

**Berkhamsted Town Council
Social Media Policy
16 March 2020
Last adopted at AMC 04 May 2021**

1. Policy Statement

(i) Berkhamsted Town Councillors, when communicating through social media, must ensure that they comply with legislation, standing orders and the Code of Conduct, as they would with any other type of interaction. Councillors must remember that on-line activity is subject to these rules when the impression is being given that an individual concerned is acting as a councillor. The judgement as to whether a councillor is perceived to be acting as a councillor will be taken by someone else. It is therefore “safest to assume that any on-line activity can be linked to your official role”.¹

(ii) Online activity must be objective, balanced, informative and accurate. An open mind must be maintained and demonstrated, particularly when you may be involved subsequently in making a decision at a council meeting on an a particular issue.

(iii) When using a social media in the capacity as a Town Councillor, political affiliation should not be referred to.

2. Background

Prior to the Town Council elections in May 2019, Berkhamsted Town Councillors’ methods of communication with other councillors and members of the public were generally in person, by e-mail, in writing, or at meetings. (This also applied to Town Council staff.) Those elected in 2020 were keen to use additional methods of communication to engage with members of the public and following discussion the Engagement with the Community Strategy policy document was agreed at Full Council on 2 September 2020. All communications made by councillors must comply with standing orders, legislation and the Code of Conduct. Social media communications, because of their nature in terms of accessibility and speed of taking effect, present challenges for those using such tools. The purpose of this policy therefore is to set out how Berkhamsted Town Councillors should use social media platforms to communicate effectively with members of the public whilst identifying situations and behaviours that must be avoided.

3. Benefits of Social Media for the Council

Across the sector, social media is being used for a range of purposes and is being used to spark innovation and engage in conversations with local people. The various options available are low-cost and widely available and so a wide variety of people can access material and information. Social media can really enhance debate and communication when used correctly.

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4. What is classified as Social Media

The term Social Media is deemed to be any current or future platform or site such as e-mails, blogs, wikis, social networking websites, podcasts, forums, message boards, public message boards, comments on Twitter, Facebook and other websites.

5. Use of Social Media and Essential Compliance and Governance

(i) The Code of Conduct

Councillors are personally responsible for the content they publish. It is therefore recommended that councillors regularly re-familiarise themselves with the Code of Conduct and the impact an individual councillor's conduct can have, both positive and negative², on the Council. This will ensure that individual councillors are ever mindful of their personal obligations and the requirements of the Nolan Principles³ when using social media. This will avoid complaints to the standards committee.

(ii) Legislation

(a) Refer also to guidance prepared for councillors during their induction period attached for ease of reference reproduced at footnote 5.

(b) In addition to (i) above, the section 2 of the Local Government Act 1986 is of particular pertinence. This is reproduced at footnote 4.

(c) Councillors must bear in mind the policy statements at 1 above.

(iii) Standing orders

This Policy document forms an appendix to the Town Council's Standing Orders as is the Code of Conduct.

(iv) Non-councillor members of committees and working parties

The principles contained in Standing Orders and the Code of Conduct applies to such members. A protocol on the operation of working groups has been agreed and is appended to Standing Orders,

6. Practicalities of Using Social Media

Councillors should:

(i) Attend Training

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All Town Councillors are invited to attend the Social Media training that is run by Dacorum Borough Council and a number have attended this short half day course. The Town Clerk can liaise with DBC about forthcoming events;

- (ii) Follow the guidance in this policy document.
- (iii) Refer to DBC Guidance

Attached at appendix 1 is guidance produced by DBC specifically for its councillors. Some of this guidance refers specifically to DBC, however, it also contains useful messages that can be applied to Town Councillors.

- (iv) Respect confidential matters

Do not pass on information that is not in the public domain eg confidential information about other councillors, town council staff or commercially confidential information;

- (v) Manage input

Decide what issues you want to focus on; plan what you want to say; do not give knee jerk reactions; investigate issues before replying fully; remember posts may be picked up by the media so view all posts as a public statement; decide how much time per week you will devote to Social Media and stick to that; do not post when you are tired or rushed; be respectful, polite, direct, informative, brief and transparent.

- (vi) Refer matters on as necessary

You may be alerted to issues that need to be referred to another party eg DBC / HCC, to a member of staff for action or that require discussion within a committee. Do not feel that you as an individual have responsibility to deal personally with every issue raised. Pass it on to the correct channel and explain what you are doing.

