

Communications and Social Media Policy

1. INTRODUCTION

This Policy has been drawn up in accordance with the "Governance Toolkit for Parish and Town Councils" prepared as a partner publication by Association of Council Secretaries and Solicitors, Society of Local Council Clerks, Standards for England, the National Association of Local Councils and the Local Government Association. It also considers the principles in the National Code for Recommended Practice on Local Authority Publicity 2001.

The Code of Practice aims to help local government communicate effectively and impartially so that legitimate political debate is not stifled. It states, "The main purpose of local authority publicity is to increase public awareness of the services provided by the authority and the functions it performs; to explain to electors and ratepayers the reasons for particular policies and priorities; and in general to improve local accountability".

This policy explains how the Council may work with the media to meet its objectives in accordance with the legal requirements and restrictions that apply.

Legal Requirements and Restrictions

This policy is subject to the Council's obligations which are set out in the Public Bodies (Admission to Meetings) Act 1960, the Local Government Act 1972, the Local Government Act 1986, the Freedom of Information Act 2000, the Data Protection Act 1998, other legislation which may apply and the Council's standing orders and financial regulations. The Council's financial regulations and relevant standing orders referenced in this policy are available via the Council's publication scheme.

The Council cannot disclose confidential information or information the disclosure of which is prohibited by law. The Council cannot disclose information if this is prohibited under the terms of a court order, by legislation, the Council's standing orders, under contract or by common law. Councillors are subject to additional restrictions about the disclosure of confidential information which arise from the Code of Conduct adopted by the Council, a copy of which is available via the Council's publication scheme.

2. GENERAL PRINCIPLES (COMMUNICATIONS WITH THE MEDIA AND THE PUBLIC)

The Council's communications will be open and honest in dealing with the media about its governance, decisions, and activities.

All requests from the press or other media, for an oral or written statement, or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media: -

- a. The purpose of a press release is to increase public awareness of the Parish Council's activities. All press releases must be written by the Clerk, reviewed & approved by the Parish Council. Proactive media releases will be issued to promote a decision or work of the Parish Council.
- b. Reactive press releases or comments will be prepared and issued in response to a specific question or as a rebuttal to an article already published. Such statements should be dealt with in a timely manner.

- c. Information bulletins (which are posted on the website and noticeboards) will be used when it is necessary to provide vital information to the public very quickly, for example, the outcome of a specific planning application.
- d. Other press releases will report the decisions and outcomes of the Council's activities and explain the reasons for them.
- e. The media will on occasions attempt to by-pass the Clerk; however, it is essential that all communications are co-ordinated and managed through the Clerk. Where parish councillors are contacted direct by the media, they should refer them to the Clerk.
- f. Press reports from the Parish Council, its committees or working groups shall, in general, be sent from the Clerk or via the reporter's own attendance at a meeting.
- g. In addition to the Clerk, the Chairman, or in his/her absence, the Vice-Chairman (if a Vice-Chairman has been elected at the Annual Meeting), shall be authorised to speak to representatives of the media in respect of Parish Council matters, where specifically authorised so to do.
- h. Unless a Parish Councillor has been authorised by the Council to speak to the media on a particular issue, Parish Councillors who are asked for comment by the press should make it clear that any views they express are personal and request that this be clearly reported as their personal view.
- i. Unless a Parish Councillor is absolutely certain that he/she is reporting the view of the Council, they must make it clear to members of the public that they are expressing a personal view. [The only clear way of being aware of the Council's view is if the matter has been discussed at a Parish Council meeting, and a decision made on that item.]
- j. It should also be noted that on occasions, the most effective strategy is not to respond to the media.
- k. Press releases will not be used to comment on national political debates unless of specific relevance to this Parish Council.
- l. All media releases issued by the Council will include a quotation from the Chairman (or, in his/her absence, the Vice-Chairman, if there is one); if it is not possible to contact the Chairman or Vice-Chairman a quotation will be attributed to the Chairman.
- m. The Clerk will be the first point of contact for the media; however, where it is appropriate for an elected Member to represent the Parish Council, the Chairman or Vice-Chairman shall be authorised as the official spokesperson for the Council.
- n. Individual Members will not be permitted to issue media releases on behalf of the Parish Council.
- o. In the restricted period before an election, commonly known as "purdah" media releases will not include quotes from Members who are due for re-election; this is mainly of relevance to a Borough Council and above, but it is helpful for parish councillors to be mindful of the provision.

3. PARISH COUNCIL CORRESPONDENCE

- a. The first point of contact for the Parish Council is the Clerk and it is to the Clerk that all correspondence for the Parish Council should be addressed - the Clerk/RFO has a specific council email address that should be used - this is listed on the Parish website and council documentation.
- b. The Clerk should deal with all correspondence and pass this on to specific councillors or external agency to action as appropriate.
- c. The Clerk should deal with all correspondence following a meeting.

