

Public Document Pack



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8 December 2014

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **STANDARDS COMMITTEE** will be held in the HMS Brave Room at these Offices on Wednesday 17 December 2014 at 10.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872305 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty-Smith", written over a white background.

Chief Executive

Standards Committee Membership:

Councillor B W Butcher (Chairman)
Councillor M A Russell (Vice-Chairman)
Councillor L A Keen
Councillor S C Manion
Councillor K Mills
Councillor C J Smith
Councillor J M Smith

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.
- 3 **DECLARATIONS OF INTEREST** (Page 3)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 4 - 5)

To confirm the attached Minutes of the meeting of the Committee held on 25 June 2014.

5 **COMPLAINTS REPORT** (Pages 6 - 13)

To consider the attached report of the Director of Governance.

6 **SOCIAL MEDIA POLICY FOR MEMBERS** (Pages 14 - 21)

To consider the attached report of the Director of Governance.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Support Officer, telephone: (01304) 872305 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **STANDARDS COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 25 June 2014 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: M A Russell
L A Keen
K Mills
C J Smith
J M Smith

Also Present: Mr B P S Dowley (Independent Person)

Officers: Corporate Complaints and Resilience Officer
Democratic Support Officer

1 APOLOGIES

An apology for absence was received from Councillor S C Manion.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 MINUTES

The Minutes of the meeting of the Committee held on 4 December 2013 were approved as a correct record and signed by the Chairman.

5 COMPLAINTS REPORT

The Committee received the report of the Director of Governance on formal complaints received by the Council that had been investigated by the Corporate Services Team.

The Corporate Complaints and Resilience Officer (CCRO) advised that, since it was some time since the last meeting, all complaints received up to the end of March had been included in the report which in future would cover the quarterly period. Nine complaints had been investigated at stage two of the Council's complaints process since the last meeting. In respect of Complaint No VAL005, Members were advised that there had been maladministration but no injustice had been caused as the correct procedure had eventually been followed. Whilst no compensation was payable, an apology had been issued. It was confirmed that Officers were now aware that sealed bids should be sought in relation to the sale of all Council-owned properties. The CCRO reported that four complaints had been referred to the Local Government Ombudsman (LGO). There had been no finding of fault on three of these, whilst the fourth had not been investigated as it was a matter for the courts.

Referring to Appendix D of the report, the Committee was advised that Council Tax complaints had more than doubled when compared with the 2012/13 financial year. However, this was due to the fact that some Council Tax complaints received at that time had been dealt with directly by EK Services and had not been forwarded to Corporate Services for logging on to the complaints database. A significant number of complaints had also been generated by Council Tax changes introduced in 2013/14. Environmental Health complaints had also doubled. However, these were spread evenly over the range of services offered by Environmental Health and no trend was identifiable. The dramatic reduction in Waste Services complaints was probably due to the fact that residents had become accustomed to the new recycling bins introduced the previous year.

Councillor L A Keen raised concerns that there was only a generic telephone number for Council Tax enquiries. This meant that residents could not telephone Officers direct which often resulted in customers having to repeat information several times. She understood that the problem might be exacerbated by the fact that EK Services staff were not allowed to make or receive telephone calls when working from home. The Chairman advised that he had attended a meeting two months previously where similar concerns had been raised and EK Services had undertaken to investigate the matter. The CCRO advised that this would be raised with the Council's EK Services Client Officer.

In response to Councillor M A Russell, the CCRO advised that Complaint No ENV031 had initially been reported to Environmental Protection in November 2011. Although it had been hoped to complete the proposed remedial work by the end of March 2014, this had not proved possible and the Council was working with all parties to have the works completed as soon as possible. The CCRO advised that enquiries were being made by the LGO, and the Committee would be updated at the next meeting.

