

Date: 12 July 2013
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To: Members of the Standards Committee:
(Councillors Susie Bond, Peter Bowden, Geoff Chamberlain,
Graham Godbeer and Frances Newth)

Substitute members for information:
Councillors Alan Dent and Douglas Hull

Co-opted non-voting members (Parish/Town Councillors):
Councillors David Mason and Courtney Richards

Co-opted non-voting member (Independent):
Ray Davison and Tim Swarbrick

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Chief Executive
Monitoring Officer
Corporate Legal and Democratic Services Manager
Appointed Independent Person (non-voting) - Alison Willan
Appointed Reserve Independent Person (non-voting) – John Walpole

Special Standards Committee
Tuesday 23 July 2013
10 am
Council Chamber

This meeting includes public speaking at committees as an agenda item and all Councillors and particularly Overview and Scrutiny Committee members are encouraged to attend.

Members of the public are welcome to attend this meeting.

- There is a period of 15 minutes at the beginning of the meeting to allow members of the public to ask questions.
- The Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.
- All individual contributions will be limited to a maximum period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Hannah Whitfield (contact details at top of page).

Councillors and members of the public are reminded to switch their mobile phones to silent during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

AGENDA

			Page/s
1	<p>Public question time – standard agenda item (15 minutes)</p> <p>Members of the public are invited to put questions to the Committee through the Chairman.</p>		
2	To receive any apologies for absence.		
3	To confirm the minutes of the Standards Committee meeting held on 18 June 2013.		4 - 9
4	To receive any declarations of interests relating to items on the agenda.		
5	To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which Officers recommend should be dealt with in this way.		
6	To consider any items which in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances. (Note: Such circumstances need to be identified in the minutes. If you wish to raise a matter under this item, please do so in advance of the meeting by notifying the Chief Executive who will then consult with the Chairman).		
7	Draft Social Media Use Policy – for debate before adoption by Council.	Corporate Organisational Development Manager / Corporate Legal and Democratic Services Manager	10 - 24
8	Public input in Council business	Corporate Organisation Development Manager / Engagement and Funding Officer	25 - 28
9	<p>Public speaking at committee meetings</p> <p>At their last meeting Members asked Officers to prepare recommendations based on the proposals made by the Committee in respect of public speaking arrangements at committees and present these at the special meeting.</p> <p>All Councillors and particularly Overview and Scrutiny Committee members are encouraged to attend to contribute to this item.</p>	Corporate Legal and Democratic Services Manager	29 - 32
10	Councillors acting as agents for planning applications for land within East Devon	Corporate Legal and Democratic Services Manager	Verbal update
11	Dispensation request from Cllr Peter Bowden	Monitoring Officer	33

Members and co-opted members remember!

- ❑ You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- ❑ You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- ❑ If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

Decision making and equality duties

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.

Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.

Where there is a high or medium equalities impact Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

Please check your local timetable for times.

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The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Standards Committee held at Knowle, Sidmouth on 18 June 2013

Present: Councillors:
Graham Godbeer (Chairman)
Susie Bond
Peter Bowden
Douglas Hull (as substitute for Cllr Chamberlain)
Frances Newth
Co-opted non-voting members:
Cllr David Mason, Parish/Town Council member
Cllr Courtney Richards, Parish/Town Council member
Ray Davison, Independent member

Also present: Alison Willan, Independent Person
John Walpole, Reserve Independent Person

Councillors:
Ray Bloxham, Portfolio Holder – Corporate Business
Alan Dent, substitute Standards Committee Member
Claire Wright

Officers: Denise Lyon, Monitoring Officer and Deputy Chief Executive
Rachel Pocock, Deputy Monitoring Officer and Corporate Legal and Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Apologies: Councillor Geoff Chamberlain, Committee Member
Tim Swarbrick, Independent member

Non-Committee Member:
Cllr Steve Gazzard

The meeting started at 10:00 am and ended at 12:45 pm

*1 **Public question time**

Jacqueline Green spoke of a pattern of disrespectful behaviour by Councillors towards each other at public meetings and gave examples. She asked for assurance from the Committee that this sort of behaviour would not be repeated. In response, the Chairman advised that one of the occasions referred to by the speaker had been resolved following the meeting and that every effort would be made to ensure that such behaviour was not repeated.

Barry Sangster asked for clarification on the Council's position on Whipping and what constituted 'Whipping'. The Chairman advised that this question required a response from the Party leaders and that an answer would be provided in writing.

***1 Public question time (cont'd)**

Councillor Hull, deputy Leader and Chairman of the Liberal Democrats, advised that prior to full Council meetings a Group meeting was held to discuss upcoming agenda items. Although it was up to the individual member to decide how they would vote, they were asked to notify the Chairman if they were going to vote against the Group's stance.

Jessica Bailey spoke on two issues relating to the Council's protocol on Councillors involvement in planning. The first was that there was an obligation for Councillors to disclose when a friend/family member had made a planning application, however the Council held no comprehensive list of these disclosures. The second was that any planning application where a disclosure had been made by a Councillor that the applicant was a friend/acquaintance should be dealt with by the Development Management Committee and not through delegations. In response to the first issue, the Monitoring Officer advised that the speaker had raised this issue with her directly and that the process was now being reviewed. It was the Councillors' responsibility to abide by the Code of Conduct and guidance and there were checks and balances in place within the planning system.

Tony Green asked the Monitoring Officer for clarification on the process for a complaint being referred to the Police. The Deputy Monitoring Officer advised that it was not appropriate to discuss individual cases; however under the new Standards arrangements, introduced in July 2012, any complaints alleging that a Councillor had failed to declare a disclosable pecuniary interest (DPI) or failed to take appropriate action as a result of having a DPI were now dealt with by the Police. Although EDDC no longer dealt with complaints that related to this aspect of the Code of Conduct as they are a police matter, the Monitoring Officer did give advice on this aspect of the Code.

Cllr Douglas Hull raised concern about the length of Development Management Committee meetings. The Chairman advised that this would be discussed under a later agenda item (item 8 – Public speaking at committee meetings).

RESOLVED that the political group leaders be asked to provide a written reply to Mr Sangster's question regarding their position in respect of 'whipping' and what was constituted as 'Whipping'. The replies would be made available with the minutes of the meeting.

