will be required to stop and may be asked to leave the meeting room, removing their equipment at the same time.
- 4.11 Anyone who has been asked to leave a meeting because they have refused to comply with the Person Presiding's request with regard to recording may be prohibited from recording at future meetings.
- 4.12 Members of the public and press must ensure the recording will not be edited in a way that could lead to misinterpretation of the proceedings of a meeting. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those being filmed/recorded.

- 4.13 Persons recording meetings are advised that the law of the land still applies when publishing recordings, for example the law of defamation and the law on public order offences. Freedom of speech within the law should also be exercised with personal and social responsibility, showing respect and tolerance towards the views of others.
- 4.14 Recognised media organisations and educational institutions may be given greater flexibility to record meetings for the purposes of news bulletins, programmes and education. These requests must be directed through the Democratic Services Manager and approved by the Mayor or Chairperson of the relevant Council in the case of meetings of the Full Council, or the Person Presiding in the case of Committees and Sub-Committees.
- 4.15 Any decision taken by the Person Presiding on the interpretation of this protocol is final.

*For meetings held in the Town Hall, Worthing, members of the press and public are welcome to use the Public Wi-Fi facilities which can be accessed by selecting **Adur & Worthing Councils** from the list of available networks on your device.*

Appendix C – Protocol on the Use of Handheld Electronic Devices

1.0 INTRODUCTION

This protocol provides guidance on the acceptable use of handheld electronic devices and social media by Elected Members, during meetings of the Councils and their Committees.

Use of handheld electronic devices includes:

- Making and receiving telephone calls;
- Texting;
- Reading and sending emails;
- Accessing Twitter, Facebook and other social media;
- Perusing Committee Reports and background papers;
- Taking, receiving and sending photographs.

Social media is the term used for online tools, websites and interactive media that enables users to interact with each other by sharing information, opinions, knowledge and interests.

2.0 USE OF HANDHELD ELECTRONIC DEVICES DURING MEETINGS OF THE COUNCILS AND THEIR COMMITTEES

The use of electronic devices is encouraged by Adur and Worthing Councils, in certain circumstances. For example, it is quick, efficient and environmentally friendly for Members to receive electronic documents relating to Council and Committee meetings, to be read via electronic handheld devices. However, the use of such devices should be exercised with caution. In particular, it is important that the public perception of a Member's use of electronic devices during a meeting is not that it takes their attention away from the business of the meeting. Excessive or inappropriate use of electronic devices could damage the integrity of the decision-making process and could lead to a challenge of a Council decision by an aggrieved applicant, interested party or member of the public.

2.1 Exempt parts of Council and Committee Meetings

It is not permissible for a Member observing or participating in a meeting of the Councils or their Committees, to record, communicate, publish, or receive communication in respect of any matter which is confidential or is being considered when Members have agreed to exclude the press and public, in accordance with the Access to Information Procedure Rules.

2.2 Regulatory Meetings

A Member is prohibited from recording, communicating, publishing or receiving communications in respect of information relating to the contents of any meeting of a Council's Regulatory Committee, including Planning Committee and Licensing Committee. Further, the use of handheld electronic devices and social media to express or receive views or comment during such

meetings is not permitted. Regulatory Committees are making quasi-judicial decisions and Members are required to come to a decision on the merits of the facts as presented to them, taking into account all relevant considerations and not taking into account any irrelevant considerations. The purpose of this protocol is to preserve the integrity of decision-making at such meetings.

2.3 Non-Regulatory Meetings

In respect of Part A of such meetings, where non-exempt and non-confidential information is being considered, Members may make use of electronic devices.

Where Members are participants of such meetings, the use of handheld electronic devices to record, communicate and publish material is discouraged and should only be used in a limited way. Significant or excessive use of electronic devices by Members participating in any meeting could call into question the level of attention given to the business of the meeting and consequently the integrity of decision-making.

Where Members are observing, rather than participating, in such meetings, but are not Members of the decision-making body, use of electronic devices for recording, sending or receiving communications and publishing content of the meeting, is permitted.