In response to Councillor Keen, the CCRO explained that the exchange of complaints information between EK Services and the Council was now very good, and all EK Services' complaints had been included in Appendix C of the report, including those dealt with at stage one by EK Services (e.g. Council Tax and Benefits). At the request of Councillor Keen, there was agreement that the information in Appendix C would, in future, be grouped by complaint type rather than ward, although ward information would be retained.

- RESOLVED:
- (a) That the Corporate Complaints and Resilience Officer be tasked to follow up concerns raised over EK Services' generic number for Council Tax enquiries.
 - (b) That the information in Appendix C of the complaints report will, in future, be grouped by complaint type rather than ward.
 - (c) That the complaints report be noted and the actions taken endorsed.

The meeting ended at 10.30 am.

DOVER DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF GOVERNANCE

STANDARDS COMMITTEE – 17 DECEMBER 2014

COMPLAINTS REPORT

Recommendation

<i>That the report be noted and the actions taken be endorsed.</i>
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Contact Officer: Sue Carr, extension 2322.

1. **UPDATE OF COMPLAINTS RECEIVED BY THE DISTRICT COUNCIL**

Reported below is an update of formal complaints investigated by the Corporate Services Team at stage two of the Council's complaints process for the period 1 April 2014 to 30 September 2014. Eleven complaints have been investigated. There has been one finding of maladministration but this did not result in an injustice. There may be issues raised through the complaints process where the Corporate Support Section provides a written explanation of Council policy and procedures but which do not require an investigation. These are not included within this report but are included within the figures in the tables at Appendices A and B.

1.1 **Complaint No. CTX117- North Deal (Closed)**

The complainant was unhappy with the number of council tax bills issued but stated that their correspondence had not been responded to. The matter was investigated by Corporate Services who explained that the revised bills were sent in response to revised direct debit instructions received by the Council. Each bill was headed with a reason for issue, such as "Payment Method Change". The bills act as an acknowledgement and explanation of action taken by EK Services.

1.2 **Complaint No. DEV172 - Walmer (Closed)**

This complaint related to the decision by the Council not to take enforcement action in respect of a development control issue. The complainant stated that they had been informed that the matter they reported would be resolved but were now informed that the Council would not take action and believed that the documentation did not support the Officer's decision. Corporate Services investigated and found that the Officer had advised that they would seek a retrospective planning application for the work carried out and if one were received the complainant would be asked to comment. However when the Officer approached the agent, the information received was that the work carried out related to property in a different ownership and therefore this should be classed as permitted development. The Officer reviewed the decision in light of this information and took the decision that it was not expedient to take enforcement action. Corporate Services advised the complainant that where a matter had been given due consideration it was not for the complaints process to challenge that decision.

1.3 **Complaint No. DEV173 – Walmer (Closed)**

The complainant alleged that the planning enforcement investigator had led residents to believe that the Council would ensure that the developer completed work to their property, but later had been told that this was not possible. Corporate Services apologised on behalf of the Council for any misunderstanding but explained that once a property had been bought any enforcement action that the Council could take would have to be against the current owner. The planning enforcement investigator had been attempting to resolve the matter by asking the developer to carry out the work but the Council had no enforcement powers against the developer.

1.4 **Complaint No. DEV174 – Eythorne & Shepherdswell (Closed)**

The complainant raised concerns that a house that had been built was out of character and large in comparison to neighbouring properties. Corporate Services advised that the application had been advertised in October 2012 and February 2013 and planning consent granted on 1 March 2013. The concerns raised by the complainant had been addressed by the Case Officer who was of the opinion that the development would not result in harm to the street scene or countryside. As the correct procedures had been followed there was no maladministration. It was also explained to the complainant that the only route for changing a planning decision was by way of judicial review through the High court and such application has to be made within six weeks of the issue of the planning decision notice.

1.5 **Complaint No. ENV036 – Castle (Closed)**

The complainant raised issues concerning their neighbour including noise nuisance and also repairs to their block of flats but was unhappy with the way in which the Council responded. A reply from Corporate Services provided a co-ordinated response with advice from a number of departments. The matter is currently being investigated by the Housing Ombudsman.