***2 Minutes**

The minutes of the meeting of the Standards Committee held on 29 April 2013 were confirmed and signed as a true record subject to amendment to the first resolution under minute *29 – complaints update and statistics being amended to read:

- that future Complaints' update reports include an explanation of why a particular paragraph in the Code of Conduct had been referenced against a complaint to give Members a better understanding of the types of issues being raised by complainants.

***3 Declarations of interest**

There were none.

***4 Draft Social Media Use Policy**

The Deputy Monitoring Officer reported that unfortunately despite best efforts, the Social Media Use Policy had not been ready to circulate to Committee members before the meeting; this item was therefore withdrawn from the agenda and would be considered at a special Committee meeting in July.

RESOLVED that the Draft and Social Media Use Policy be considered at a Special Standards Committee meeting on 23 July 2013 at 10am.

***5 Public speaking at committee meetings**

The Monitoring Officer advised that at the Annual Meeting of the Council on 22 May 2013, Members had agreed for the Standards Committee to consider public speaking issues and make recommendations to Council. There was no suggestion by Council that public speaking would be stopped but rather reviewed with the potential for increasing the contributions and improving the current arrangements.

Members noted suggestions, listed on the agenda, that had been made through the Monitoring Officer. The agenda also set out the current public speaking arrangements and those in place in some other local authorities in the area.

Members had a lengthy debate about the current arrangements and put forward and discussed a number of ideas about how the current public speaking arrangements could be improved and made more effective. The Chairman welcomed further comments from members of the public on the Members' discussion.

Officers were asked to consider how the following proposals could work practically and to present them as recommendations to the special Standards Committee next month:

Public Question Time

- Members of the public to ask their question first, with the remainder of the 3 minutes to be used to amplify their question;
- Questions on individual agenda items to be restricted to 15 minutes in total;
- Questions preferably (but not essential) to be submitted in writing in advance (2 days was suggested) - it was felt that this would result in the questioner being given a more satisfactory/fuller answer. The speaker would also be able to ask a supplementary question at the meeting. Any questions submitted in advance could be projected onto the screen. There would also be the opportunity for a member of the public to turn up and ask questions without notice.
- Only allow questions that were either within the remit of the Council or relate to matters that the Council could influence;
- Question that had been put at a meeting of the Council in the past 6 months could be rejected. However it was raised that someone may want to ask a question again if they did not feel they had received an adequate answer;
- Where there was an interest group, extend the length of time the nominated spokesperson could speak to 5 minutes. This could also be considered for Development Management Committee.

***5 Public speaking at committee meetings**

Development Management Committee

- Consideration to be given to splitting the meeting into two halves – policy items and applications. Any policy items could be dealt with in the morning or on another day;
- Public speaking to be introduced for non-application items.

Following a request from a member, the Committee discussed the options of referring the review of public speaking at committee to Overview and Scrutiny or, due to the wider interest, inviting Overview and Scrutiny Committee members to attend the special Standards Committee meeting. Recommendations from that meeting would be made to Cabinet, and from there onto Council.

RESOLVED

1. that Officers prepare recommendations based on the proposals made by the Committee in respect of public speaking arrangements at committees and present these at the special Standards Committee meeting on 23 July 2013.
2. that Overview and Scrutiny members be invited to attend and comment on the recommendations for public speaking arrangements at committees at the special Standards Committee meeting on 23 July.

***6 Public input in Council business**

This item was deferred to the special Standards Committee meeting in July.

***7 Code of Conduct Complaints update and statistics**

The Committee considered and noted the report of the Monitoring Officer, which detailed the level and types of complaints received by the Monitoring Officer for the Standards Committee since the last meeting.

***8 Probity in planning for Councillors and officers**

The Committee considered guidance from the Local Government Association and Planning Advisory Service. A full copy of the guidance – Probity in planning – was included within the agenda papers. The Committee was reminded that it was a guidance document and not law.

The Deputy Monitoring Officer drew the Committees' attention to the following sections of the guidance:

- Lobbying of and by Councillors – the guidance stated that a Councillor who was speaking on behalf of a lobby group should withdraw from the meeting once they had spoken. This went beyond the Council's own Code of Conduct as under the Code Councillors only had to withdraw from the meeting if they had a DPI.

***8 Probity in planning for Councillors and officers**

- ‘Officers and serving Councillors must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.’ The Committee was advised that EDDC did not have a bar on Councillors or Officers working as planning agents and would require changes to the Code of Conduct/terms of employment for Officers and to the Constitution. Should Members wish to have a bar introduced, as had been indicated, it was recommended that consultation first be carried out with Councillors and Officers to assess any impact.
- Predisposition, predetermination, or bias – Any appearance of councillors having a ‘closed mind’ was likely to leave the committee’s decision susceptible to challenge by judicial review. If a councillor had predetermined their position they should withdraw from being a member of that decision making body for that item.

RESOLVED that Officers and Councillors be consulted, to assess any individual impact, on the introduction of a bar on Officers and Councillors acting as planning agents and results of the consultation being reported back to the special Standards Committee meeting in July for the Committee to discuss further.

***9 Forward Plan**

The Committee noted the contents of the Forward Plan and future meeting dates.

Items to be discussed at the special Standards Committee meeting on Tuesday 23 July 2013, 10am:

- Social Media Use Policy
- Public input in Council business
- Public Speaking at Committees – to consider recommendations from 18 June 2013 meeting. Overview and Scrutiny Committee members to be invited to attend and comment.
- Officers and Councillors acting as planning agents

Chairman Date

Leaders' response to a question raised by Mr Barry Sangster during Public Question Time regarding their position in respect of 'Whipping' and what was constituted as 'Whipping'.

Response from Cllr Phil Twiss as Conservative Whip

The Council's Constitution states under 4.5, Overview and Scrutiny Procedure Rules:

17. The Party Whip

When considering any matter in respect of which a member of an Overview and Scrutiny Committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

The Whip would not/ has not/cannot apply to decisions at DM or Licensing which are both quasi judicial committees and are required to be independent of any Group or party whip).

