

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

Date: Friday 10th December, 2021
Time: 3.00 pm
Venue: Virtual

Please note this is a virtual meeting.

**The meeting will be livestreamed via
the Council's YouTube channel at
[Middlesbrough Council - YouTube](#)**

AGENDA

- | | | |
|----|---|---------|
| 1. | Minutes Constitution and Members' Development Committee
- 8 October 2021 | 3 - 6 |
| 2. | Declarations of Interest | |
| 3. | Constitution Update | 7 - 26 |
| 4. | Political Balance | 27 - 36 |
| 5. | Social Media Framework: Policy and Guidelines for Elected
Members | 37 - 50 |
| 6. | GDPR for Elected Members

Verbal update | |
| 7. | Council Petitions/Private Petitions

Verbal update | |

Charlotte Benjamin
Director of Legal and Governance Services
Town Hall
Middlesbrough

Date Not Specified

MEMBERSHIP

Councillors J Hobson (Chair), A Bell (Vice-Chair), A Hellaoui, B Hubbard, D Rooney, M Saunders, M Storey, C Wright and J Thompson

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Joanne McNally, (01642) 728329, joanne_mcnally@middlesbrough.gov.uk

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

A meeting of the Constitution and Members' Development Committee was held on Friday 8 October 2021.

PRESENT: Councillors J Hobson (Chair), A Bell (Vice-Chair), A Hellaoui, B Hubbard, D Rooney and J Thompson

PRESENT BY INVITATION: Councillor D Coupe

OFFICERS: C Benjamin, S Reynolds, C Breheny and J McNally

APOLOGIES FOR ABSENCE: Councillors M Saunders, M Storey and C Wright

21/1 **MINUTES - CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 26 FEBRUARY 2021**

The minutes of the Constitution and Members' Development Committee held on 26 February 2021 were approved as an accurate record.

21/2 **DECLARATIONS OF INTEREST**

There were no declarations made at this point in the meeting.

21/3 **MEMBER DEVELOPMENT UPDATE**

The Head of Democratic Services presented the report to advise Members of the Member Development Skills Framework which supports the previously agreed Member Development Policy and also asked Members to note the proposed Member Development Programme for 2021/22.

Members were advised that the Framework was built around the LGA Framework and included a number of competencies including:

- Local leadership
- Partnership working
- Communication skills
- Political understanding
- Scrutiny challenge; and
- Regulatory and monitoring

The Head of Democratic Services advised that the majority of training was delivered in house through briefing sessions and internal courses to reduce costs however some training had been delivered externally. Members were advised that the LGA provided a number of online training courses and in person training courses for Senior Members which were fully subsidised or part subsidised.

In respect of the subsidised courses a Committee Member raised concerns that not all Members are aware that the LGA courses were subsidised. It was agreed that when LGA course information is circulated to Members it would include whether the training was subsidised or not. Concerns were raised that a lot of the LGA training took place in Coventry and that some Members struggled to attend. The Head of Democratic Services stated that some training had taken place online during the Covid pandemic and she would investigate if some training could be held online again.

The Head of Democratic Services stated that the Member Development Programme was a live document that was continually updated with training opportunities for Elected Members to attend. The Member Development Programme enables Members to gain the key skills to

enable them to fulfil their role.

Reference was made to the online Teams training that Members had undertaken through the Middlesbrough Learns Platform and whether future training would be made available to Members using this platform. The Head of Democratic Services advised that work was being undertaken with Organisational Development to provide a Members area where training and training materials could be accessed.

Members were asked to note the Member Development Skills Framework and proposed Member Development Programme for 2021/22.

AGREED as follows:-

- a) Members noted the Member Development Skills Framework and proposed Member Development Programme for 2021/22
- b) Course subsidies would be included in future emails to Members
- c) The Head of Democratic Services will contact the LGA to see if they could provide some of their training online

21/4

CONSTITUTION - WORK PLAN REPORT

The Director of Legal and Governance Services presented the report and advised Members that the Council's Constitution is subject to continual review together with any associated documents for example the Scheme of Delegation, Procedure Rules and protocols to ensure that decisions taken by the Council are lawful and reflect changes in legislation and Council priorities.

The Constitution is a live document, which from time to time requires adjustment to reflect how the Council operates. Occasionally amendments are needed to reflect changes in policy and legislation whilst others deal with inconsistencies and presentational issues that have no effect on the agreed procedural rules. Other minor amendments are required to deal with the results of new legislation and do not require a change in Council processes.

Members heard that a phased review of the Constitution was underway to ensure that the Constitution is fully up to date. Some topics were prioritised last year and since then amendments have been made on various topics such as motions, votes of no confidence, voting on appointments, and the Member Code of Conduct has now been refreshed and approved by Council

The report sought the consideration of the next set priorities for review and that those priorities are timetabled as a future work programme for the Committee.

The report also proposed that the Committee consider the physical structure of the Constitution and how it is laid out to improve readability and accessibility for elected members and the public.

AGREED as follows:-

- a) The Constitution and Member's Development Committee agreed to the next set of priorities for review and that they are timetabled as a future work programme for the Committee.
- b) That the physical structure of the Constitution is reviewed to improve readability and accessibility for elected members and the public.

21/5

MEMBERS ATTENDANCE AT TRAINING

The Head of Democratic Services presented the report to the committee the purpose of this report was to provide Members of the Constitution and Members Development Committee with a summary of Elected Members attendance at training sessions for the municipal year 2020-21.

The committee heard that attendance at the required training was consistently high with all

members of the specific committees attending the required training. It was advised that this could be due to members having to attend this training before being able to take part in the decision making in respect of those committees. The Head of Democratic Services stated that whilst training may be devised specifically for committee Members, these events were open to all members to attend, which would aid groups should they wish to appoint a substitute to attend a committee in the case of the absence of one of their Members.

The Head of Democratic Services advised members that newly appointed Chairs and Vice Chairs are required to undertake Chairs training when elected to a Committee however attendance at this training was not as successful with a lower percentage of Chairs and Vice Chairs attending. Members were asked to consider what actions could be put in place to encourage attendance at this training and should there be any sanctions for non-attendance at training that are requirements within the policy. It was also suggested that the requirement to attend required training be added to the Constitution.

Members raised concerns that some training can be difficult to attend due to other commitments. A discussion took place around e-learning if a Member could not attend physical training the majority of Members agreed that e-learning would not be suitable for Chairs training. A Member commented that it should be mandatory to attend Chair's training before a Member can take up the role of a Chair. The Head of Democratic Services confirmed that Chairs training is already a requirement element which was agreed in 2018 when the Member Development Framework was agreed. It was agreed that the Monitoring Officer would contact Chairs/Vice Chairs who had not completed Chair's training to inform them that this was required training.