1.6 **Complaint No. DCPSV034 – Castle (Closed)**

This complaint related to the standard of cleaning carried out by the Council's contractors to a long lease block of flats. The matter was investigated by Corporate Services who found that the Council also had concerns initially but systems had been put in place to improve the performance of the contract.

1.7 **Complaint No. CTX125 – Walmer (Closed)**

The complainant was unhappy that when they lived in their property on their own they were entitled to a twenty five per cent discount but when they had to vacate their property due to its condition they were not entitled to a discount. Corporate Services established that when the council tax inspector visited, the decision was taken that the property was habitable and therefore no discount could be applied. Once work commenced to the property, the council tax department initiated a further inspection to review their decision.

1.8 **Complaint No. ENV039 – Mill Hill (Closed)**

This complaint related to the way in which the Council responded to reports of dirt and dust on the pavements and highway during the development of a site. Corporate Services investigated and found that no conditions had been applied to the planning consent, as this is something that only applies to very large developments. Until the

condition of the road becomes a statutory nuisance there are no legal powers available to the Environmental Protection Team but increased cleaning regimes had been implemented by Waste Services. The complainants remained dissatisfied and wrote to the Chief Executive. There is no further action that the Council can take but the situation will continue to be monitored.

1.9 **Complaint No. HND058 – Mill Hill (Closed)**

The complainant was unhappy that following their eviction they had to remain in temporary accommodation for over four months. Corporate Services found that the decision to evict was taken correctly but despite this the Housing Options Officer felt that there were mitigating circumstances and the decision was taken by the Council to accept a full homeless duty. It took longer than the Council would have wished to obtain permanent accommodation for the complainant but this was due to the limited options and number of properties available.

1.10 **Complaint No. DEV178 – Ringwold with Kingsdown (Closed)**

The complainant was of the opinion that documentation relating to trees on the site of a proposed development had not been submitted and therefore a planning application had not been considered correctly. Upon investigation it was found that a Tree Survey Report had been submitted for a previous application relating to the entire site. The applicant referred to this Report and had submitted a survey plan and block plan relating to a small part of the site which the proposal related to. The case officer referred to the trees and a condition was imposed within the Permission demonstrating that the case officer had considered the effect of the development upon the trees. As it is for the case officer to decide what information is required to determine an application Corporate Services were of the view that the matter had been considered correctly.

1.11 **Complaint No. CUS035 – Walmer (Closed)**

The complainant alleged that incorrect advice provided to their agent by the Council resulted in building works being carried out and subsequent enforcement action being instigated. Corporate Services found that incorrect advice had been provided to an agent but that information held by the complainant had not been shared either with the Council Officer providing the advice. The Council apologised for the fact that the wrong information had been provided but stated that the applicant was responsible for sharing information within their possession.

2. **COMPLAINT DECISIONS ISSUED BY THE LOCAL GOVERNMENT OMBUDSMAN FOR THE PERIOD 1 APRIL 2014 TO 30 SEPTEMBER 2014**

2.1 **DEV148** – This complaint related to a planning application for which the complainant claimed not to have seen the site notice. They were therefore denied the opportunity to comment and were unhappy with the decision. During the investigation, Corporate Services found that the application should have been advertised in the local press and therefore there had been maladministration. However, the Council was satisfied that the decision was correct and the outcome would be no different therefore there was no evidence of injustice. The complainant was dissatisfied with the apology from the Council and referred the matter to the Local Government Ombudsman. The Ombudsman was of the opinion that the Council provided enough evidence to show it properly considered the impact of the proposed development on the complainant's residential amenity and could therefore find no fault in the way in which the application had been assessed.