As far as the EDDC Conservative Group is concerned a Whip is simply a requirement for members to vote on an agreed position by the Group.

The is not a dissimilar position to the Liberal Democrats Party in that if an individual member does not want to comply with a whipped vote on a matter of conscience or something which concerns them in their ward they need to tell the Chairman either directly or via the Whip that this is their intention.

No Whip on any item has ever been imposed (or discussed) by the Conservative Group at EDDC since I became Whip in 2011 (Cllr Wale is my Deputy and the same has applied to him if I have been away for a Group meeting) and only once in the previous administration in respect of agreeing the budget.

Leader of EDDC Cllr Diviani prefers to reach agreement with Group members by consensus and not imposition of policy with the role of Group Whip at EDDC effectively being an old fashioned word for Group Secretary.

Response from Cllr Douglas Hull (deputy Leader) on behalf of Cllr Brenda Taylor, Leader of the Liberal Democrat Party

Prior to full Council meetings a Group meeting was held to discuss upcoming agenda items. Although it was up to the individual member to decide how they would vote, they were asked to notify the Chairman if they were going to vote against the Group's stance.

Response from Cllr Ben Ingham, Leader of the Independent Group

The Independents are only a group because we need to be in order to gain seat allocations. To my knowledge (2005 onwards), we have never meet as a group to discuss any EDDC agendas or issues at all. Therefore there certainly is no Whip used on any EDDC issue whatsoever by the Independents at EDDC.

East Devon District Council

Social Media Policy

Purpose of the policy	Social Media - its use by Council Employees and Members and Third Party Contractors
Officer responsible	Corporate Organisational Development Manager
Authorisation	Cabinet
Authorisation date	
Review date	

Related Policies/Strategies, Procedures and Legislation

Communications Plan

ICT Plan

Customer Plan

Acceptable Behaviour Policy

Equality and Diversity Policy

Codes of Conduct for Councillors and Employees

Disciplinary Policy and Procedure

1. Why has the Council introduced this policy?

- 1.1 This policy supports our Communications Plan and together these policies aim to improve the Council's communication with customers and residents (including harder to reach groups) through the effective use of social media.
- 1.2 The policy aims to ensure that the public are clear at all times about whether the employee, councillor or third party contractor is communicating as an individual or on behalf of the Council.
- 1.3 Councils can use social media in many ways, including:
 - Providing information about services
 - Supporting local democracy
 - Gathering customer insight and managing customer relationships
 - Promoting cultural and leisure events
 - Supporting local communities and developing a neighbourly approach
- 1.4 Councillors who wish to help build a sense of belonging in a neighbourhood, increase resident satisfaction levels and reduce social problems can do much with social media as it is a way of connecting people, encouraging conversation and building trust.
- 1.5 Social media includes (but is not limited to) social networking sites (such as Facebook and LinkedIn); video and photo sharing websites (such as Flickr, YouTube and Instagram); blogs and microblogs (such as Twitter); 'wiki' sites that can be edited by the public (such as Wikipedia) and forums or discussion boards.
- 1.6 This policy aims to make sure that employees, councillors and third party contractors can actively take part in social networks so that local government keeps pace with the ways in which people like to engage.
- 1.7 This policy and associated guides will help ensure that employees, councillors and third parties understand and comply with all relevant legislation and EDDC policies which are relevant to the use of social media - whether the use is for official council business or personal use during their own time.
- 1.8 Contractors are required to comply with this policy in the same way as employees and Members of the Council and this requirement should form part of contractual agreements.

2. What is the Council's policy?

- 2.1 The Council is keen to maximise its use of social media wherever this is helpful to our customers and residents as a communication channel. This policy is consistent with our Communications Plan and operates within the guidelines set out in the Council's Information Security Policy.
- 2.2 Material published by the Council will not contain party political material and will not persuade the public to a particular view, promote the personal image of a particular councillor, promote a particular councillor's proposals, decisions or recommendations or personalise issues.
- 2.3 The Council's Communication Team will manage the implementation of this policy as well as manage the Council's corporate social media sites and oversee Official Sites which are service specific. Other methods of communication, such as press releases and the Council's website will continue to be used as appropriate.
- 2.4 An official Council social media site ('Official Site') may only be created if it is agreed by a Deputy Chief Executive, Head of Service or Corporate Manager. The Council's Corporate Communications Team will need to be consulted to ensure that the site is consistent with the Council's Communications Plan and to confirm whether or not the site is actually required or whether the corporate site can be used.
- 2.5 The Communications Team will maintain a register of all official social media sites and their users and the Communications Team will have access and administration rights to these.
- 2.6 Appendix A lists current authorised Official Sites used by EDDC.
- 2.7 Official Sites may only be accessed and edited by those who have been authorised to do so by their Head of Service and Corporate Manager.
- 2.8 Those accessing and editing sites must attend Social Media training organised by the Council.
- 2.9 Heads of Service and Corporate Managers who have an Official Site which allows for the posting of material by third parties must:
- put in place a system for moderating or removing unacceptable material;
 - notify the Communications Team of 'Authorised Users' and
 - ensure that there is cover in the event of sickness or absence.

3. Legal considerations – staying out of trouble online

- 3.1 Any form of communication is rife with the possibility of misunderstandings. Social media is perhaps no more or less vulnerable to this but there are some new ways to misfire with your message!
- 3.2 Although the best use of social media is conversational in tone, publishing on the web is still publishing. It is important to remember that everyone is responsible for what they publish on social media. Authorised Users need to be acutely aware that anything on an Official Site is published on behalf of the Council reflects upon the Council and its reputation.
- 3.3 In general terms, content must not be published which may result in actions which may be discriminatory, defamatory, breach copyright, data protection or other claims for damages. This includes (but is not limited to) material of an illegal, sexual or offensive nature that may bring the Council into disrepute.
- 3.4 Content for the promotion of personal financial interests, personal commercial ventures or personal campaigns must not be published.
- 3.5 Authorised Users must never publish pictures of children or young people aged under-18 on social media unless they have express written parental permission as part of a signed official permission form. **(Appendix F)**
- 3.6 Officers should refer to the **Guidance for Officers (Appendix B)** which forms part of the Council's Social Media Policy. This outlines important rules when using social media in either a Council or personal capacity.
- 3.7 Councillors should refer to the **Guidance for Councillors (Appendix C)** which forms part of the Council's Social Media Policy. This outlines important rules for using social media either as a Councillor or as an individual.