3.0 APPROPRIATE USE OF ELECTRONIC DEVICES

When using electronic devices, Members should:

- Set any such device to silent mode during meetings;
- Use the device unobstructively, without disturbing others;
- Ensure that usage of the device does not impact on the Member's ability to fully participate in the meeting.

Access to social media from a handheld electronic device during the course of any Council or Committee meeting, must also comply with the provisions of the Council's Social Media Policy.

If, during the course of any Council or Committee meeting, the Chair of that meeting considers that an individual's use of handheld electronic devices, or access to social media, has become inappropriate then the Member may be asked to cease use of the device immediately. Alternatively the Chair of the meeting may ultimately, if the disturbance continues, require the Member to leave the meeting.

4.0 FILMING, RECORDING AND PHOTOGRAPHING MEETINGS

Members are prohibited from filming, recording or photographing any parts of meetings of Regulatory Committees and any parts of any Council or Committee meetings where confidential information is being discussed or information where the press and public have been excluded.

In other circumstances, filming, recording and photographing proceedings of a meeting by a Member is permissible, with the prior approval of the Chair of that meeting, and in accordance with the above provisions.

Ward: N/A

Motion on Notice - Worthing Borough Council

Joint report by the Director for Communities and Solicitor to the Councils

1.0 Summary

- 1.1 Councillor Tom Wye submitted a Motion on Notice to the Worthing Borough Council at its meeting on 20th October 2015. The Motion is attached to this report as Annex A.
- 1.2 The Motion has been proposed and seconded. As it proposes a change to the Councils' Scheme of Delegations to Officers, and Constitutions, it is before the Joint Governance Committee for determination.

2.0 Background

- 2.1 The Director for Communities, as Proper Officer, accepted the Notice of Motion and under Council Procedure Rule 14.5, Council accepted his determination that the matter should be considered by this Joint Governance Committee. Therefore the Notice has been proposed and seconded and automatically referred for consideration and determination.
- 2.2 Council Procedure Rule 14.6 allows the mover of the Motion, Councillor Wye, to attend the Committee and explain the Motion.
- 2.3 Under Rule 14.6.2 the Member (Councillor Wye) may, prior to any debate on the matter, answer questions from the Committee for the purposes of clarification, and may sit with the Committee for the item in question.
- 2.4 Under Rule 14.6.3 the Member (Councillor Wye) may not partake in the debate nor vote upon the item.
- 2.5 The proposal contained in the Motion seeks to prevent Members and Officers accepting confidentiality clauses when settling or negotiating legal agreements.
- 2.6 The authority to settle legal proceedings has been delegated by Council, through the Scheme of Officer Delegations, to the Solicitor to the Councils. Paragraph 3.9 of the Scheme of Delegations provides the power to the Solicitor to the Councils to prosecute, terminate, defend or settle proceedings on behalf of the Councils. Such delegation has been further sub delegated to specific other Legal Officers. A similar delegation is provided to the Councils' Head of Finance at paragraph 3.8 to settle

claims where the Councils' insurers have been involved. Both the Solicitor to the Councils and the Head of Finance are constrained by other rules incurring expenditure exceeding budget, and may in some circumstances revert to the Councils' Executives to seek authority to incur expenditure when settling proceedings on behalf of the Councils.

- 2.7 In addition, the Councils' Chief Executive has the authority to take urgent action on behalf of the Councils which could include settling legal proceedings. At paragraph 2.1 of the Scheme of Officer Delegations it provides that the Chief Executive may take urgent action on behalf of the Councils. Urgent is defined as "a matter of pressing importance requiring swift action given the gravity of the situation, to prevent damage, or further damage, to life, limb, infrastructure or the financial integrity of the Councils". Such delegation is only exercisable following consultation with the Leader. A report following the use of such power must be taken to the first available Council meeting following the action.
- 2.8 The Councils routinely include confidentiality clauses in settlement agreements, to protect the interests of the Councils. For example, when allowing an employee to voluntarily give up their employment in return for financial compensation, it would be standard practice to include a confidentiality clause in any settlement agreement both to prevent the employee releasing details of Council business following their departure and to prevent loss of negotiating power in respect of other employees. Likewise in settling any claims or proceedings, the Councils may wish to prevent a former employee from airing their grievances in public by including a confidentiality clause into such agreements. In respect of commercial disputes, confidentiality clauses are often useful in negotiating settlements to prevent commercially sensitive information, relating either to the Councils or a third party, from coming into the public domain.
- 2.9 To restrict Council Officers from entering into confidentiality clauses in settlement agreements would fetter their discretion and reduce the Councils' negotiating power. This could prevent settlement in some cases, which could result in continued litigation, increasing risk, cost and reputational damage to the Councils. Such a restriction on the ability to settle proceedings in appropriate circumstances could lead to increased costs for the Council Tax payer of the District and Borough.