- 2.2 **DEV154** – The complainant complained to the LGO that the Council did not address their objection to a planning application, their concerns regarding works being carried out at the neighbouring property were not addressed correctly and there was inconsistency in the Council's decision making. The Ombudsman investigated and found no fault by the Council.
- 2.3 **DEV162** – A complaint was made to the Ombudsman regarding a decision taken by the Council. The Planning Officer was of the view that a developer had partly implemented a planning permission but the premises also retained its lawful use as a pub because the property had not been converted into residential use and occupied as such. The Ombudsman was of the opinion that both parties advanced reasonable arguments and were classed as points of law. The Ombudsman stated that this could only be tested in Court and was not a matter for the Local Government Ombudsman.
- 2.4 **DEV165** - The complainant alleged that the Council failed to take proper account of local residents' views about the suitability of a site for a supported housing facility and that the Council failed to deal with enforcement issues arising from breaches of conditions by the developer. The Ombudsman investigated and did not find any fault with the way in which the Council determined the planning application or investigated allegations of unauthorised activity.
- 2.5 **DEV166** – This complaint related to the granting of planning permission. Upon investigation the Ombudsman found no fault with the way in which the application was decided and therefore could not investigate the complaint.

3. **COMPLAINT STATISTICS**

Appendix A shows the number of complaints received per Ward for the current financial year compared to 2013/14. Appendix B details the complaints received by the District Council and EK Services per Ward and Section from 1 April 2014 to 30 September 2014.

Background Papers

File C23/5 – Complaints.

Resource Implications

None.

Impact on Corporate Objectives

An effective complaints system supports the delivery of the Council's corporate objectives set out within the Corporate Plan 2008-2020.

Comment from the Solicitor to the Council:

The Solicitor to the council has been consulted in the preparation of this report and has no further comments to make.

Attachments

Appendix A – Ward Statistics

Appendix B – Breakdown of complaints by Ward and Section

DAVID RANDALL

Director of Governance

The officer to whom reference should be made concerning inspection of the background papers is the Corporate Complaints & Resilience Officer, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 872322.

Number of Complaints Received Per Ward and processed through the Complaints System

Ward	No of Complaints	
	1.4.13 to 31.3.14	1.4.14 to 30.9.14
	DDC	DDC
Aylesham	3	-
Buckland	5	3
Capel-le-Ferne	2	1
Castle	7	3
Eastry	7	-
Eythorne & Shepherdswell	11	6
Little Stour & Ashstone	6	3
Lydden & Temple Ewell	5	1
Maxton, Elms Vale & Priory	9	2
Middle Deal & Sholden	13	4
Mill Hill	6	3
North Deal	8	7
Outside District or N/A	7	5
Ringwould	6	1
River	1	1
Sandwich	10	2
St Margaret's-at-Cliffe	3	4
St Radigunds	2	-
Tower Hamlets	3	3
Town & Pier	5	2
Unknown	11	8
Walmer	6	10
Whitfield	2	2
Total	138	71