4. General application of this policy

- 4.1 All employees, whether Authorised Users or not are required to adhere to this policy and guidance which forms part of the policy even when they are using social media for personal use. Employees should note that any breaches of the policy and guidance, for example, bullying of colleagues or social media activity causing serious damage to the organisation, may constitute gross misconduct and lead to summary dismissal.
- 4.2 If you discover defamatory, confidential, obscene or otherwise unlawful material that you consider affects the Council or any of its employees and should be responded to on behalf of the Council, you should draw it to the attention of the Communications Team and take their advice [and that of the

legal team where necessary] before taking any
media site in question.

action on the social

5. Appendices and where to find out more

- Appendix A Official Council Social Media Sites
- Appendix B Guidance for Officers
- Appendix C Guidance for Councillors
- Appendix D Flowchart for Officers and Councillors
- Appendix E Social Media Application Form
- Appendix F Photography and filming of Under 18s Form

www.geturvoiceheard.co.uk/doc/sn.php – provides advice on safeguarding children and vulnerable adults: any Official Sites set up by the Council must ensure that these groups are closely monitored.

www.thinkuknow.co.uk – provides advice information and resources about online safety, including how to use custom settings.

Appendix A Official Social Media Sites



Twitter (www.twitter.com)

Corporate	@eastdevon
Waste and Recycling	@recyclingEDDC
Procurement	@EDDCprocurement



Facebook (www.facebook.com)

Corporate:	/eastdevon
Waste and Recycling:	/eddcrcycle
Tenant Participation:	/ EDDCtenantparticipation
Switch Project:	www.facebook.com/pages/SWITCH/124817784260256

YouTube (www.youtube.com)

Growth Point:	/user/EEDGP
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Appendix B

Guidance for officers (this guidance forms part of the Council's Social Media Policy)

- 1 **What to bear in mind to keep you protected online either at work or at home**
 - 1.1 When you engage online it is important to just use common sense. The things that can get you into hot water anywhere else are just the same things to avoid in social media.
 - 1.2 Everyone is personally responsible for what they publish on social media. It is important that you think before you publish as words can't be unspoken. Even if you delete a hastily fired off blog or tweet, it will probably already have been read and will be indexed or duplicated in places beyond your reach.
 - 1.3 Remember that the law of defamation applies to social media in the same way as written or spoken communication and people can sue you personally for damages if they consider their reputation has been or may be harmed.

- 2 **Use of Social Media at work**
 - 2.1 When using any Official Site, **Authorised Users must:**
 - Clearly identify yourself as a Council employee and either include your name or job title as appropriate where you have been authorised by your Head of Service or Corporate Manager to act as a representative of the Council or to comment on behalf of the Council and are making comments on a social media site not specifically branded as belonging to the Council.
 - Make sure all content published is accurate, not misleading and complies with any relevant Council policy.
 - Comply with the terms and conditions of the social media site being used.
 - Be polite and treat other users of the social media site with respect.
 - Use the flowchart at the end of this guide to decide how and if to respond to customer comments, particularly negative ones.
 - Remember to keep key Members and other officers updated on your work.

2.2 When using any Official Site, **Authorised Users must not:**

- Make any comment or post any material that may cause damage to the Council's reputation or bring it into disrepute. This includes making negative or disparaging comments about the Council or its employees.
- Make any political comment; state any political preference or make any kind of partisan comment that may compromise the reputation of the Council or appear to put the Council in a conflict of interest.
- Post, publish or respond to any material that is defamatory; offensive; obscene; harassing or bullying; racist, sexist or otherwise discriminatory; infringes copyright; any person's right to privacy' constitutes contempt of court or is otherwise unlawful.

3 Monitoring use of social media at work

- 3.1 Authorised Users should not spend more time using social media sites in the course of their employment than is necessary for the purposes of Council public communication. Priority should be given to sites which are widely read by the general public and communicate information about services or service changes that relate to key Council proposals or affect significant numbers of residents.
- 3.2 They should ensure that the use of social media does not interfere with their other duties. Authorised Users spending an unnecessary or excessive amount of time using social media sites may be subject to disciplinary action.

4 Open Access Editable "Wiki" Sites Such As Wikipedia

- 4.1 Most wiki sites record the IP address of the editing computer. Alterations to such wiki sites and encyclopaedias may appear as if it has come from the Council itself. Members should not act in a manner that may bring the Council into disrepute and should not post derogatory or offensive comments on any online encyclopaedias or wiki sites.
- 4.2 Prior to altering any wiki site or online encyclopaedia entry about the Council or any entry which might be deemed a conflict of interest, employees should read the terms and conditions of the site concerned and, if necessary, ask permission from the relevant wiki editor. They should also seek advice from the Communications Team

5 Personal use of social media

- 5.1 Access to social media sites for personal use using the Council's IT systems is not allowed.
- 5.2 Employees should be aware and recognise that there is a risk of damage being caused to the Council via their personal use of social media when they can be identified as an employee of the Council. This may be by direct identification (because a profile or content expressly states a Council association) or indirect identification (because friends, family or others know the user works for the Council).
- 5.3 If in respect of any personal use of social media an employee can be identified as associated with the Council by the profile or content then the following guidance should be complied with:

You should:

- Expressly state (through a disclaimer) on any profile or content that identifies you as an employee (or otherwise refers to or implies a relationship with the Council) that the stated views are your own personal views and are not those of the Council. You can use something like 'the views I express here are mine alone and do not reflect the views of my employer' or 'all tweets personal'.
- Ensure that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not.
- Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy.
- Comply with the terms and conditions of the social media site being used.
- Be polite and treat other users of the social media site with respect.
- Tell the Communications Team if you discover defamatory, confidential, obscene or otherwise unlawful material that you consider affects the Council or any of its employees.