3.0 Proposals

- 3.1 One option would be to amend the Scheme of Officer Delegations to limit the Solicitor to the Councils' authority to settle proceedings on behalf of the Councils, and to prevent the inclusion of confidentiality clauses. Such an amendment would also need to be made to the urgency power of the Chief Executive to limit his ability to settle proceedings where urgency circumstances apply, by not being able to include a confidentiality clause. The benefit of this would be an increased level of accountability and transparency. The disadvantage would be a reduction in negotiating power and ability to settle proceedings successfully in appropriate cases. There would also be operational difficulty surrounding the Councils' ability to act quickly to take advantage of settlement opportunities, be agile and responsive, if

Officers were obliged to consult with Members on such matters or to bring matters to Committee meetings. This option is not recommended by Officers.

- 3.2 The second option is not to amend the current Scheme of Officer Delegations. Legal Officers have always used confidentiality clauses only in appropriate circumstances where it is in the best interests of the Councils to do so. Legal Officers are mindful of the benefits of being transparent and accountable to the public.

4.0 Legal

- 4.1 The Scheme of Officer Delegations provides authority for specified Council Officers to settle legal proceedings on behalf of the Councils. The Scheme of Officer Delegations forms part of the Councils' Constitutions and is approved by both Councils on an annual basis.

5.0 Financial implications

- 5.1 There are no direct financial implications to the Councils of this Notice of Motion. However if the proposal is agreed, it could have significant negative financial consequences for the Councils.

6.0 Recommendation

- 6.1 The Joint Governance Committee is recommended to determine the Notice of Motion as attached to this report at Annex A.

Local Government Act 1972

Background Papers:

Motion on Notice received by email 22 September 2015

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Schedule of Other Matters

1.0 Council Priority

1.1 This report does not link to any Corporate Priority

2.0 Specific Action Plans

2.1 None

3.0 Sustainability Issues

3.1 Matter considered.

4.0 Equality Issues

4.1 Matter considered and included within the report

5.0 Community Safety Issues (Section 17)

5.1 Matter considered, no issues identified

6.0 Human Rights Issues

6.1 Matter considered

7.0 Reputation

7.1 Matter considered, no specific issues identified.

8.0 Consultations

8.1 No specific consultations were undertaken

9.0 Risk Assessment

9.1 Risks are covered in paragraph 2.9 of the report.

10.0 Health & Safety Issues

10.1 Matter considered, no issues identified.

11.0 Procurement Strategy

11.1 Matter considered, no issues identified

12.0 Partnership Working

12.1 The Scheme of Officer Delegations refers to all work undertaken by Adur and Worthing staff on behalf of the individual Councils, as well as when working jointly.

Motion to Worthing Borough Council

One of the truest statements made by any Prime Minister is ‘there is no such thing as public money, only taxpayer’s money’. The members of Worthing Borough Council believe in the fullest possible transparency in all uses of taxpayer’s money. It is morally unethical, poor practice and indefensible to allow “gagging orders” or confidentiality clauses to be used to conceal facts or restrict transparency when any public body is settling legal disputes with third party contractors that involve public or taxpayer monies. In such circumstances, we believe that the people who are paying the bills have every right to know how much they have to pay and the reason they have to pay it.

The Council moves that in any future legal dispute with a third party contractor, involving taxpayers’ money, the acceptance of any “gagging orders” or confidentiality clauses will not be tolerated and all members and officers involved with the dispute are instructed that this council will not accept a “gagging order” as part of any such settlement.

Proposed by Councillor Tom Wye MBE

Seconded by Councillor Daniel Humphreys