Complaints By Ward & Service from 1 April to 30 September 2014

Title	Complaint Type	Ward
Noise nuisance	Environmental Protection - DDC	Buckland
Disabled parking bay	Property Services - DDC	Buckland
Missed collection	Waste services - DDC	Buckland
Missed collection	Waste services - DDC	Capel-le-Ferne
No response to correspondence	Development Control - DDC	Castle
Noise nuisance	Environmental Protection - DDC	Castle
Quality of cleaning	Property Services - DDC	Castle
Council Tax bill not received	Council Tax - EKS	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Planning enforcement	Development Control - DDC	Eythorne & Shepherdswell
Use of website comments page	Development Control - DDC	Eythorne & Shepherdswell
Flytipping	Environmental Protection - DDC	Eythorne & Shepherdswell
Missed collection	Waste services - DDC	Eythorne & Shepherdswell
Billing administration	Council Tax - EKS	Little Stour & Ashstone
Contact with staff	Development Control - DDC	Little Stour & Ashstone
Missed collection	Waste services - DDC	Little Stour & Ashstone
Recycling not taken	Waste services - DDC	Lydden & Temple Ewell
Staff attitude	Environmental Protection - DDC	Maxton, Elms Vale & Priory
Recycling not taken	Waste services - DDC	Maxton, Elms Vale & Priory
Damage caused to private property	Horticulture - DDC	Middle Deal & Sholden
Enforcement	Parking Services - DDC	Middle Deal & Sholden
Condition of car park	Property Services - DDC	Middle Deal & Sholden
Provision of bins	Waste services - DDC	Middle Deal & Sholden
Dust and dirt caused by developers	Environmental Protection - DDC	Mill Hill
Disclosure of personal data	Housing Needs - DDC	Mill Hill
Rehousing	Housing Needs - DDC	Mill Hill
Recovery	Council Tax - EKS	North Deal
Recovery	Council Tax - EKS	North Deal
Discount	Council Tax - EKS	North Deal
Provided wrong information	Housing Benefits - EKS	North Deal
Rehousing	Housing Needs - DDC	North Deal
Grounds maintenance	Property Services - DDC	North Deal
Street cleaning	Waste services - DDC	North Deal
Record Maintenance	Electoral Registration - DDC	Outside District
Rehousing	Housing Needs - DDC	Outside District
Beach huts	Property Services - DDC	Outside District
Beach huts	Property Services - DDC	Outside District
Use of land	Valuation - DDC	Outside District
Merits of decision	Development Control - DDC	Ringwould
Communication	Community Engagement - DDC	River
Recovery	Council Tax - EKS	Sandwich
Contractors	Waste services - DDC	Sandwich
Recovery	Council Tax - EKS	St Margaret's-at-Cliffe
Overpayment	Housing Benefits - EKS	St Margaret's-at-Cliffe
Recovery	NNDR - EKS	St Margaret's-at-Cliffe
Waste - recycling not taken	Waste services	St Margaret's-at-Cliffe
Response to correspondence	Licensing - DDC	Tower Hamlets
Rate relief	NNDR - EKS	Tower Hamlets
Staff action	Private Sector Housing - DDC	Tower Hamlets
Telephone waiting time	Customer Services - EKS	Town & Pier

Title	Complaint Type	Ward
Claim processing	Housing Benefits - EKS	Town & Pier
Discount	Council Tax - EKS	Unknown
Recovery	Council Tax - EKS	Unknown
Application processing	Development Control - DDC	Unknown
Staff attitude	Housing Needs - DDC	Unknown
Enforcement	Parking Services - DDC	Unknown
Data Protection regarding photography	Property Services - DDC	Unknown
Beach huts	Property Services - DDC	Unknown
Beach huts	Property Services - DDC	Unknown
Discount	Council Tax - EKS	Walmer
Wrong advice	Customer Services - EKS	Walmer
Temporary office closure	Customer Services - EKS	Walmer
Enforcement	Development Control - DDC	Walmer
Enforcement	Development Control - DDC	Walmer
Beach huts	Property Services - DDC	Walmer
Beach huts	Property Services - DDC	Walmer
Missed collection	Waste services - DDC	Walmer
Missed collection	Waste services - DDC	Walmer
Cleanliness of estate	Waste services - DDC	Walmer
Missed collection	Waste services - DDC	Whitfield
Staff behaviour	Waste services - DDC	Whitfield

Subject:	SOCIAL MEDIA POLICY FOR MEMBERS
Meeting and Date:	Governance Committee – 4th December 2014 Standards Committee – 17th December 2014 Council – 28 January 2015
Report of:	David Randall, Director of Governance and Monitoring Officer
Portfolio Holder:	Leader of the Council
Decision Type:	Council Decision
Classification:	Unrestricted

Purpose of the report: To introduce a Social Media Policy for Members.

That it be recommended to the Governance and Standards Committees:

- (a) That they note the Social Media Policy for Members.
- (b) That they recommend to Council that the Social Media Policy for Members be approved and incorporated into the Council's Constitution.