In addition to the provisions outlined in point 3 of the main body of the Social Media Policy, you must not:

- Publish content for the promotion of personal financial interests, personal commercial ventures or personal campaigns or publish content in an abusive manner, or in a way which appears as if the Council have endorsed them or contravenes the Council's Acceptable Behaviour Policy.
- Share sensitive or confidential information about the Council or its employees or councillors nor upload any photos or videos of colleagues without their express permission. The Council's Acceptable Behaviour Policy must be complied with at all times.
- Use your Council email address or any Council logos or copyright material for personal use.

Appendix B

Guidance for Councillors (this guidance forms part of the Council's Social Media Policy)

1 What to bear in mind

- 1.1 When you engage online it is important to just use common sense. The things that can get you into hot water anywhere else are just the same things to avoid in social media.
- 1.2 Everyone is personally responsible for what they publish on social media. It is important that you think before you publish as words can't be unspoken. Even if you delete a hastily fired off blog or tweet, it will probably already have been read and will be indexed or duplicated in places beyond your reach.
- 1.3 Remember that the law of defamation applies to social media in the same way as written or spoken communication and people can sue you for damages if they consider their reputation has been or may be harmed.
- 1.4 Be mindful if using social media during an official Council meeting or event that the use does not negatively impact on the proceedings or contravene the Constitution or other Council protocol.
- 1.5 At all times, whether posting in a personal or professional capacity, councillors must be clear whether they are writing as an elected member or private individual. Including 'Cllr' or 'Councillor' in a name is taken to mean that the councillor is writing in the capacity as an elected member. Councillor profiles, websites and use of social media should clearly be either 1) private and personal 2) in their capacity as a councillor. This is particularly important as mixing these uses is likely to cause confusion to the electorate.

2 Members' Code of Conduct

- 2.1 Aspects of this will apply to your online activity in the same way it does to other written or verbal communication you undertake. Members should comply with the general principles of the Code in what they publish and what they allow others to publish.
- 2.2 You will need to be particularly aware of the following sections of the code and their practical application:
 - Treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments.
 - Comply with equality laws. Take care not to publish anything that might be considered as sexist, racist, ageist, homophobic or anti-faith.

- Refrain from publishing anything which is confidential or sensitive in its nature.
- Ensure that you do not bring the Council or your Councillor role into disrepute and that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not.
- Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy.
- Comply with the terms and condition of the social media site being used.

2.3 Members of the public (or other members or officers) may make a complaint about you if you contravene the Code of Conduct. Councillors should also follow the guidance in the protocol for Relationships between Members and Offices which is contained in Part V of the Constitution and can be found on the Council's website. This includes media relations.

2.4 You should also comply with the Code of Recommended Practice on Local Authority Publicity
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf

3 **Personal use of social media**

3.1 Councillors should be aware and recognise that there is a risk of damage being caused to the Council via their personal use of social media when they can be identified as an elected Councillor. This may be by direct identification (because a profile or content expressly states a Council association) or indirect identification (because friends, family or others know the user works for the Council).

3.2 If in respect of any personal use of social media a Councillor can be identified as associated with the Council by the profile or content then the following guidance should be complied with:

You should:

- Expressly state (through a prominent disclaimer) on any profile or content that identifies you as a Councillor (or otherwise refers to or implies a relationship with the Council) that the stated views are your own personal views and are not those of the Council.

- Ensure that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not.
- Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy.
- Comply with the terms and condition of the social media site being used.

In addition to the provisions outlined in point 3 of the main body of the Social Media Policy, **you must not:**

- Make any comment or post material that may cause damage to the Council's reputation or bring it into disrepute.
- Present political or personal opinion as fact or as representative of the Council.
- Imply that you are authorised to speak as a representative of the Council nor give the impression that the views you express are those of the Council.
- Post or publish any material that is defamatory; offensive; obscene; harassing or bullying; racist, sexist or otherwise discriminatory; infringes copyright; infringes any person's right to privacy or is otherwise unlawful. Harassment may include personal attacks on officers.
- Publish content for the promotion of personal financial interests, personal commercial ventures or personal campaigns or publish content in an abusive manner, or in a way which appears as if the Council have endorsed them or contravenes the Council's Acceptable Behaviour Policy.

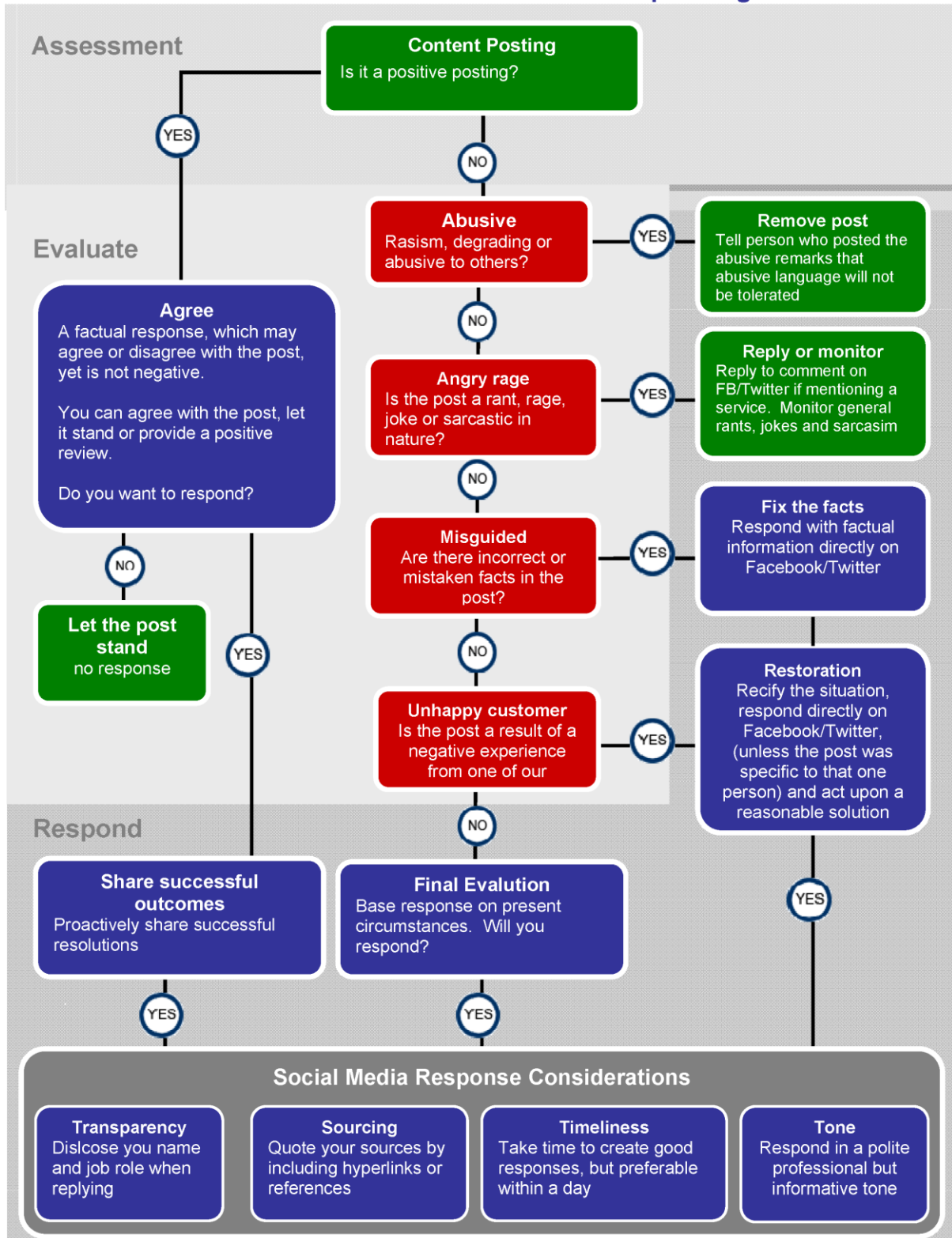
4 **Open Access Editable "Wiki" Sites Such As Wikipedia**

