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**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
18 July 2018 (7.30 - 8.15 pm)**

Present:

COUNCILLORS

| | |
|---|---|
| Conservative Group | Robert Benham (Vice-Chair), Michael White (Chairman), Joshua Chapman, Damian White and Maggie Themistocli |
| Residents' Group | Ray Morgon and Paul Middleton |
| Upminster & Cranham Residents' Group | Clarence Barrett |
| Independent Residents Group | David Durant |
| Labour Group | Keith Darvill |
| North Havering Residents Group | Darren Wise |

The Chairman reminded Members of the action to be taken in an emergency.

5 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

Apologies were received from Councillor Barry Mugglestone who was substituted by Councillor Paul Middleton and Councillor Roger Ramsey, substituted by Councillor Maggie Themistocli.

6 DISCLOSURE OF INTERESTS

There were no declarations of interest.

7 MINUTES

The minutes of the meeting held on 31 May 2018 were agreed as a correct record subject to an amendment that Councillor Jason Frost was appointed to the Transport & Environment Committee instead of Councillor Joshua Chapman as stated in the appendix 1 to the minutes. This was noted and the minutes were signed by the Chairman.

8 MEMBERS IT USAGE AND SOCIAL MEDIA PROTOCOLS

The Council's Monitoring Officer presented a report before the Committee that sought its adoption of a protocol relating to email communications between Members of the Council.

The purpose of the report was to recommend adoption of a protocol which provided guidance and assistance on the appropriate use of Council IT in general, including email. The Committee was informed that the protocol encompassing the wider use of IT resources was also essential given the recent introduction of the General Data Protection Regulations (GDPR).

It was noted that the protocol provided guidance which would ensure that Members make use of these facilities in an effective, efficient and responsible manner and in accordance with GDPR.

The Committee was informed that the protocol should be read in conjunction with the Member Code of Conduct and the section concerning the use of local authority resources.

Members were informed that social media now played an increasingly important part in the operation of a democratic society by offering positive opportunities for the Council and Councillors to engage with citizens.

The report detailed that the use of social media presented Members with certain risks and challenges which could result in complaints being made against the Council, or allegations regarding a breach of the Member Code of Conduct.

Members sought clarification if a councillor could be held personally liable for an Information Commissioner's Office fine under data protection breach.

The Monitoring Officer stated that the protocol had been drafted to provide advice and guidance on the use of social media. If a Member was in any doubt, the advice was to contact the Council's Monitoring Officer before

Following discussion, the Committee:

1. **Approved** the 'Member IT Usage Protocol' as amended and attached as Appendix 1.
2. **Approved** the 'Social Media Protocol for Members' as amended and attached as Appendix 2

The voting to approve the protocol was carried by 10 votes to 1 against. Councillor David Durant voted against the proposal.

Chairman

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Appendix 1 (Amended)



LONDON BOROUGH OF HAVERING

Members ICT Usage Protocol

July 2018

Introduction.

The London Borough of Havering ('the Council') recognises the benefits of Information and Communications Technology ('ICT') and encourages the use of ICT equipment systems and services in all aspects of its business.

It is important that the use of ICT resources is regulated however, to ensure that the Council complies with relevant legislation, regulatory codes of practice, Council policies and best ICT practice.

The Council has developed the Members' ICT Protocol to set standards and provide clear guidance on what constitutes acceptable and unacceptable use.

Scope

This protocol applies to Members who have access to ICT resources provided by the Council.

Definitions

For the purposes of this Policy, ICT resources mean all elements of the Council's ICT infrastructure, comprising:

- Data network and main computer systems;
- Portable computers, Ipads and phones as provided under the Council's Member ICT scheme, and personal devices set up by IT
- Software and other services (including e-mail and the Internet) accessed through any of the above; and
- Electronic files, data and information accessed through any of the above (Regardless of where they are located or how they are processed or communicated).

Guidance on the use of ICT Resources

Use in respect of Council business only

Members should use their Council-provided ICT facilities for official Council related-business activities and those related to other public bodies or organisations on which they are the Council's representative or nominee, e.g. a school governing body. Members should not use personal IT for such activities since it does not have the necessary protection.