- d. No individual Parish Councillor should communicate directly with companies/individuals with which the Parish Council has a contractual relationship. All enquiries should be through the Clerk.
- e. No individual Parish Councillor should be the sole custodian of any correspondence or information in the name of the Parish Council (or its committees/sub-committees). [In particular, Parish Councillors do not have a right to obtain confidential information/ documentation unless they can demonstrate a "need to know".]
- f. All official correspondence should be sent by the Clerk in the name of the Parish Council, using Council letter-headed paper.
- g. Where correspondence from the Clerk to a Councillor is copied to another person, the addressee should be made aware that a copy is being forwarded to that other person.
- h. Correspondence sent on behalf of the Parish Council to Babergh District Council shall also be copied to the Councillors.
- i. Parish Councillors are expected to maintain an awareness of the confidentiality of all information that they have access to and not to share that information with anyone unless they are sure that it is reasonable to do so. Failure to properly observe confidentiality may be seen as a breach of the Parish Council's Code of Conduct and will be dealt with through its prescribed procedures. (At the extreme it may also involve a criminal investigation). Members should also be careful only to cc essential recipients on emails i.e. to avoid use of the 'Reply All' option if at all possible.

4. PARISH COUNCILLOR CORRESPONDENCE WITH EXTERNAL PARTIES

The Clerk sends out the Council's correspondence to other bodies. Correspondence from individual Parish Councillors should be avoided; however, there may be exceptional situations when it is appropriate for a Parish Councillor to issue correspondence in his/her own name. Such correspondence must be authorised by the Parish Council and the correspondence must make it clear that it has been written in an official capacity and has been authorised.

5. AGENDAS FOR PARISH COUNCIL MEETINGS

In accordance with Paragraph 1 (4) (a) of the Public Bodies (Admission to Meetings) Act 1960, agendas will be published no later than 3 clear days before a meeting (this excludes the day of publication and the day of the meeting – Saturdays are included within this calculation).

Where the Clerk or a Parish Councillor wishes fellow councillors to receive matters "for information only" in respect of items on the agenda, this will be circulated via the Clerk. Note: This applies to items on the agenda only. Parish Councillors are entitled to share any other information they wish, with their colleagues. In these circumstances, it can be helpful for the Clerk to be copied in.

6. PARISH COUNCIL MEETINGS

A meeting of the Council and its committees is open to the public unless the meeting resolves to exclude them because their presence at the meeting is prejudicial to the

public interest due to the confidential nature of the business or other special reason(s) stated in the resolution. In accordance with the Council's standing orders, persons may be required to leave a meeting of the Council and its committees, if their disorderly behaviour obstructs the business of the meeting.

Where a meeting of the Council and its committees include an opportunity for public participation, the media may speak and ask questions. Public participation is regulated by the Council's standing orders.

The photographing, recording, filming or other reporting of a meeting of the Council and its committees (which includes e.g. using a mobile phone or tablet, recording for a TV/radio broadcast, providing commentary on blogs, web forums, or social networking sites such as Twitter, Facebook and YouTube) which enables a person not at the meeting to see, hear or be given commentary about the meeting is permitted unless (i) the meeting has resolved to hold all or part of the meeting without the public present or (ii) such activities disrupt the proceedings or (iii) the paragraphs below apply.

The photographing, recording, filming or other reporting of a child or vulnerable adult at a Council or committee meeting is not permitted unless an adult responsible for them has given permission.

Oral reporting or commentary about a Council or committee meeting by a person who is present at the meeting is not permitted.

The Council shall, as far as it is practicable, provide reasonable facilities for anyone taking a report of a Council or committee meeting and for telephoning their report at their own expense.

7. GUIDANCE ON THE USE OF SOCIAL MEDIA

The use of what is collectively called "social media" is an increasingly popular communication tool and is used to describe methods of publishing on the Internet. There are however pitfalls in the use of social media. Social media includes, but is not limited to, the following: -

- Facebook
- Twitter
- YouTube
- Blogs and various discussion forums
- Linked In
- E-mail

A number of additional legal points should be considered when using any of these channels: -

Defamation: This term covers libel (written) and slander (spoken) and relates to the publication of any untrue statement about a person which is damaging to their reputation. This also applies if someone is allowed to publish something libellous on the Parish Council's website. If the Parish Council is aware of it and does not take prompt action to remove it, a successful libel claim against the Parish Council will result in an award of damages against the Council.

Data Protection: Avoid publishing the personal data of individuals unless their written permission has been obtained.

Bias and Pre-determination: The Localism Act 2011 sought to remove the concept of pre-determination, but it still exists. Although the Parish Council is only a consultee on planning applications, rather than the determining body, it is wise to avoid publishing anything which might suggest that Members do not have an open mind on these matters. The much-quoted example of pre-determination is "over my dead body!"

Copyright: Placing images or text on the website, from a copy-righted source without permission is likely to breach copyright. Avoid publishing anything unless permission has been granted. Breach of copyright may result in an award of damages against the Parish Council.

Obscene Material: This is a criminal offence.

The Council's legal position: The Parish Council is apolitical, but it is worth noting that publishing party-political material is a misuse of the Parish Council's website. There should be no material included which attempts to persuade the public to a particular view, promote the personal image of a particular councillor, promote an individual councillor's proposals or recommendations, or personalise issues. Nor, should the Council assist in the publication of any material which does any of the above.