That it be recommended to Council:

- (c) That the Social Media Policy for Members, be approved and be incorporated into the Council's Constitution.
 - (d) That the Director of Governance and Monitoring Officer is authorised to make minor changes to the policy to reflect legislative changes.
-

1. Summary

Social Media is technology that is now widely available and used, which allows online users to interact and share information (including video, audio, photographs, and text) publicly or privately with one another.

Social Media includes a variety of internet based communication tools, such as Facebook, Twitter, blogs and wikis. The use of social media by individuals both inside and outside of the Council is now widespread and continues to proliferate.

Introducing a pragmatic social media policy, which defines acceptable and unacceptable is intended to help protect Members from allegations of breaching the Code of Conduct and to minimise risk to the authority.

2. Introduction and Background

- 2.1 All Members of this authority have recently been issued with i-pads to assist them in conducting the business of the Council. In addition the recent Openness of Local Government Bodies Regulations 2014 now allows members of the public to film, blog and record council meetings. With this comes increased scrutiny and an expectation that councillors act responsibly when engaging with and using social media.

- 2.2 In drafting this policy, it has been necessary to consider a number of factors. Firstly the Council's attitude towards social media, which is to encourage responsible use; secondly the nature of its use, in that we allow personal use of social media from Council i-pads and other Council equipment, but encourage members to set up distinct accounts to clearly separate personal use, from that use when acting as a councillor; and thirdly the environment where social media is used, which for members could be anywhere, but potentially has more public interest when attending Council meetings.

3. Identification of Options

- 3.1 Option 1: to adopt the Social Media Policy for Members at Appendix 1
- 3.2 Option 2: not to adopt the Social Media Policy for Members at Appendix
- 3.3 Option 3: adopt an amended policy

4. Evaluation of Options

- 4.1 The preferred option is Option 1. This Social Media Policy for Members has been developed from a short form policy available through Practical Law Employment. It is therefore based on the latest legislative framework and is compatible alongside the adopted Code of Conduct for Members.
- 4.2 Option 2 is not recommended, as this will leave the Council and Members without a clear policy and at risk from allegations of improper conduct.

5. Resource Implications

- 5.1 No additional resource implications.

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add. SB
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted during the preparation of this report and has no further comment to make.
- 6.3 Comment from the Equalities Officer:

This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

7. Appendices

Appendix 1 – Social Media Policy for Members

8. Background Papers

None

Contact Officer: David Randall, Director of Governance

DOVER DISTRICT COUNCIL

SOCIAL MEDIA POLICY FOR MEMBERS

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1. ABOUT THIS POLICY

- 1.1 This policy has been adopted by Dover District Council to
- (a) minimise the risks to the Council through use of social media.
 - (b) minimise the risk of members being the subject of complaint under the Code of Conduct for Members
- 1.2 This policy deals with the use of all forms of social media, including Facebook, LinkedIn, Twitter, Google+, Wikipedia, Whisper, Instagram, Vine, Tumblr and all other social networking sites, internet postings and blogs. It applies to use of social media for Council purposes as well as personal use that may affect the Council in any way.
- 1.3 This policy does not form part of the Code of Conduct for Members and the Council may amend it at any time.

2. GENERAL OBLIGATIONS

- 2.1 Members must comply with this policy:-
- (a) whenever they act in their capacity as a member or co-opted member of the Council or,
 - (b) at all times when using the Council's IT resources and communications systems.

3. PERSONAL USE OF SOCIAL MEDIA

- 3.1 This policy does not purport to regulate a member's personal use of social media. Members should, when using social media in a personal capacity make it clear in their social media postings, or in their personal profile, that they are speaking on their own behalf, use a separate personal e-mail account and address, avoid reference to being a councillor and reference to issues concerning the council.

4. COUNCILLOR USE OF SOCIAL MEDIA

- 4.1 If members are using their social media profile in their capacity as councillor, they must disclose their affiliation to the Council on their profile or in any social media postings, they must state that their views do not represent those of the Council (unless they are authorised to speak on the Council's behalf).