While it is not intended to prevent or hinder in any way members from carrying out their duties, members themselves must take account of the distinction

between their official duties as members of the Council and their wider party political role. Party political activity and campaigning falls outside the scope of official duties and does not qualify for the use of Council facilities.

The following activities, whilst not an exhaustive list, are acceptable uses of ICT resources:

1. The sending and receiving of email communications in respect of Council-related business eg emails with residents as ward members, correspondence with council officers on resident's matters, use of IT in roles as lead members or Committee members ;This includes any outside body matters to which the Councillor has been appointed by the Council;
2. Web-based research that relates to Council business;
3. Accessing Council meeting agendas, either via the modern.gov app or the Council's website

As data controllers Councillors must handle personal data with care and act in accordance with the provisions of the General Data Protection Regulation (GDPR). Appendix A explains how members should deal with personal information.

Use of the Havering e-mail address

Electronic mail provides an almost instant means of communication 24 hours a day, 365 days a year. It has become the primary means of communication for Council business and a vital resource for Members in carrying out their duties.

Councillors are therefore provided with an e-mail address: i.e. name@havering.gov.uk.

This is an official address and must be used by Councillors as part of their duties as an elected member. The email address makes it apparent what role members are acting in and the Council IT and email system has data protection systems that provide security mechanisms designed to protect Council and residents' information. Members must not use a personal email account or personal IT when conducting Council-related business.

Councillors may use their Council e-mail address for their Ward newsletters and associated correspondence and include it as contact details as a means of enabling their constituents to contact them. However, the Council e-mail address should not be used for any election material or party political statements.

Where party politics, electioneering or personal business is conducted members should not use the council system, but should use a Party email address or a personal email address.

The following activities are not an acceptable use of the Council's IT resources and Councillor e.mail address and may result in a breach of the Code of Conduct

1. The access to or creation, transmission or publication of any illegal or indecent images, sounds, data or other material.
2. The creation, transmission or publication of any material which is designed or likely to cause offence, inconvenience, discrimination or needless anxiety, or which may intimidate or cause harassment.
3. Use of resource to convey personal criticism of another Member or Officer(s) of the Council
4. Party political activity and election campaigning
5. A personal data breach (GDPR)
6. Use of Council resources, including email, by anyone other than the authorised Councillor
7. Deliberate activities with any of the following characteristics or that by their nature could result in:
 - i. wasting staff resources or other users' efforts (including other Members) or network resources;
 - ii. corrupting or destroying other users data;
 - iii. violating the privacy of other users;
 - iv. disrupting the work of other users;
 - vii. the introduction or spreading of viruses.
8. Any use of the Internet or other ICT facilities that could damage the reputation of the Council.

Additional Considerations

In the course of duties Councillors will likely receive sensitive personal data which is to be stored and processed on ICT equipment supplied by the Council. Councillors are therefore registered with the Information Commissioner's Office as data controllers as required by GDPR. Guidance on the practical steps to be followed to comply with the GDPR is attached at Appendix A

Members should also give careful consideration to the application of specific functions available for use with electronic email, including the 'reply all' function and the forwarding on of email; information, particularly that which contains personal details, should only be sent to limited people .

If members do not wish to receive emails from a particular sender(s) then a filter can be placed on their account by Council ICT Support Services who can be contacted at 01708 432515.

Responsibilities

Members must take reasonable precautions to safeguard equipment. If IT equipment is damaged, lost or stolen it is the responsibility of the Member to immediately report it to the ICT Service Desk on 01708432515 or visit the drop in point, located within Business Systems at the Town Hall.

Any theft should be referred to the Police immediately and the ICT Service Desk notified of the Criminal Incident number.

The Member must ensure that their home contents policy covers the cost of equipment replacement, or must fund replacement equipment from the Members' basic allowance.

If the IT equipment has been misused (either by physical damage or in contravention of this policy) the London Borough of Havering reserves the right to require its return, and charge the cost of repair or replacement.

All ICT Facilities provided by the Council shall remain the property of the Council and must be surrendered to the Council in the event that a Member ceases to be a Councillor at the London Borough of Havering. In this event access to Council electronic systems will be suspended and terminated within ten working days.