A Member requested that a regular report be provided detailing Members who have attended training to enable issues to be addressed appropriately.

Agreed as follows:-

- a) The Constitution and Members Development Committee noted content of the report
- b) The Director of Legal and Governance Services will contact Chairs/Vice Chairs who have not undertaken Chairs training and encourage them to attend
- c) A regular report to be provided to the Committee detailing Members attendance at training

21/6 **PAPERLESS MEETINGS**

Following the publication of the agenda, the report in relation to paperless meetings was subsequently withdrawn.

21/7 **EXEMPT REPORTS**

A Member asked for clarification on the Exclusion of Press and Public from Committee meetings and whether an Elected Member is exempt from this exclusion and where this is stated in legislation. It was stated that Elected Members are bound by the Code of Conduct and are not members of the public but elected by the public. The Head of Democratic Services confirmed that there was legislation and it was covered under the Access to Information rules which form part of the Executive Procedure rules which stated what Members are able to see and under which circumstances. It was advised there had to be a need to know to have access to information.

The Director of Legal and Governance Services stated that at present it is down to the Chair's discretion if a Member can remain during an exempt item. The advice that would be provided to a Chair is that as Members of the Council it would be assumed that the Council should be open and transparent in terms of Council business and that a Member could stay however there could be certain circumstances when it is not appropriate for a Member who is not part of the Committee to stay this is for the Chair to decide as the situation presents itself. The Director of Legal and Governance Services advised that the decision should be made when the papers for the Committee are issued rather than at the time of the meeting.

The Head of Democratic Services advised that the Executive Member/Scrutiny Member Protocol was being reviewed to look at whether the Chair of Overview and Scrutiny Board should be allowed to remain during Executive decision making process.

21/8 **ANY OF OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

21/9 **DATE OF NEXT MEETING - 10 DECEMBER 2021**

The Chair confirmed that the next meeting of the Constitution and Members Development Committee would be held on 10 December 2021.

Report of:	Director of Legal and Governance Services and Monitoring Officer - Charlotte Benjamin
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Submitted to:	Constitution and Members Development Committee - 10 December 2021
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Subject	Update - Council Constitution
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Summary

Proposed decision(s)
That the Committee agrees to the proposed timetable for the work plan for future Constitution updates and agrees to additional Constitution and Members Development meetings being held to ensure that the work plan can be completed.

Report for:	Key decision:	Confidential:	Can be called-in:
Decision	No	No	No

Contribution to delivery of the 2020-23 Strategic Plan		
People	Place	Business
Not applicable	Not applicable	Ensure decision making practices remain relevant and / or can improve openness and transparency.

Ward(s) affected
Not applicable

What is the purpose of this report?

1. The Council’s Constitution is subject to continual review together with any associated documents e.g. Scheme of Delegation, Procedure Rules and protocols to ensure that decisions taken by the Council are lawful and reflect changes in legislation and Council priorities.

Why does this report require a Member decision?

2. The Constitution is a live document, which from time to time requires adjustment to reflect how the Council operates. Occasionally amendments are needed to reflect changes in policy and legislation whilst others deal with inconsistencies and presentational issues that have no effect on the agreed procedural rules. Other minor amendments are required to deal with the results of new legislation and do not require a change in Council processes.
3. The changes to the Constitution fall within three broad areas, which can be described as follows:-
 - a. Alterations made as a result of decisions of either the Council or the Executive.
 - b. Alterations made under the delegated powers given to the Monitoring Officer to deal with changes required as a result of legislative changes.
 - c. Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors.

The following amendments are proposed under paragraph (c)

1. Council Procedure Rules

Change of the word **must** to **should** in paragraph 76 of Council Procedure Rules

Amendment to Ordinary Motion

An amendment to an ordinary motion ~~must~~ **should** be submitted, in writing, 2 clear working days before the meeting and must be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) to insert or add words,

as long as the effect of (b) to (d) is not to negate the motion, or introduce a new proposal.

2. Officer Employment Procedure Rules

Change of wording for the Appointment of Head of Paid Service to provide for the appointment to be made by Full Council or by recommendation from the Chief Officer Appointments Committee.

Appointment of Head of Paid Service

(a) The appointment of the Head of Paid Service will be **made directly by Full Council, or by an Appointment Committee. The Appointment Committee will be made up of 7** members nominated annually by the Council and will include the Elected Mayor, Deputy Mayor and the relevant portfolio holder. The appointment of the Head of Paid Service will be approved by the full Council following the recommendations of the Appointment Committee.

(b) The full Council may only approve the appointment of the Head of Paid Service where no well-founded objection has been received from any member of the Executive, within three days of notification of the recommended candidate.

3. Councillor Calls for Action

Insert Procedure and Guidance for Councillor Calls for Action into the Constitution. Appendix 2

4. Following the last meeting of the Constitution and Members Development Committee at which the next set of priorities were agreed this report seeks the agreement on the timetable for each of the priorities to be reviewed by the Committee. See Appendix 1.

5. It is proposed that additional meetings of the Constitution and Members Development Committee are scheduled to ensure that each of the priorities can be reviewed in a timely manner.

What decision(s) are being asked for?

6. That the Committee agrees to the proposed timetable for the work plan for future Constitution updates and agrees to additional Constitution and Members Development meetings being held to ensure that the work plan can be completed.

Other potential decisions and why these have not been recommended

7. Not applicable

Impact(s) of recommended decision(s)

Legal

8. No impact.

Financial

9. No impact.

Policy Framework

10. Not applicable. The report does not propose an amendment to the policy framework.

Equality and Diversity

11. There are no equality or diversity specific impact as any changes will affect all elected members equally

Risk

12. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation, it could result in a breach in governance requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities.

Actions to be taken to implement the decision(s)

13. (i) The Democratic Services Officer will schedule additional meetings of the Committee
(ii) Make the necessary changes to the Council Constitution.