- 4.1 Most wiki sites record the IP address of the editing computer. Alterations to such wiki sites and encyclopaedias may appear as if it has come from the Council itself. Members should not act in a manner that may bring the Council into disrepute and should not post derogatory or offensive comments on any online encyclopaedias or wiki sites.
- 4.2 Prior to altering any wiki site or online encyclopaedia entry about the Council or any entry which might be deemed a conflict of interest, Members should read the terms and conditions of the site concerned and, if necessary, ask permission from the relevant wiki editor. They should also seek advice from the Communications Team.

Appendix D Response Flow Chart for Officers and Councillors



Social Media: Quick Guide For Responding



Appendix E: Social Media Application Form

Please ensure all content providers, moderators and your service lead has read the Social Media Policy and Guidance before completing this form.

Primary Content Provider/Moderator	
Name:	Service:
Secondary Content Provider/Moderator: who will take control when primary controller is away.	
Name:	Service:
Moderator: (if not one of the above) who will monitor it for offensive or negative posts?	
Name:	Service:

Project Details	
Platform: Facebook, Blog, Twitter?	
Proposed URL or page name:	
Business Purpose/Objective: What are you hoping to achieve?	
Target audience: Who are you targeting with your social media communications and what is your strategy for engaging with them?	

Frequency of use: How often will you update your chosen platform? (please tick).	
Once a day <input type="checkbox"/> 3 times week <input type="checkbox"/> Once a week <input type="checkbox"/>	
Moderation: How often will you moderate the site for offensive or negative posts?	
Once a day <input type="checkbox"/> 3 times a day <input type="checkbox"/> More <input type="checkbox"/>	
Evaluation - How will you evaluate the success of your social media communications and whether the social media presence is sustainable?	

Approval and acceptance: your service lead must approve this form and you both must have read the council's [Social Media Policy](#).

Service lead:

Department:

As the service lead I have approved the application form and have read the social media policy

Yes No

All content providers and moderators must read the [Social Media Policy](#) and ensure they understand how they should deal with offensive or negative comments.

Please return the completed form to:

Communications and Public Affairs Manager
Room 36, Knowle

Standards Committee

Introduction

This short paper provides a summary of ways in which the Council ensures 'public input' into Council business.

The ways in which East Devon District engages with communities will be captured in the Council's Engagement Strategy. This is currently the subject of discussion with Devon County Council to facilitate joined up working in this area.

1 Regular 'channels' for public input

1.1 Residents' Survey - Viewpoint Survey 2013

This is a general Council survey which is being sent out to 3,000 randomly selected households from throughout the district. It asks questions on various Council services and about the Council as a whole. The questionnaire has been approved by Cabinet.

The results will be reported to Councillors in Autumn and the Council can take action where necessary.

We intend to engage with Town and Parish Councils, and the Voluntary and Community Sector at the 'Working together for the future of East Devon' event which is due to be held on 11 October. This is an annual event.

Discussions are underway with the Business TaFF regarding a survey specifically aimed at the business community.

1.2 Speak Now Panel and East Devon Editors

We have a residents' panel of customers, we regularly send them questionnaires and invite them to take part. However, it is not used as often as it could be. We have recently set up a customer reading panel called the East Devon Editors. This is a group of residents who have volunteered to look through Council documents etc and improve them.

1.3 Participatory Budgeting with Section 106 money for play and sport

This involves extensive community engagement and residents really do get to decide how money is spent on play and sport in their area. By the end of this year we will have spent about £1million in this way on over 30 projects. This is a groundbreaking approach as the vast majority of other councils decide themselves how to spend this money.

1.4 Sustainable Communities Act

EDDC have decided to take part in the SCA, which allows local people to submit their ideas to us about how they feel power and funding should be diverted away from central Government. The closing date for proposals is in October.

1.5 Systems Thinking

Services regularly ask customers their views on specific services through 'what matters surveys'.

1.6 Customer Services

The Customer Services Manager analyses customer enquiries and data to see how we can better help our customers and designs her service around their needs.

1.7 Tenants

There is a whole tenant participation team, including the Tenant Panel. Tenants make decisions on Council Housing Policy and regulations, they are involved in designing the service.

1.8 Neighbourhood Assessments

Environmental Health helped by other Officers undertake Neighbourhood Assessments, visiting locations throughout East Devon and door knocking to talk to residents. Common concerns are answered and actions may be taken on the results.