- (vii) Seek permissions

Only publish photographs that you have the right to publish and take the best possible and reasonable efforts to seek permissions of those being photographed. Do not name third parties unless you have permission. Seek permission to publish original photographs or videos if you are uploading material. You must check that parental permission is in place before publishing photographs of children.

- (viii) Be alert to inappropriate content

If a councillor receives inappropriate content via social media they should report it to and discuss with the Town Clerk.

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7. Town Council Face Book Page

The Town Clerk will upload posts to the Town Council's Facebook page and act as moderator. Councillors are welcome to suggest input for consideration by the Town Clerk.

8. Review

This policy will next be reviewed in February 2023 unless an earlier date is required by changes to legislation or recommendation by, for example, NALC.

¹DBC Members general guidance for using social media.

²Berkhamsted Town Council Code of Conduct for Members.

³Code of Conduct Appendix 1 and Section 28(1) Localism Act 2011

⁴Section 2 Local Government Act 1986 - Prohibition of political publicity:

(1)A local authority shall not publish[F1, or arrange for the publication of,] any material which, in whole or in part, appears to be designed to affect public support for a political party.

[F2(2)In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters—

(a)whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;

(b)where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.]

(3)A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves.

⁵ Berkhamsted Town Council
Councillor Induction Training
May – June 2019

1. Role of the council as a corporate body

There are 10,250 parishes in England (2018 figure). Parish and town councils are generically referred to as Local Councils and are the oldest type of local authority in England and Wales. They were established by legislation following the Local Government Act 1894. Generally, there is a three-tier system in England and this is the case in Hertfordshire with parish/town councils, Dacorum Borough Council and Hertfordshire County Council. This arrangement, however, although common, is not uniformly applied across the country. In

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some areas the parish/town function is undertaken by the borough or district council and in other areas there is a unitary authority eg Milton Keynes, Durham and Cornwall. This means the services provided by the District and County Councils are combined into one authority. Our neighbours in Buckinghamshire have been working towards shared services between districts for some years eg bin collections, waste disposal, to save money and are now set to become a unitary authority.

Unlike district/borough or county councils (also referred to as principal authorities) parish /town councils are not burdened by onerous statutory duties that it must discharge. Indeed, it has very few statutory functions e.g.

- to raise a precept and spend it;
- to hold an annual meeting and at least three more meetings a year which the public have the right to attend;
- To appoint a person to administer the council's financial affairs;
- To prepare annual accounts which are external audited;
- To have a code of conduct.

Examples of statutory duties include:

- Not publishing or assisting others to publish material which affects support for a political party;
- Doing what it reasonably can to prevent crime and disorder, the misuse of drugs, alcohol and other substances, and reoffending in its area;
- Observing its statutory responsibility to the purpose of conserving biodiversity.

Parish/town councils have a number of discretionary powers that it can chose to undertake. Examples in Berkhamsted include the following:

- Provision of land for allotment and enter into allotment tenancy agreements;
- To do anything that will facilitate, be conducive or incidental to the discharge of its powers or functions – these are called ancillary powers;
- Provision of cycle racks;
- Provision and maintenance of clocks (the de lisle clock on top of Mario's);
- Provision of bus shelters;
- Maintenance of closed graveyards;
- Provision and maintenance of community gardens/open spaces;
- Power to enter into contracts (eg grounds maintenance; payroll; accounting services; internal audit; maintenance of equipment);
- To spend money on crime detection and prevention measures;
- Appointment of staff;
- Provision of entertainments;
- Power to purchase land;
- Power to provide lifesaving equipment;
- Provision of litter bins;

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- Provision of a newsletter;
- Power to encourage tourism;
- Provision of a website;
- Provision of recreational activities/facilities.

We have also adopted the General Power of Competence. See below section 6 Localism Act.

2. Role of Councillors as Individuals

Councillors are elected for a four-year term, having fulfilled the eligibility criteria, and are the holders of public office. A councillor's main role is to participate in the collective decision-making processes of the town council. A councillor has no authority to make a decision about council business on their own. They are transparent about financial and other interests and follow the obligations set out in the Code of Conduct.