Members must agree to return any ICT resource on request by Business Systems for the purposes of:

1. Audit
2. Upgrade
3. Repair
4. Maintenance

If members are in any doubt as to whether they should use facilities provided by the Council for a particular purpose they should contact the Council's Monitoring Officer for further advice.

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LONDON BOROUGH OF HAVERING

SOCIAL MEDIA PROTOCOL FOR MEMBERS



SOCIAL MEDIA PROTOCOL FOR MEMBERS

Purpose of this protocol

The widespread availability and use of social media networking presents the Council with new opportunities to understand, engage and communicate with our residents; however, if misused, it has the potential to cause considerable damage to the Council, and to those we seek to engage with.

The Council welcomes Members' use of social media and would like to support this by giving guidance so that Members have greater clarity as to what is and is not acceptable usage of social media.

This protocol is intended to provide such guidance and complements the general rules under the Members' Code of Conduct.

What is Social Media?

Social media is the term to describe websites and online tools which allow people to interact with each other by creating their own content. The content could, for example, be blogs, videos, or short messages; these are posted on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Snapchat, Instagram, YouTube etc.

It is an innovative way of engaging with people in consultation and participative activities. Local Authorities are expected to lead the way in engaging with residents in local decision making and in improving and strengthening communities and neighbourhoods, and used effectively, social media can be particularly useful in engaging with those who would not normally have access to local councillors and politics.

Types of Social Media:



Facebook:

A website and accompanying mobile application on which users create a profile or timeline for themselves where they send and receive requests from “friends” which link their accounts, enabling them to share photos, information and common interests. Accounts can be set to “private”, this prevents anyone but a user’s approved friends seeing the content.

Blogs:

Short for “weblog”, this is an online diary and can take the form of a personal website created from scratch and designed by the user, or a template hosted on a site such as WordPress, Blogger, Wix, etc. It is effectively an online diary which can be themed or personal, surrounding an individual’s interests or opinions.

Twitter:

This is a micro blogging site where users communicate in 140 character statements, including images and links to websites if required. Unlike Facebook (which is essentially private unless you grant access to a ‘friend’), Twitter accounts are generally public unless restrictions are placed by the user to make them private.

Users attract followers, who do not require permission to read a user's 'tweets' (the name of the messages) unless they are blocked. It can be compared with sending a text message to a virtual message board.

Messages can be further shared by 're-tweeting' and public messages exchanged using the "@" symbol and a user's Twitter name or 'handle'.

YouTube:

This is a video-sharing website where users can view and upload their own videos.

LinkedIn:

This is a professional equivalent of Facebook. You can provide information about your career history and skills, and people with whom you are "linked" can endorse you for your particular skills. This is a useful site for finding expertise and keeping up-to-date with business developments in your ward or area.

Social Media and Members

It is not a requirement for Members to have a Facebook or Twitter account or to use other forms of social media to fulfil their job as a Member. However, if you are using or planning to use social media in connection with your work as a councillor, or are already using such media in your private capacity, these guidelines will be relevant.

Remember that, whenever you act or appear to act in your official capacity, you must comply with the Members' Code of Conduct.

Social Media can be used:

- To support councillors in performing their community leadership role
- To keep in touch with or obtain local views and opinions
- For political campaigning
- For campaigning on local issues

Things to bear in mind

Any communication is capable of being misinterpreted. While the use of social media should not be more susceptible to this problem than any other form of communication, something about the immediacy of social media seems to magnify the problem.

By the nature of such media, misinterpretation or misrepresentation, particularly with regard to something that is perceived as being more controversial than it was expected to be, is likely to lead to rapid and wide broadcasting of that apparently "controversial" item.

Keep your communications clear, positive, polite and professional; avoid being ironic or sarcastic, it can be misinterpreted.

There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a councillor – you just need to think about them in this new context – their immediacy and ease of dissemination.

Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you have said on the web is recorded and it is permanent. Most pitfalls will be avoided if your online content is accurate, informative and thought through. Think of it as speaking in public. Think before you commit each word.