1.9 Public speaking at committee meetings.

The Standards Committee have been asked by Council to review these arrangements, however currently there is a 15 minute period of public question time at the commencement of Council and Committee meeting with the exception of the Licensing and Enforcement Committee, the Development Management Committee and Planning Inspections Committee. Each individual questioner can speak for a maximum of 3 minutes.

At all meetings of the Cabinet, the Overview and Scrutiny and Audit and Governance Committees, members of the public have the general right to make statements and/or ask questions in respect of all agenda items that are not to be considered in Part B [the part of the meeting to which the public is not admitted]. Contributions from members of the public are limited to 3 minutes each.

2 Specific, recent consultations

2.1 Local Plan

The Local Plan, led by Planning Policy, has had several rounds of public consultation. Changes have been made as a result at every stage.

2.2 Exmouth Splash Consultation closed January 2013

We wanted to know what people thought about draft proposals for a new 'Exmouth Splash' leisure and attractions area on Exmouth seafront.

We received 518 completed questionnaires. As a result of the consultation:

- The Watersports hub would move to the far eastern edge of the site in response to water users' comments on beach safety and size of site for required storage.
- The public open space area would now be in the centre front of the site (where the watersports hub was originally proposed) giving a more natural

and open feeling to the area on arriving from the west. Rather than have a fenced pay-to-enter area, attractions such as mini-golf would be included within public open-space. This would be similar to arrangements on regenerated seafronts in other towns such as Teignmouth.

- Car-parking would amount to at least 280 spaces but remain as surface car parking only. This would be nearly 80 more than the number there now. Additional spaces specifically for the hotel/holiday accommodation could increase this by approximately another 50.
- There will be a further investigation of market demand for a hotel or other type of holiday accommodation at the north western part of the site.

2.3 Local Council Tax Support Consultation closed October 2012

As part of the Government's welfare reforms, Council Tax Benefit (CTB) was abolished. All local councils had to replace it with their own scheme called 'Council Tax Support' (CTS) for all working-age customers. At the same time as this change, the Government reduced the funding it provides to cover local CTS schemes. We carried out consultation on our draft scheme so we could make it as fair as possible.

We sent out questionnaires to everyone that would be affected (4,000 people) and opened the questionnaire up to anyone who wanted to complete it. We received a high response rate, 1,126 responses.

We made changes to our draft scheme as a result.

- We consulted on a 70% maximum Council Tax Support amount – this was increased to 80%.
- We consulted on a £3,000 capital limit – this was increased to £8,000
- We consulted on a Band D Council Tax Restriction – our consultation responses recognised this and this has been implemented.
- We consulted on setting up an Exceptional Hardship Fund – the majority consultation responses agreed with this and this has been set up.
- We consulted on removing Second Adult Rebate – the majority of consultation responses agreed with this and this has been removed for working-age customers.

2.4 Shaping our Future Consultation Consultation closed January 2012

Giving residents, Town and Parish Councils etc the opportunity to comment on EDDCs draft plans for the future. This included the Council Plan, Financial Plan, Homes and Communities Plan, Environment Plan and Economy Plan.

2.5 Connaught and Manor Gardens Surveys Summer 2012

A survey was undertaken with people using Connaught and Manor Gardens to find out what they thought was good and bad about the gardens. The results were excellent overall. There were some common comments such as:

- There needs to be a coffee shop in Manor Gardens in the old TIC building- this has now happened and the coffee shop has opened.
- In Manor Gardens we need more benches near the bandstand- we had two donated benches and we will make sure they are put near the bandstand.

- In Connaught Gardens the deckchairs need to be available more often- the lads running the concession can no longer do it, we are looking for others to take it on.

2.6 Seafield Gardens, Seaton Early 2013

This project involved £35k of Council budget to redesign and improve these gardens. This work was carried out with extensive consultation and residents were able to submit their ideas as part of the design phase of the project.

Corporate Organisational Development Manager, Karen Jenkins

Engagement and Funding Officer, Jamie Buckley

Agenda Item 9

Standards Committee

23 July 2013

RP



Public speaking

Summary

At the last meeting of Standards Committee on 18 June, members discussed public speaking and asked for an officer report. This report provides advice on the issues raised, and puts forward recommendations/options for member consideration. Standards Committee's remit includes considering reports on governance matters referred to it by the Monitoring Officer. Any recommendations on changing the Constitution will require full Council approval.

Recommendation

Members consider the report and make appropriate recommendations.

a) Reasons for Recommendation

To revise the current arrangements.

b) Alternative Options

Annual Council asked Standards Committee to review public speaking; doing nothing is not recommended.

c) Risk Considerations

Well thought out public speaking arrangements can enhance democratic participation and Council reputation. However, repetition of the same issues or the introduction of issues that are not relevant to the Council or the decision being made can result in overly long meetings where the quality of decision making can be adversely affected.

d) Policy and Budgetary Considerations

Additional meetings, if such be recommended, involve additional officer and member costs and resources.

e) Date for Review of Decision

Members may wish to trial new arrangements or alternatively recommend a specific review date.

1 Main Body of the Report

1.1 The current public speaking arrangements were introduced in 2008 and are due for review. In general the arrangements worked very well and raised no significant comment until the last year.

- 1.2 Elsewhere on the Agenda is a report which sets out other existing Council initiatives for public engagement and involvement. These underline the council's commitment in this area. Public speaking may therefore be seen in the wider context of a two way exchange between the Council and the community it seeks to lead and serve.
- 1.3 This report seeks to address possible changes in public speaking in two different areas:
- A) Cabinet, Overview and Scrutiny, Audit and Governance and Standards meetings
 - B) Development Management

2 Council, Cabinet, Overview and Scrutiny, Audit and Governance and Standards meetings

2.1 Public question time at beginning of meetings

A period of 15 minutes is provided currently which allows for public questions, with individual questions being limited to three minutes, and the expectation that where there is an interest group a spokesperson will be appointed to speak. In general 15 minutes has provided enough time for questions. However, as identified by members at the last meeting, the following recommendations for change may lead to more effective use of time:

- 1) Question to be put first, with any explanation of background to follow, still limited to a total of three minutes
- 2) Where possible, questions to be submitted in writing to Democratic Services in advance (two clear days before the meeting). (This enables a considered response to be given, in writing at the meeting if time permits).
- 3) Where questions are available in advance they could be displayed on a screen (if meeting in Council chamber) which will help the public gallery see what the issue is, together with the written answer, if available (otherwise a verbal reply will be given).
- 4) Questions to relate to matters that are within the remit of the Council or relate to matters that the Council could influence.
- 5) Questions asked in the last six months should not be repeated.