Code of Conduct Implications: Councillors can have blurred identities; they may have a social media account on which they comment as both an individual and a councillor. It must always be made clear whether councillors are posting as individuals or in their capacity as a councillor.

Aspects of the Members' Code of Conduct apply as much to on-line activity as they do to other written or oral communication. On-line content should be objective, balanced, informative, and accurate. What is written on the Internet is permanent.

The key to whether on-line activity is subject to the Code of Conduct is whether the councillor is giving the impression that he/she is acting as a councillor. It is the perception which counts. If the perception is that a Councillor is acting as a councillor, the provisions of the Code of Conduct apply.

7.1 "Do's and Don'ts" as a Councillor

- Comments should be respectful and informative, never condescending or "loud". "Loud" is when capital letters are used. Use sentence-case format.
- Refrain from posting controversial or potentially inflammatory remarks. Language which could be deemed as offensive, especially in respect of race, sexuality disability etc. should not be published on any social media website.
- Avoid personal attack, on-line fights, and hostile communications.
- Never use an individual's name unless you have written permission.
- Respect the privacy of other councillors and residents.
- Be aware not to publish anything which violates laws or regulations.

In the main, Councillors have the same legal duties on-line as anyone else, but failure to comply with the law may have more serious consequences. It is useful to remind Members that extra care needs to be taken for electoral campaigning and when writing on planning matters.

It is also worth remembering the Nolan Principles (as enshrined in the Code of Conduct) when working with social media. If a councillor owns a Twitter or Facebook account, there are a few key points to note:

- Default on Twitter accounts is for everyone and anyone to follow you
- Facebook is slowly moving towards that approach

- Even if it is a personal account, you are still a councillor, any opinions shared could and would be associated with the Council
- It is immediate time communication.
- Consider what else is on your account as well as pictures, comments from friends and family

7.2 Communications

Not all communication requires a response. There will be occasions when matters which are the subject of a post are scheduled for discussion by the Parish Council as a whole. In these circumstances, the Council will make a decision and a response to the post(s) will be agreed.

In some cases, it may be appropriate for a subject posted by a resident, to be added to a Parish Council agenda and the Clerk will respond to the poster to this effect.

Sending a message/post via Facebook/Parish website will not be considered as contacting the Council for official purposes and we will not be obliged to monitor or respond to requests for information through these channels. Instead, please see our contact details on our website. Please do not include personal/private information in your Facebook posts/messages to the Council.

Councillors or parishioners who have any concerns regarding content placed on the site should report them to the Parish Clerk.

7.3 Mediation of the Website

The Parish Council uploads details of meetings to the website and also items of relevance to Badwell Ash. Any parishioner who would like information uploaded to the website should contact the Parish Clerk

In terms of using Twitter, Facebook and similar, it is important to note that these still fall under the Parish Council's Standing Orders; for example, the Council must pass a resolution if it wants the Clerk to set up a Twitter account and tweet on behalf of the Council.

The Parish Council may, at its discretion, allow and enable approved local groups to have and maintain a presence on its website for the purpose of presenting information about the group's activities. The local group would be responsible for maintaining the content and ensuring that it meets the Parish Council's standards specified in this Policy. The Parish Council reserves the right to remove any or all of a local group's information from the web site if it feels that content does not meet the Parish Council's rules for its web site. Where content on the web site is maintained by a local group it should be clearly marked that such content is not the direct responsibility of the Parish Council.

7.4 Future Policy

The principles of the policy will apply to Councillors and the Clerk. It will also be used as a guidance for others communicating with the Parish Council. The policy will sit alongside existing policies.

Not all residents will have access to social media whether out of choice, cost, competence or accessibility. The use of social media should not replace existing forms of communication.

7.5 Filming of Council Meetings

This is a rapidly growing area that is affecting local councils. The Local Audit and Accountability Act 2014 makes provision for the filming of Local Council meetings (or a committee or sub-committee of the Council).

It is unlikely that many Parish Councils will choose to have their meetings filmed. If they did and there was a particular agenda item or issue likely to raise press and public interest, the Council would be aware of this and therefore be prepared for the situation. If the Council wished to pursue this, the cost implications would need to be taken into account; for example, equipment, "up-skilling" of someone to undertake the filming, editing and dissemination of the film or paying an outside contractor to perform this role.

There are points to consider if a Council meeting is filmed by a member of the press or public; or if the Council itself is filming the meeting:

Image: Take into account the clothing worn by councillors, body language, green credentials as well as how the Council may appear. Does it look like the 'Vicar of Dibley' or 'Yes Minister' or an effective decision-making group that demonstrates its worth to the electorate as well as to the general sceptics about the value of local councils? This is relevant if a third party from the press or public films the meeting.

Copyright: Is there anything to be shown which infringes copyright? This is relevant if a third party from the press or public films the meeting.

Advertising: Is there anything on show which could be perceived as advertising or demonstrating a preference; for example, a particular brand of bottled water?

Privacy: When members of the public are invited to speak. Does the member of public want to be filmed, recorded or named, or none of the above?

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