This doesn't mean that Members cannot, in the appropriate context, communicate politically. This is expected of a councillor, but you should be careful not to say anything that you would not be comfortable repeating or justifying, for example, at a public meeting.

On **Facebook**, you will need to monitor, and if necessary, censor the contributions that other people make to your site; delete them if they do not match your required standards of behaviour or language. Defamatory and offensive language will be attributed to the publisher as well as the original author and could incur financial liability. It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused of censoring contributions on political grounds.

On **Twitter**, you can block people who are habitually offensive or vexatious. Remember however, blocking them only stops them engaging directly with you, their tweets will continue to be public to all of their followers.

Some legal issues

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone publishes something defamatory on your website and you know about it and do not take swift action to remove it. A successful legal claim could result in the award of damages against you.
- **Copyright** – Placing images or text on your site from a copyright source (for example, extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore, do not publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.
- **Data Protection** – Do not publish the personal data of individuals unless you have their express permission. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. If

you place personal information on a public forum you should expect it to be published by others.

- **Bias and Predetermination** – If you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence in reaching your view otherwise the decision may be later challenged as invalid. Predisposition is permitted, pre-determination is not. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the Council for damages and the Council's decision is put at risk of challenge by way of judicial review.

Social Media and the Members' Code of Conduct generally:

Aspects of the Members' Code of conduct will apply to your online activity in the same way as they do to any other communication you may use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than a private individual.

If you are acting in a private capacity then the Code of Conduct does not apply. The opposite occurs of course when you are acting as a councillor. If you sign off as 'councillor', or are commenting on matters directly pertinent to the council and its business it is highly likely you will be regarded as acting in your official capacity..

One way of avoiding this, and avoiding potential problems related to the Members' Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in personal capacity.

Where possible, a Councillor should make clear who they are in the profile of any account. In any biography where the Councillor is identified as a Councillor, the account should state that the views are those of the Councillor in question and may not represent the views of the Council.

Staying out of Trouble – Some Do's and Don'ts

Do's

- Set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog.
- Think before you tweet or post on Facebook. Do not say anything, post views or opinions that you would not be prepared to:
 - Discuss face to face with the person you are speaking about
 - Write on a placard and carry down your high street and discuss and defend with anyone who sees it.

- Keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views; be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network.
- Consider keeping your personal and elected member profiles on social networking sites separate and maintain appropriate professional boundaries.
- Ensure you use Council facilities appropriately; if you use a Council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity.
- Be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.

Don'ts:

- Blog or tweet in haste, particularly in circumstances where your judgement might be impaired; for example, if you are tired or have consumed alcohol.
- Use Council facilities for personal or political blogs.
- Request or accept a Council employee or contractor providing services to the Council as a “friend” on a social networking site where this suggests close personal association.
- Use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about council staff, service organisations, other Members, or the Council.
- Publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends or others e.g. contractors, council staff as well as related information.
- Represent your personal views, or those of any political party or interest group you belong to, as being those of the Council on any social medium.
- Browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory.
- Make conspicuous or excessive use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

- Use social media to promote personal financial interests. This includes the promotion of particular commercial activities that Council representatives may have an interest in.

Staying safe:

Councillors, just like anyone else, should be careful about internet security. If you lose control of a Social Media account to a hacker, you could suddenly find all sorts of inappropriate comments being published to the world in your name!

Use secure passwords (generally over eight characters long and using a mix of letters, numbers and symbols) and never share your password with anyone. If you are using shared IT equipment, don't store your password on the computer.

Councillors must be aware of their own safety when placing information on the internet and should not publish anything that could leave them vulnerable.

Any Councillor receiving threats, abuse or harassment via their use of social media should report it to their political group leader, Members' services and /or the Police.

Concluding Remarks

The Council wishes to encourage Members' use of new technology. This guidance is intended to help Members use social media in a way that avoids legal and reputational risk.

If you have any doubt at all about whether content is appropriate, it probably isn't! If you are still in any doubt, you should contact the Council's Monitoring Officer before posting.

If you need any assistance with the technical or IT issues mentioned in this protocol please contact the IT Service Desk on 01708 432515.

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