Section	Summary of content	Notes	Meeting date
Part 1 – Summary and Explanation	This sets the scene for what the Constitution is, and how it operates. It contains brief notes about the constitution, the Executive, decision-making and challenge, what rights citizens have, and who the statutory officers are.	Wording changes required for this section Review layout and numbering - remove reference to articles	Ongoing
Part 3 – Rules of Procedure	The 'procedural' parts of the Constitution, summarised below.	Add a section on political balance including below: change a calculation due to a vacancy that has not been filled i.e due to a death or resignation part way through the year?	10 December 2021
COUNCIL PROCEDURE RULES	Establishes the rules for how meetings of Council and its committees will be run.	possibly add planning - right to comparative times for objectors - Legal to check is this a legal requirement areas to look at Motions rules of debate Complete Extra ordinary meetings Petitions - Complete Cllr calls for Action – MO to be able to change meeting date with agreement of chair as long as papers have not been sent out - add to scheme of delegation	10 December 2021
COUNCIL MEETINGS Annual meeting timing and business (P 60) Ordinary meetings (61) Extra ordinary meetings (p62)		Do we say that we can only have one extraordinary meeting following an ordinary meeting Arrangement for meetings the MO in consultation with the Chair will have the power to change the venue, day time etc	February 2022 Date TBC
Officer Employment Procedure Rules	Establishes the rules for the recruitment and dismissal of officers.	add statutory officer disciplinary procedure to consider adding attendance at shortlisting and interviewing clarity local agreement p3a page 132 appointment of the Head of Paid Service will be approved by full council or full council following recommendations of the appointing committee	February 2022 Date TBC 10 December 2021
Article 2 Members of the Council	Provides details of the composition of the Council, and the expected roles and duties of the Mayor and Councillors.	Add Group leader role Add role of Elected Mayor For Group leaders this needs to be consulted on, Party political group Leaders have defined roles as part of the party rules. We need to have a consistency.	February 2022 Date TBC

ARRANGEMENTS FOR MEETINGS Cancellation Notice of summons Chair of meetings Quorum of council Duration of Meeting		electronic delivery	February 22 Date TBC
Part 5 – Management Structure	Provides the current Senior Management Structure.	Up to date Senior Management Structure	February 2022 Date TBC
Article 12 Decision Making	Sets the parameters for, and principles of, decision making in the Council, and provides guidance on types of decision to be recorded under Regulations.	possible update to level of key decision-ensure marries up with decision making classes – key decision threshold added to Constitution. Ian Wright reviewing	4 March 2022
Article 17 Financial Procedure Rules (Standing Orders)	Incorporates the Middlesbrough Borough Council Financial and Contract Procedure Rules (Standing Orders) as a part of the Constitution.	Justin Welton and Ian Wright to provide up to date Financial Procedure Rules	4 March 2022
Budget and Policy Framework Procedure Rules	Establishes the rules for the annual budget-setting process, and for in-year changes to the budget.	is there a need to increase key thresholds to bring us in line with other authorities – Ian Wright	4 March 2022
Executive Procedure Rules	Establishes the rules for how meetings of the Executive and its committees will be run	Need for an Exec / scrutiny protocol – drafted by G Moore & C Lunn	4 March 2022
Article 18 Scheme of Delegation	Incorporates the Middlesbrough Borough Council Scheme of Delegation as a part of the Constitution.	officers to provide list of delegations to DS scheme to include committee delegations to officers	April 2022 Date TBC
ACCESS TO INFORMATION RULES	Establishes the rules for the publication or With-holding of information.	exempt info needs updating	April 22 Date TBC
Protocol on Member/Officer Relations	Provides guidance on the interaction between Members and Officers, and their respective roles.		April 2022 Date TBC

<p>COUNCIL QUESTIONS Submitting Questions Withdrawing Questions Scope of Questions Record of Questions Questions/comments by members Questions/comments with Notice Reports Questions or comments without notice Responses Supplementary Questions Joint Committees or outside bodies Questions general Questions by the public General</p>		<p>p43 change procedure rules - can only submit 5 questions in any one rolling 12 month period – done</p> <p>P29 a&b questions or comments - possible rewording to give distinction comment on the detail in the report / - if Mayor doesn't give a report can he be asked questions on anything-</p>	<p>April 2022 Date TBC</p>
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MIDDLESBROUGH COUNCIL

Councillor Calls For Action

**Procedures and Guidance
for Councillors**

SECTION 1: WHAT ARE COUNCILLOR CALLS FOR ACTION?

INTRODUCTION

- 1.1 Councillor Calls for Action (CCfA) were introduced under Section 119 of the Local Government & Public Involvement in Health Act 2007.
- 1.2 The Department of Communities and Local Government has issued guidance that is not intended to be prescriptive, but is intended to give Councils a steer as to how CCfA should be implemented. However, the main thrust of the guidance is that CCfA should be seen as a means of 'last resort' where local issues have arisen and other methods of resolution have been exhausted.
- 1.3 CCfA is a legitimate process to resolve issues. The purpose of CCfA is not to address vexatious, persistent, unreasonable or discriminatory matters or to achieve actions for political reasons. The key points are:
 - Initiation of CCfA rests with the local Councillor
 - It will be up to individual Councillors to determine which issues to present as a CCfA
 - There will be **no** right of appeal by constituents via the Council's Executive.
 - The CCfA may cover any local government matter relating to any function of the Authority or matters affecting a Councillor's ward and constituents.
 - Whilst a Councillor may refer the matter for consideration to scrutiny, it will be the decision of the Overview and Scrutiny Board (OSB) to determine if the issue is to be addressed.
 - CCfA can include any issue, including Crime and Disorder.
- 1.4 If a Councillor Call for Action is considered by Scrutiny, whether by a Scrutiny Panel or OSB, their only power is to refer the matter, if appropriate, to the Executive for its consideration.

IDENTIFYING A COUNCILLOR CALL FOR ACTION (CCfA)

- 1.5 This Guidance is intended to provide a framework and clarity on how to identify issues that might be subject of a CCfA, and the process to follow.
- 1.6 A Councillor Call for Action:
- puts ward Councillors at the centre of the process for resolving issues **of local concern**;
 - focuses **on neighbourhood and locality issues**, specifically the quality of public service provision at a local level;
 - should represent **genuine local community concern** (based on a Councillor's judgement);
 - should only be referred to Scrutiny as a **last resort** when the ward Councillor has been unable to resolve the issue.
- 1.7 Scrutiny reviews resulting from a CCfA are undertaken by Scrutiny Panels.
- 1.8 Locality based scrutiny reviews will normally be a 'short and sharp' review – it is important that this is a responsive process which delivers tangible outcomes.
- 1.9 The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 specifies that Councillor Calls for Action are NOT appropriate for dealing with:
- Individual complaints concerning personal grievances or commercial issues;
 - Any matter which is vexatious, discriminatory;
 - Councillors' day-to-day casework;
 - Matters subject to call-in;
 - Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
 - Matters that relate to individual 'quasi judicial' decisions (e.g. planning or licensing) or to Council Tax and National Non Domestic Rates as these are subject to their own statutory appeals procedures.

CHECKLISTS

The initial issue Checklist

1 Are the concerns to do with the quality of public service provision at a local level?

Councillor Calls for Action are intended to address issues of broad concern in the community relating to Council services. But they can also address broader issues relating to other public services. These might include matters such as anti-social behaviour, community safety, health services and issues relating to local schools.

2 Are the concerns individual complaints?

Councillor Calls for Action are not appropriate for dealing with individual complaints. If the matter relates to a complaint, advice can be given about how this may be best brought to the Council's attention and dealt with.