Members should also ensure that their profile and any content they post are consistent with the image they present to the Council and the public.

5. GUIDELINES FOR RESPONSIBLE USE OF SOCIAL MEDIA

- 5.1 Members must be respectful to others when making any statement on social media and be aware that they are personally responsible for all communications which will be published on the internet for anyone to see.
- 5.2 If members are uncertain or concerned about the appropriateness of any statement or posting, they should refrain from posting it until they have discussed with the Monitoring Officer

6. COMPLIANCE WITH RELATED POLICIES AND AGREEMENTS

- 6.1 Members must never use social media in a way that breaches any of the Council's other policies or the Council's Code of Conduct for Members. If an internet post would breach any of the Council's policies in another forum, it will also breach them in an online forum. For example, members must not use social media to:
- (a) breach the Council's ICT Policy;
 - (b) breach the Council's obligations with respect to the rules of relevant regulatory bodies;
 - (c) breach any obligations contained in those policies or the Code of Conduct for Members relating to confidentiality;
 - (d) harass or bully any person;
 - (e) unlawfully discriminate against any person **OR** breach the Council's Equal Opportunities Policy;
 - (f) breach the Council's Data Protection Policy (for example, never disclose personal information about any person online); or
 - (g) breach any other laws or regulatory requirements
- 6.2 Members should never provide references for other individuals on social or professional networking sites, as such references, positive and negative, can be attributed to the Council and create legal liability for both the member and the Council.
- 6.3 The Council is mindful that members of the public and the staff of the council and its contractors have not sought election to public office and public life and have rights to private and family life under the European Convention on Human Rights. Accordingly, in their use of social media members must

respect these rights and not record or publish visual or audio recordings of members of the public and the staff of the council and contractors, or publish comments about them unless to do so is both reasonable and legally justifiable in terms of their convention protections.

7. PROHIBITED USE

7.1 Members must avoid making any social media communications that could reasonably be regarded as bringing their office of the Council into disrepute.

7.2 Members must not use social media to

- (a) defame or disparage any person;
- (b) nor to harass, bully or unlawfully discriminate against any person;
- (c) to make false or misleading statements; or to impersonate any person.

7.3 Members must not express opinions on behalf of the Council via social media, unless expressly authorised to do so.

7.4 Members must not post comments or do anything to jeopardise the Council's confidential information and intellectual property. Members must not include the Council's logos or other trademarks in any social media posting or in their profile on any social media.

7.5 Any misuse of social media should be reported to the Monitoring Officer.

8. PERSONAL RESPONSIBILITY FOR COMPLYING WITH THIS POLICY

8.1 Members are personally responsible for operating within the boundaries of this policy and should ensure that they take the time to read and understand it

9. MONITORING

9.1 The Council reserves the right to monitor, intercept and review social media activity, without further notice. This is to ensure that this policy and other relevant Council's ICT policies are being complied with.

10. BREACH OF THIS POLICY

10.1 Although a breach or non-compliance with this policy would not of itself be a breach of the Code of Conduct for Members any breach of this policy may be relied upon as evidence that a member has failed to comply with a specific

requirement of the Code of Conduct for Members, for example, that a member has bullied someone or intimidated them under paragraph 3(2)(a) of the Code of Conduct for Members.

- 10.2 At least annually, the Monitoring Officer will report to the Standards Committee in anonymized form any breaches of this policy that don't result in a breach of the Code of Conduct.

11. MAINTENANCE OF THIS POLICY

- 11.1 The Standards Committee has overall responsibility for the effective operation of this policy, but has delegated day-to-day responsibility for its operation to the Monitoring Officer.
- 11.2 Responsibility for monitoring and reviewing this policy and making recommendations for change to minimise risks lies with the Standards Committee who will review this policy on the advice of the Monitoring Officer and/or as and when necessary to ensure that it meets legal requirements and reflects best practice.