2.2 What is clear is that some people really wish to make a statement during question time rather than ask a question. Members could decide:

- To leave questions as questions, and not allow statements;
- Or simply to call it 'public speaking' rather than 'questions' at the beginning of meetings, so the public can decide how to use their three minutes as they wish; for questions and/or statements. There would still be the option to ask for questions to be received by democratic services in advance.

2.3 Public speaking/questions on individual items on the Agenda

At Cabinet, Overview and Scrutiny and Audit and Governance, the public may speak and/or ask questions on individual agenda items, and contributions are limited to three minutes. The public have the option whether to ask their question at the beginning of the meeting or when the meeting gets to a relevant Agenda item, if there is one. This

process appears to work well; members are invited to consider whether any change is needed.

3 Development Management Committee

- 3.1 Public participation is obviously at the heart of the Development Management process. The officer report will include a summary of the written consultation responses received from neighbours and others, identifying what can properly be taken into account in the planning process.
- 3.2 Following the Systems Thinking review of the planning service, and approval at Annual Council in 2008, public speaking was introduced at Development Management committee for individual planning applications.
- 3.3 Members of the public wishing to speak enter their name on the sheets located near the entrance to the Council Chamber. There is currently no requirement to record the register to speak before the day of the meeting. All individual contributions are limited to a period of 3 minutes – where there is an interested group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.
- 3.4 As in any meeting, the Chairman has the right and discretion to control questions and irrelevant points being raised to avoid disruption, repetition and to make best use of the meeting time. Speakers are asked not to come to the microphone if their points have already been covered.
- 3.5 The new National Planning Policy Framework [NPPF], which expects a greater level of sustainable development than hitherto, and intends to produce a ‘step change’ in the speed of planning delivery, has reduced the Council’s discretion to refuse development although the position should improve once an up to date Local Plan is in place. In turn this has understandably produced a greater level of interest in local planning. The length of recent Development Management meetings [up to 13 hours] is a matter for concern in terms of the wait involved for applicants and public, and the ability of a committee to remain focused and function at the optimum level for that period of time. Such a meeting length is obviously physically gruelling, and even more so for the Chairman. Three to four hours maximum length for a committee is in my view a reasonable yardstick but difficult to achieve at the present time.
- 3.6 Possible recommendations are:
 - 1) The reasons for the increase in the number and types of applications going to Development Management Committee should be investigated [this may be due in part to technical departures from the NPPF currently being sent to Committee, a matter which is due for discussion at DM on 16 July].
 - 2) Arrangements be introduced to take first on the agenda those items where planning applicants and/or public wishing to speak are present.
 - 3) A total period of time for public speaking on each individual planning application be introduced, for example 15 minutes. [This effectively means allowing 2 supporters and 2 objectors for each application, and is one of the most common means nationally of managing the volume of planning committee business]. This could be linked with requiring those wishing to speak on planning applications to register two days in advance, which would give an opportunity for objectors/supporters to appoint a spokesperson in advance. Members may wish to consider this on a pilot basis, given the

particular time pressures on Development Management Committee at the current time.

- 4) Where a spokesperson for a group of objectors is appointed they be allowed 5 minutes to speak; the same time being given to the applicant
- 5) Special meeting arrangements continue be made in advance for public speaking on major applications
- 6) Information or statistical reports be dealt with after the planning applications
- 7) Policy items be listed in a separate section of the Agenda
- 8) Public speaking on policy items be introduced, limited to three minutes per contribution, with the Chairman having the ability to advise the meeting of the number of speakers it is possible to take on any particular occasion in the light of time available. Meeting arrangements will be publicised in advance for issues of major public concern.

3.7 **Non Committee member speaking at Committee**

The current Constitutional provision is that Standing Orders provide that a member who is not on the Committee shall not be entitled to speak at that meeting except with the consent of the meeting. In practice non-committee members do speak at Development Management Committee on a regular basis as Ward members and at other committees on a fairly free basis with the consent of the meeting when time allows.

- 3.8 My recommendation is that the meeting management should continue to rest with the Chairman and that if there is time to hear from a broader cross section of members than those appointed by Council to that committee to carry out its functions, then that can be decided at that meeting in relation to that particular item. The Constitution already provides that flexibility.

Legal Implications

None specific; legal issues have been taken account of in preparing the report.

Financial Implications

There are no apparent direct financial implications

Rachel Pocock
Corporate Legal and Democratic Services Manager

Standards Committee
23 July 2013

Special Standards Committee, 23 July 2013

Request for dispensation from Cllr Peter Bowden

From: Cllr P N Bowden

Sent: 01 July 2013 11:44

To: Rachel Pocock

Subject: RE: Request for dispensation - UNCLASSIFIED:

Dear Rachel

As you are aware I am a victim of flood and live in an area where discussions related to ameliorating the risk of future flooding are at an advanced stage. I remain a deputy member of the South West Regional Flood and Coastal Committee (Env.Agency) and EDDC Flood Risk Champion. I have been asked to chair a public meeting on the subject of floods and alleviation/amelioration and remain in contact with Officials and Members of Government in DEFRA and the House of Lords. My interest as a victim of flood has always been declared but I am obliged to tread the fine line between an interest that is no greater than that of any individual in the same circumstances and the risk of a public perception that my interest is too close for comfort. I have never put self before the public interest and both County and District members will note my work in all areas I represent as an EDDC Champion.

I seek only a form of dispensation that will allow me to continue this work in the open and honest way that I have to date strictly observed.

Thanks

Peter

+

Councillor Peter N Bowden

Devon CC Broadclyst and Whimble Division

East Devon Broadclyst Ward

peter.bowden@devon.gov.uk or pbowden@eastdevon.gov.uk