3 Do the concerns relate to individual 'quasi judicial' decisions (e.g. Planning or Licensing) or to Council Tax or Non-Domestic Rates?

Councillor Calls for Action are not appropriate for dealing with these matters as they are subject to other appeals processes.

However, patterns of issues may be appropriate to consider as a concern under CCfA – for example, community concerns about the proliferation of licensed premises in a local neighbourhood.

The Local Community Concern Checklist

4 Is the focus of concern on a neighbourhood or locality issue?

Councillor Calls for Action focus on neighbourhood or locality issues. They provide a mechanism for ward Councillor/s to help resolve issues of concern in their wards.

If the concern is of a more general nature – for example, about policy or town-wide issues – a request for Scrutiny can still be made in the usual way.

5 Is the issue a genuine local concern?

You will need to be sure that the concerns in your ward are genuine and widely held, and not just an individual constituent's point of view or 'hobby horse'.

Establishing the views of other members of the community will be essential in clarifying this.

The ‘Championing a Request’ Checklist

6 Resolving an issue.

The core purpose of the CCfA is to assist in the resolution of local problems and concerns. Before you agree to championing a CCfA consider other appropriate courses of action such as complaints procedures, Members’ One-Stops or petitions.

7 When an apology, explanation or an assurance about a particular problem is enough to satisfy a community concern.

Where a Councillor raises an issue an apology, an explanation, or an assurance that an action will not be repeated might be given. If that addresses the concerns identified, and further actions such as changes to service provision are not required, then referral to Scrutiny would not be appropriate.

8 If the above are not appropriate or have been tried and not succeeded.

If other actions such as complaints, Members’ One-Stops or petitions have been tried without success, then you might wish to consider CCfA. Pursuing a CCfA will require you to:

- raise the issue with any local interest groups;
- facilitate an informal discussion meeting to consider residents’ views – ensuring that ALL points of view are recorded and reported;
- raise the issue at Community Council, cluster group etc;
- discuss the issue with the appropriate Executive Member;
- contact the Service for the appropriate service area

Before you start down this route, you should first register with the Scrutiny team your intent to action a CCfA.

The ‘Reality’ Checklist

9 Be selective

Only agree to take on issues that have wide support: don’t forget that for every group of residents that support a particular scheme, there will probably be another group that oppose it. Don’t set yourself impossible objectives - don’t set yourself up to fail.

Councillor Calls for Action are not a pathway to additional funding. If the Council has already decided not to take a particular course of action it might well be that the funding is not available. Use the One-Stop to get information BEFORE committing yourself to a particular course of action.

SECTION 2: HOW TO PROGRESS A CCfA

- 2.1 Democratic Services can advise on how to progress Councillor Calls for Action at any point, but preferably before you start the process.
- 2.2 CCfA is about helping Councillors to resolve issues and problems on behalf of their residents, and giving ward Members the opportunity to respond to local need. CCfA is not merely a Scrutiny Process: Scrutiny is the final step in a longer process. Hearing by OSB only comes into play when all other methods of resolution by the Member concerned have been exhausted.
- 2.3 Before starting with a CCfA, consider all the other avenues that might be appropriate. These might include:
- submitting a One-Stop
 - advising (or assisting) resident(s) to use the Complaints Procedure
 - advising on a petition
 - Call-In of Executive decisions (where appropriate)
- 2.5 Before a CCfA can be sent to Scrutiny for consideration, all actions in the chart below should have been taken, or at least considered.

STEP 1: REGISTERING YOUR CCfA WITH DEMOCRATIC SERVICES	
Actions to be taken	Notes / Guidance
Ensure that other appropriate avenues (see above) have been exhausted.	e.g. consider One-Stops, Complaints, Petition
Define the issue. Set out, in writing , what the issue isthis will avoid misinterpretation at a later stage.	Be very specific, and focus down in order to concentrate on the essence of the matter.
Contact the Principal Democratic Services Officer to register your intent to pursue a CCfA.	See Section 3 below

STEP 2: ESTABLISHING THAT YOUR CCfA IS A COMMUNITY ISSUE	
Actions to be taken	Notes / Guidance
Obtain community views	Consider calling a public meeting or undertaking a survey. If a public meeting is held, ensure that you have someone taking minutes that reflect all opinions/views.
Contact any relevant special interest or single interest groups in the area	For example, there might be Residents' Groups, or 'single interest' groups (e.g. playing field committees); 'Friends of' groups or users' groups (e.g. that have interest in Parks, Cemeteries, etc).
Get the matter raised at the Community Council	Obtain the relevant minutes

STEP 3: TAKING UP THE ISSUE WITHIN THE COUNCIL	
Actions to be taken	Notes / Guidance
Raise the matter with the relevant Executive Member	Democratic Services can advise on the full extent of Executive Members' portfolios. If the potential CCfA relates to an outside organisation (eg Health, bus companies, social housing) then the matter MUST be raised with the Executive Member. Ward Members should NOT make direct contact with external agencies, as approaches will need co-ordinating.
Write to the Service Director.	Once all of the above steps have been taken, you should write to the Service Director explaining the issue, what you have done so far, and the desired outcome.

STEP 4: INITIATING THE CCfA FOR CONSIDERATION BY SCRUTINY	
Actions to be taken	Notes / Guidance
Contact the Scrutiny Support Team. See Section 3 below.	Before a matter can be taken to Scrutiny, you will be required to demonstrate that all of the above steps have been either undertaken, or at least considered. If they have not been undertaken, you will be asked to indicate the reasons.

Prepare a report to Overview & Scrutiny Board	You will need to write a report to OSB demonstrating that other avenues have been tried, and if not, why they were not thought to be appropriate. Your report will need to be based on the evidence you have gathered at Step 2 above, and outline the responses that you have been given at Step 3 above.
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SECTION 3: REGISTERING A CCfA WITH DEMOCRATIC SERVICES

- 3.1 To register a CCfA as outlined in Step 1 in the preceding Section, you should contact the Democratic Services Team. Registering your intent to pursue a CCfA is indicating that you are committing yourself to the process outlined in Section 2, above.
- 3.2 At the time of registering the CCfA you will be required to provide the information set out below:
- Name of councillor who registering the concern
 - Date of register
 - Any other councillors supporting the CCfA
 - Details of the matter that Scrutiny is being asked to consider
 - Details of actions already taken by you (and other Members supporting the CCfA) to resolve the concern
 - Officers, services and partner agencies involved
 - Clarification regarding the resolution desired
 - Update if progress has been made

SECTION 4 – SCRUTINY CONSIDERATION OF YOUR CCfA

- 4.1 If the required actions listed in Section 2 above (How to Progress a CCfA) have been completed, and the matter is still unresolved, then you can request that the matter is referred to the next available meeting of the Overview & Scrutiny Board (OSB) for consideration.

The Legislation

- 4.2 The relevant sections of the Local Government & Public Involvement in Health Act 2007 that introduce Councillor Calls for Action enables Councillors to refer a matter to a Scrutiny Committee.
- 4.3 The Act only requires that the matter is placed on the agenda, and that it is discussed. The Act does not require that a scrutiny is undertaken with regard to the matter, or that the Scrutiny Committee takes any further actions (such as referring the matter elsewhere for consideration).

- 4.4 However, if the Scrutiny Committee decides not to exercise any of its powers in relation to the matter, it must notify the Member who proposed the CCfA of:
 (a) its decision, and
 (b) the reasons for it.
- 4.5 If the Scrutiny Committee decides not to exercise any of its powers in relation to the CCfA there is no right of appeal against that decision. Also, there is no right of appeal by constituents to the Council's Executive
- 4.6 The Scrutiny Committee must provide the Member who proposed the CCfA with a copy of any report or recommendations which it makes to the Council, or to the Executive, in relation to the matter.

Have all required steps been taken?

- 4.7 At the point that you request your CCfA to be heard by OSB, a Democratic Services Officer will complete a pro-forma setting out the details as follows:

		YES/ NO	EVIDENCE- please provide
1	Has there been proper consideration of other appropriate actions eg One-Stops, Complaints, Petitions		List actions
2	Has the issue been clearly defined?		Insert the matter for consideration as CCfA
3	Community views obtained – and supportive of the CCfA?		List all. Take copies of minutes etc
4	Relevant groups contacted for support? (eg single issue groups etc)		List all. Take copies of minutes etc
5	Is the Community Council supportive of the CCfA? If not, why not?		Take copy of minutes
6	Has the Executive Member been contacted?		Copy letters, e-mails, etc
7	Has the Service Director been written to?		Copy letters / e-mails
8	Have you prepared a report to OSB setting out the issue, the actions taken to address the issue, the outcomes so far, and the actions required to resolve the matter?		Attach report. Check format, content. Advise accordingly

- 4.8 If all of the steps detailed in this Guidance have been completed, then your CCfA will be placed on the agenda of the next available OSB. Officers do not have the power to screen out any CCfA where all the preparatory steps have been completed.

Scrutiny Actions - OSB

- 4.9 The Overview & Scrutiny Board will reject a CCfA if:
- The issue is currently going through the Council Complaints procedure;
 - Ward Councillors have not explored the issue fully and exhausted all avenues as set out in this Guidance;
 - The Scrutiny process could not add any value to the work undertaken by the ward Councillor(s);
 - Matter has already been subject to call-in.
 - The matter has been considered by Scrutiny or the Executive within the previous 6 months, and there are no changes in circumstances that require fresh consideration;
- 4.10 When the OSB accepts as valid a CCfA, it can take a number of actions when giving initial consideration to your CCfA. Essentially, OSB can:
- Decide to take no action. In this case, OSB must give you reasons for that decision.
 - Refer your CCfA to the Ad Hoc Scrutiny Panel for consideration.
- 4.11 The legislation requires that when the decision is to refer a CCfA that relates to crime and disorder matters to a Scrutiny Panel for consideration, then it must be remitted to the Panel that deals with such matters.
- 4.12 In respect to CCfA, the term 'crime and disorder' is defined as matters relating to:
- i) crime and disorder (including forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - (ii) the misuse of drugs, alcohol and other substances that affects the electoral area represented by the Member, or the people who live or work in that area
- 4.13 All other matters subject to CCfA will be referred to the Ad Hoc Scrutiny Panel, unless OSB agrees that there are exceptional circumstances which require the matter to be referred to another Scrutiny Panel (for example where another Panel is already giving consideration to a similar matter).

Scrutiny Actions - Panels

- 4.14 It will be the decision of the Scrutiny Panel, taking account of any guidance from OSB, as to the nature and duration of the Scrutiny investigation in respect of a CCfA.
- 4.15 As indicated above, even if your CCfA is considered by OSB or a Scrutiny Panel, their only power is to refer the matter, if appropriate, to the Executive or to the Council for consideration of Scrutiny recommendations.
- 4.16 If the Executive or the Council decide not to take any actions to resolve the matters raised by the CCfA, that is the end of the matter. Scrutiny cannot, at that point, take the matter any further.

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Report of:	Monitoring Officer – Charlotte Benjamin, Director of Legal and Governance Services
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Submitted to:	Constitution and Members’ Development Committee – 10 December 2021
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Subject:	Political Balance Procedure Rules
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Summary

Proposed decision(s)
That Constitution and Members’ Development Committee consider and endorse the proposed Political Balance Procedure Rules, for submission to and approval by Full Council, for inclusion within the Council’s Constitution.

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	No	No	No

Contribution to delivery of the 2021 - 2024 Strategic Plan		
People	Place	Business
		Applying political balance ensures effective decision making and ensures cross party and community representation in Council decisions.

Ward(s) affected
N/A

What is the purpose of this report?

1. This report proposes the inclusion of the Political Balance Procedure Rules within Part 6 – Rules and Procedures, of the Council’s Constitution.

Why does this report require a Member decision?

2. The Constitution - Article 4.2 – Functions of the Council specifies that in respect of adopting, amending and changing the Constitution, only Council will exercise this function.

Report Background

3. A report was submitted to Constitution and Members' Development Committee on 4 February 2020 following a request to provide members with the legal framework on the allocation of seats to political groups.

Legal Position

4. The Local Government and Housing Act 1989 established the principle of the proportional allocation of committee and sub-committee seats. The Council is also required under the Act to keep under review the representation of the different political groups on bodies appointed by the Council.
5. Where there are non-aligned councillors regulation 16 of the Local Government (Committees and Political Groups) regulations 1990 modifies the above and requires proportional allocation of seats to those members and introduces the requirement to have regard to the wishes of political groups in the allocation of members to their allocated seats.
6. It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations.
7. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report assumes that the Council will not want an alternative arrangement to that prescribed by law.
8. In the main the annual meeting [after each ordinary election of councillors], is when the council:
 - a) resolves what committees shall be appointed, and what shall be the terms of reference of each of those committees, and of how many voting members each committee shall consist;
 - (b) resolve that non-voting members, shall also be appointed to any such committee;
 - (c) resolve what limitations shall be placed on the powers of any such committee to arrange for the discharge by a sub-committee of any functions which they may discharge.

Part 3 – Rules of Procedure

9. The Constitution contains the following Rules of Procedure under Part 3:

Council Procedure Rules
 Access to Information Procedure Rules
 Budget and Policy Framework Procedure Rules
 Executive Procedure Rules
 Overview and Scrutiny Procedure Rules
 Officer Employment Procedure Rules

10. It is proposed that the Political Balance Procedure Rules be included within the Council's Constitution, at Part 3 – Rules of Procedure.

What decision(s) are being asked for?

11. That Constitution and Members' Development Committee consider and endorse the proposed Political Balance Procedure Rules, for submission to and approval by Full Council, for inclusion within the Council's Constitution.

Impact(s) of recommended decision(s)

Policy Framework

12. The Constitution - Article 4.2 – Functions of the Council specifies that in respect of adopting, amending and changing the Constitution, only Council will exercise this function.

Equality and Diversity

13. This proposal does not raise any impacts for those individuals or groups with protected characteristics.

Risk

14. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation, it could result in a breach in governance requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities

Actions to be taken to implement the decision(s)

15. Submit to Full Council, for approval for inclusion within the Council's Constitution.

Appendices

N/A

Background papers

Body	Report title	Date
	The Local Government and Housing Act (15 & 16)	1989
	Local Government	

	(Committees and Political Groups) regulations (13 - 16)	1990
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Contact: **Sylvia Reynolds - Head of Democratic Services**
Email: sylvia_reynolds@middlesbrough.gov.uk

POLITICAL BALANCE PROCEDURE RULES

1. The Local Government and Housing Act 1989 established the principle of the proportional allocation of committee and sub-committee seats. The Council is also required under the Act to keep under review the representation of the different political groups on bodies appointed by the Council.
2. Where there are non-aligned councillors regulation 16 of the Local Government (Committees and Political Groups) regulations 1990 modifies the above and requires proportional allocation of seats to those members and introduces the requirement to have regard to the wishes of political groups in the allocation of members to their allocated seats.
3. It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations.
4. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report assumes that the Council will not want an alternative arrangement to that prescribed by law.
5. In the main the annual meeting [after each ordinary election of councillors], is when the council:
 - a) resolves what committees shall be appointed, and what shall be the terms of reference of each of those committees, and of how many voting members each committee shall consist;
 - (b) resolve that non-voting members, shall also be appointed to any such committee;
 - (c) resolve what limitations shall be placed on the powers of any such committee to arrange for the discharge by a sub-committee of any functions which they may discharge.

Proportionality Principles

6. The Act sets out four principles which must be followed so far as reasonably practicable.

They are:

- (a) Preventing domination by a single group: All the seats on a committee should not be allocated to the same political group.
- (b) Ensuring a majority group enjoys a majority on all committees: If one political group has a majority in the full Council, that political group should have a majority on each committee.
- (c) Aggregating all committee places and allocating fair shares: Subject to the above two principles, the total number of seats on all the committees of the

Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.

(d) Ensuring as far as practicable fairness on each committee: Subject to the above three principles, the number of seats on each committee of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.

7. The Council's overriding duty to comply with (a) and (b) above takes precedence over achieving a mathematically balanced distribution of Committee seats as described in (c) and (d) and that – committee places reflect as closely as possible a groups proportion of seats on committees.
8. The Mayor is a member of the Council for the purposes of the LGA 1972 however that does not seem to be the case for the LG&HA 1989. As a result, the appointment of the Mayor to any non-executive committee is within the gift of the Council, but outside the political balance rules. Therefore the Mayor is considered as part of the Terms of Reference as an added member.

Application of Principles

9. The Council must review the establishment of its committees in accordance with the principles laid down in the Act. Immediately this is done, each political group should state the names of the councillors it wishes to take its allocated places on committees, and when those wishes are known, the Council is under a duty to make the appointment of those councillors as soon as practicable.
10. It is a legal requirement however that the Council formally approves the appointment of councillors to committees and therefore it is essential that each political group notifies the Principal Democratic Services Officer of their nominated councillors to serve on committees, preferably before the Council meeting.

Councillors not in a Political Group

11. In the case of councillors who are not members of a political group, a proportion of seats on committees equal to the proportion of Council members who do not belong to a political group has to be reserved, with appointments to these seats being made by the Council at its discretion.

Method to Calculate Places

12. The principles in paragraph 6 are applied as below:
 - I. Calculate the total number of seats with votes on all the committees subject to Political Balance.

- II. Calculate the proportion that each political group forms of the total membership of the Authority. Reserve an appropriate number of seats for ungrouped members.
- III. Apply those proportions to the total number of ordinary seats to give the aggregate entitlement of each group; the requirement to apply the proportions “so far as reasonably practicable” are met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.
- IV. Apply the proportions to the number of councillors on each committee to give provisional entitlement to seats on that committee.
- V. Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the results reached at steps (iv) and (v) (thus applying principle (c) in paragraph 6). Where calculations identify additional seats (not allocated) the largest group followed by the next largest group etc., will have their choice of which committee places they wish to take their allocation from in the un-allocated/independent /vacant columns.
- VI. Unallocated spaces will be available to any independent members (who are not members of a group) – where more than one independent member is nominated for a seat then the seat is allocated at the discretion of Full Council.

Review of allocation of seats to political groups

- 13. The authority is under a duty to review the representation of different political groups at the annual general meeting or as soon as practicable after this date.
- 14. Subsequent reviews may only be conducted where a request in writing is provided by a group leader to the proper officer and where one month has passed since the last review.
- 15. As per the Local Government (Committees and Political Groups) regulations 1990 appointments are made in accordance with the wishes of a political group, then, so long as that person’s seat continues to be allocated to that group, the authority or committee which made the appointment shall act in accordance with the wishes of that group in determining whether and when to terminate the appointment.
- 16. If a group fails to express its wishes within a period of three weeks of being notified of the allocation or vacancy, the Council may make such appointment as it thinks fit.

17. The rules of political balance do not apply to the Licensing Sub Committees, the Health and Wellbeing Board, however the Council have previously determined that as far as possible, political balance is sought.
18. The Executive is exempt from the proportionality rules.

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Report of:	Charlotte Benjamin, Director of Legal and Governance Services
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Submitted to:	Constitution and Members’ Development Committee – 10 December 2021
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Subject:	Social Media Framework: Policy and Guidelines for Elected Members
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Summary

Proposed decision(s)
That Members approve the proposed Social Media Framework: Policy and Guidelines for Elected Members, for inclusion in the Members’ Handbook.

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	No	No	No

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
Ensure that communities are placed at the heart of what we do; work with communities in Middlesbrough to improve the lives of local people through effective communications.	Ensure that communications are undertaken in a way to enhance the reputation of Middlesbrough.	Ensure openness and transparency and support both the customer and digital strategies.

Ward(s) affected
N/A

What is the purpose of this report?

1. This report proposes the introduction of a new Social Media Framework (Policy and Guidelines) for Elected Members, for inclusion within the Members’ Handbook.

Why does this report require a Member decision?

2. The Terms of Reference for the Constitution and Members' Development Committee include the development and the review of the Member Development Policy.
3. If approved, the framework will be applicable to all Elected Members and will be included within the Members' Handbook.

Report Background

4. Following concerns raised by some Members, an Ad Hoc Scrutiny Panel was convened to discuss how Members utilised social media as part of their communication activities.
5. The panel found that:
 - a) there were inconsistencies between how Members utilised social media, and
 - b) there was no overarching framework to provide guidance on how to utilise social media effectively and equitably.
6. Following the Ad Hoc Scrutiny Panel's investigation, the recommendations submitted to and endorsed by Executive on 7 September 2021 were as follows:
 1. *That a communications plan be implemented that aligns with the refreshed Strategic Plan 2021-2024 to ensure consistency and direction of council communications.*
 2. *To ensure Members are well versed on social media etiquette; a training package be delivered to Members on the appropriate use of social media. Training should be carried out as a mandatory requirement on an annual basis (minimum).*
 3. *That the principles of proper behaviour on social media be reflected in the revised Member Code of Conduct; and*
 4. *As a corollary of recommendations one and two; a framework be developed to provide clarity to all Members on the appropriate use of social media.*
7. In response to recommendation 4, this social media framework (incorporating policy and guidelines for Elected Members) has been produced.

What decision(s) are being asked for?

8. It is recommended that the Constitution and Members' Development Committee approve the proposed Social Media Framework: Policy and Guidelines for Elected Members, for inclusion in the Members' Handbook.

Why is this being recommended?

9. Communication is a critical function of everyday life and, increasingly, the ability to communicate effectively is held to a premium. The pitfalls of poor or malicious communication are well rehearsed and can have significant detrimental consequences; the ability to communicate effectively brings many advantages.

Options to be considered

10. Option 1

Approve the Social Media Framework; adopting this would provide a robust framework to govern the use of social media by Members. The framework will form part of the wider Standards regime.

Option 2

Do not approve the Social Media Framework.

11. For the reasons outlined in this report, Option 1 is recommended.

Conclusion

12. In conclusion, it is undeniable that we live in an information age where competing voices struggle to have their message heard. It is therefore critical that the Council takes appropriate action to ensure that its communications resonate with its residents.

13. Politically, there will always be a difference of opinion between Members and they should be free to avail themselves of media platforms to promote Middlesbrough where possible. However, a mechanism should be implemented that all Members are bound by, which ensures the quality and equity of the messages being transmitted.

14. Breaches of the Social Media Framework / Policy may result in a formal complaint being made to the Monitoring Officer to be dealt with under the Council's Standards Procedures. Other violations of this policy, such as breaching the Data Protection Act, could lead to fines being issued and possible criminal or civil action being taken against the Council or the individual(s) involved.

15. The Members' Code of Conduct may require amendment as a result of the introduction of the Social Media Framework.

Impact(s) of recommended decision(s)

Legal

16. There are no legal implications arising from the recommendations in this report.

Financial

17. There are no financial implications arising from the recommendations in this report.

Policy Framework

18. The decision will not amend the Council's policy framework. The decision is aligned with the Mayor's priorities and the Strategic plan 2021 – 2024.

Equality and Diversity

19. This proposal does not raise any impacts for those individuals or groups with protected characteristics.

Risk

20. The key risk to the Council of not embracing the proposed framework is reputational damage as a consequence of inappropriate communications being transmitted.

Actions to be taken to implement the decision(s)

21. If approved, the following actions will need to be undertaken:

- Inclusion of the framework within the Members' Handbook;
- Amendment to the Members' Code of Conduct; and
- Members to receive a briefing on the requirements and implications of the Social Media Framework.

Background papers

22. The following background papers were used in the preparation of this report:

Body	Report Title	Date
Executive	Final Report of the Ad Hoc Scrutiny Panel – Members' Communications – Service Response	7 September 2021

Contact: Sylvia Reynolds, Head of Democratic Services

Email: sylvia_reynolds@middlesbrough.gov.uk

**Social Media Framework: Policy and Guidelines for
Elected Members**

December 2021

DRAFT

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INTRODUCTION

- 1.1 Social media is a form of electronic, interactive communication that enables users to create, publish and share content. Users are able to participate in social networking through the sharing of information, opinions, knowledge and interests. It is accessible 24/7 on a global platform.
- 1.2 From the perspective of Local Government, social media affords the opportunity to increase contact with residents and engage with 'hard to reach' groups. It provides an immediate and direct connection for increased interactivity with all stakeholders. Through enhanced openness and transparency, it helps build a sense of community by encouraging involvement in local democracy and decision making, which can help to increase resident satisfaction levels and ultimately improve service provision.
- 1.3 For the purpose of this policy, the term 'social media' covers sites and applications including, but not limited to, Facebook, Twitter, Instagram, LinkedIn, blogs, discussion forums, and any sites which may be developed subsequently to it. It also includes comments and discussion in respect of online newspaper articles and local media / news outputs.
- 1.4 Middlesbrough Council acknowledges the use of social media as an effective communications tool, but it should complement other official channels and not replace them. It must also be used effectively and sensibly so as to avoid reputational and credibility damage to the Council, present security risks, or breach the Data Protection Act.

PURPOSE

- 2.1 This policy applies to all Elected Members and relates to all social media use, irrespective of whether this be inside or outside of official capacities.
- 2.2 The following are examples of potential risks that Elected Members could face when using social media:
 - Damage to both the reputation of the Council and the respective Member;
 - Disclosure of confidential information / data breaches;
 - Breach of the Members' Code of Conduct through inappropriate use;
 - Safeguarding risks through the release of images or personal details;
 - Civil or criminal action relating to breaches of legislation (for example: publishing or forwarding untrue statements about a person that is damaging to their reputation may result in defamation action, for which the user would be personally liable);
 - Bullying, harassment, intimidation or witch-hunting; and

- Social engineering or “phishing” attacks, virus or other malware (malicious software) infection from infected sources.
- 2.3 In light of these potential risks, this policy has been created to provide guidance on the use of social media to ensure it remains lawful and effective, and does not compromise the Council’s information, computer systems / networks or stakeholders. Users must ensure that they use social media sensibly and responsibly and in line with Council policy.
- 2.4 This policy should be read in conjunction with the following:
- Data Protection Policy;
 - Middlesbrough Council Social Media Policy - this covers the use of social media sites by Council employees, Elected Members and by partners or third parties (including contractors) on behalf of the Council;
 - The Members’ Code of Conduct; and
 - The Members’ Handbook.

USE OF SOCIAL MEDIA AND ELECTED MEMBERS’ RESPONSIBILITIES

- 3.1 Elected Members are able to establish and utilise their own social media accounts. However, it is important to note that those doing so retain full personal responsibility for all published content.
- 3.2 The Members’ Code of Conduct and relevant legislation continues to apply online and when using social media. If making any reference to your role as an Elected Member, you may be perceived to be acting in your ‘official capacity’ and therefore any conduct may fall within the code.
- 3.3 Users must be confident, both in terms of a willingness to participate in social media as it does bring many advantages, but also confident in the nature of the information that is being published. Elected Members need to give careful consideration to the information being published as it is very difficult to retract and control once released into the public domain, and should also be aware that information can be taken out of context and ‘shared’ further. As a rule of thumb, users should ask themselves whether they would be confident in conveying the information face-to-face or in a public meeting setting. If not, do not publish it on online or on social media.
- 3.4 Stringent use of privacy settings will help prevent social media being accessed by the press or public, but there is no guarantee that posts or actions will remain totally private. Always read the terms of service for the social media site being utilised and ensure that privacy and access settings are fully agreeable before proceeding with sign-up.

- 3.5 In instances where Elected Members wish to separate their private lives from their official capacities, it is recommended that individual accounts or pages (in the case of Facebook, for example) be established. This will help prevent members of the public from accessing personal profile data.
- 3.6 In any biography, the account should state that the views are those of the respective Elected Member and may not represent the views of the Council.
- 3.7 The Council's logo or any other Council related material must only be used in an official capacity.
- 3.8 The Council will not promote Elected Members' social media accounts.

CONDUCT

- 4.1 Elected Members must treat others with courtesy and respect, avoid personal attacks and not make disrespectful, offensive or rude comments. Conduct must not differ from what is considered acceptable in the workplace. Consideration must be shown for others' views and privacy and published material must comply with the Equality Act 2010 and associated legislation; material must not be considered sexist, racist, ageist, homophobic or anti-faith.
- 4.2 Social media must not be used to publish content which may result in action for defamation, discrimination, breaches of copyright, data protection or other claims for damages. This includes but is not limited to, material of an illegal, sexual or offensive nature that would bring the Council into disrepute.
- 4.3 Use of social media must not breach the Council's misconduct, equal opportunities or bullying and harassment policies.
- 4.4 Examples of good practice and 'hints and tips' are attached at the appendices section of this document.

SAFETY

- 5.1 When establishing accounts on social media sites, it is important to use a secure password. This should be more than eight characters and include a mixture of letters and numbers. Password information should never be released to anyone.
- 5.2 Elected Members must not disclose personal details of other individuals, such as home addresses and telephone numbers. Ensure that you handle any personal or sensitive information in line with the Council's Data protection policy and use caution when sharing information.
- 5.3 Maintain awareness of your own safety when placing information on the internet and do not publish information which could leave you vulnerable. Any Elected Member receiving threats, abuse or harassment via their use

of social media should report it directly to their political group leader, Democratic Services and / or the police.

- 5.4 For any concerns relating to such matters as safeguarding and crime and anti-social behaviour, avoid commenting or opening up dialogue online. Rather, report matters directly to the police or appropriate Council department (see useful contacts).

INFORMATION AND DATA PROTECTION

- 6.1 In respect of social media, Elected Members are governed by the Members' Code of Conduct and relevant legislation.
- 6.2 There should be no reference made to the Local Authority's residents without their prior written consent, for example: use of their image to promote initiatives in the ward.
- 6.3 Personal or sensitive information must be handled in line with the Council's data protection policies.
- 6.4 Social media sites are in the public domain and it is important that Elected Members are confident in the nature of the information being published / shared. N.B. With regards to sharing or 'liking' on Facebook or Instagram, or 'retweeting' on Twitter, if a Member does any of these things in relation to inappropriate content, it could be a breach of the code as it is still considered 'use' of social media.
- 6.5 Elected Members must not publish, share or report on meetings which are private or internal, or publish or share any exempt Committee reports or private papers.
- 6.6 Copyright laws continue to apply online. Elected Members must not use images to which they do not hold the copyright and any information shared should be attributed to the source.
- 6.7 The use of third party social media sites cannot be controlled by the Council. However, where complaints are received as to the appropriateness of social media posts, information will be gathered and retained by the Council in line with relevant procedures. This information will be held for the period of time necessary to complete any related investigation.

FAILURE TO COMPLY WITH THIS POLICY

- 7.1 Breaches of this policy may result in a formal complaint being made to the Monitoring Officer to be dealt with under the Council's Standards Procedures. If you feel that Members are breaching this policy, this needs to be reported as a breach of the Members' Code of Contact to the Head of Democratic Services.

- 7.2 Other violations of this policy, such as breaching the Data Protection Act, could lead to fines being issued and possible criminal or civil action being taken against the Council or the individual(s) involved.
- 7.3 The Council reserves the right to request the removal of any content that is deemed to be in breach of the Members' Code of Conduct.

USEFUL CONTACTS

- 8.1 If you need any advice or further assistance with social media, please contact the following:
- Communications Team: marketing@middlesbrough.gov.uk
- 8.2 For Data Protection enquiries:
- Data Protection Officer: dataprotection@middlesbrough.gov.uk

APPENDICES

Appendix 1 – LGA Digital Engagement for Elected Members (Good Practice Guidance)

Rules of engagement

Welcome to my page, which aims to communicate my activities as a councillor.

If you wish to be a part of this online community, you must agree to abide by this code of digital engagement, which is designed to keep everyone safe.

RULE 1
Debate and disagreement are welcome on this page, but only if expressed with courtesy, respect and politeness.

RULE 2
Posts should not contain abuse, harassment, intimidation or threats of any form.

RULE 3
Posts should not contain any form of discrimination – including racism, sexism, ageism, ableism, homophobia, transphobia or religious intolerance.

RULE 4
Posts should not spread false or unverified information.

RULE 5
For transparency reasons, users should not post anonymously.

If any of these rules are broken, page admins reserve the right to delete posts, block users and report content to the police if necessary.

It may not be possible to respond to all queries on this page due to time constraints - if you have specific enquiries or casework, please send directly to my official email.



For more information on the LGA's work on handling abuse on social media and digital citizenship visit: www.local.gov.uk/civility-public-life

REF 43.4

Source: https://www.local.gov.uk/sites/default/files/images/43.4%20Engagement_Cllr.png

Appendix 2 – Principles of Social Media Use (Good Practice Guidance)

- **Be professional** - remember that you are an ambassador for the Council - ensure your content is consistent with how you would be expected, as an Elected Member, to present yourself to colleagues, partners and users of Council services.
- **Be responsible** - be honest at all times and seek guidance when you are unclear as to the correct course of action. Do not act in a manner that would bring the Council into disrepute.
- **Be credible** - be accurate, fair and thorough and behave with full transparency.
- **Be current and timely** - make sure your content is up to date. Provide a good response to feedback in a timely manner.
- **Obey the law** - be aware that libel, defamation, copyright and data protection laws apply.
- **Be safe** - never give out personal details like your home address or phone number.

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