There is not a statutory description of the role of a councillor, however, the main role is to influence and contribute to the formal decision making of the council. Main areas of decision making are budgeting, setting the precept, reviewing finances, deciding on services and facilities, partnership working and appointment of staff. If a councillor is unable to attend a meeting, they must send apologies to the town clerk (or deputy town clerk for the planning committee). Councillors should arrange a substitute from the list and similarly advise the town clerk or deputy town clerk. If a councillor is not at a meeting there is no proxy vote. Councillors have to be there to be part of the decision-making process. Voting rights are set out in standing orders.

It must be remembered that councillors may support a particular possible course of action but the council might not have the knowledge, skills or experience to finalise a resolution on a particular issue. In such circumstances, the council might resolve on certain investigative research that could include arranging meetings with appropriate experts from other organisations or undertaking individual research into a particular topic and reporting back. Councillors often undertake such activities with fellow councillors or with a member of staff. Representing the council in this way can be one of the most interesting and rewarding aspects of a councillor's role. Working groups can also be established by the council to investigate a particular issue with a view to reporting back with a proposed action plan for resolution by the appropriate committee or full council. Very often outside experts or interested parties can be co-opted onto committees or working groups to inform discussion and help to move deliberations forward.

Although there may often be informal meetings between groups of councillors, party political or otherwise, such meetings have no legal force and decisions are made only after information has been presented at formal council meetings and relevant views exchanged. It should be noted that unlike in principal authorities the composition of committees and working groups in local councils is not required to represent the same proportions as

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declared political allegiance amongst councillors. Councillors must be mindful of the distinction between predisposition and predetermination which is clearly set out in the Planning Code of Practice. The guidance in this document is helpful in circumstances where a councillor becomes involved in discussions with members of the public on an ad hoc basis or at a ward surgery.

A councillor's term ends immediately on resignation or death. There are other criteria which would lead to an individual being unable to continue in office and these include failure to deliver the confirmation of acceptance of office; failure to attend a meeting for a period of six months and the reason for non-attendance has not been approved before the expiry of the six months; bankruptcy; conviction of a criminal offence within five years before election or since election which has imposed a sentence of three month imprisonment without the option of a fine; electoral offences.

3. Getting the things done that councillors want to do

Local Council decision making is prescribed by legislation. The hierarchy of council, committees and working groups can seem daunting to councillors who want to help improve things for the people of their town. So, it is important to understand how things are done and how to influence discussion and to make the council's case with other organisations that may have overall control of the matter under discussion. Once the rules are understood it is much easier to negotiate their seeming complexity and achieve lawful and meaningful decisions which can be translated into worthwhile projects and improvements to the benefit of the town.

Berkhamsted Town Council has few tangible assets. It owns and manages the 4 allotment sites but owns no property and has no sports or recreation grounds. The majority of public spaces in Berkhamsted are operated by Dacorum Borough Council or Herts County Council with other areas being in private or institutional ownership. So, if the Town Council decides that improved play facilities are required it has to influence DBC to divert its funds to that end. Similarly, the planting of new trees would generally require the involvement of DBC, HCC and utility companies together with local consultation with neighbours and business owners in the area.

As has been said, such decisions must be made corporately by the council at a lawfully convened meeting. By law the agenda for meetings must be issued giving three clear days' notice (not including the weekend or bank holidays) before the meeting itself. So, as most meetings are on a Monday the agenda has to be issued the Tuesday prior. If a councillor wishes to place an item for discussion on the agenda for the appropriate meeting they should discuss the wording well in advance with the Town Clerk who will, in the majority of cases, add the item to the next available agenda. The proposing councillor should be prepared to speak briefly and succinctly to the item at that meeting. The three clear days' notice rule is important to remember. Items (with a few minor exceptions) cannot be added at the meeting as it is unlawful to make decisions without giving three clear days' notice to

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councillors and members of the public. The latter may wish to come along and express their views at the start of the meeting under suspension of standing orders. When drafting agenda items for resolution make the wording as clear and concise as possible. The council must be made absolutely clear what it is being asked to do. If there are options to consider make that clear to them as well.

Much of what is achieved is done so through partnership working with other organisations, in particular DBC and HCC. It is important that good and business like relationships are built up between officers and councillors alike in keeping with the Nolan principles.

4. Role of the Chair

In brief the chair of a meeting

- Keeps order and control of the meeting in accordance with standing orders;
- If a vote is taken the chair may exercise a second or casting vote;
- For other matters the chair's status is the same as other councillors.

5. Role of the Town Mayor

Appointed by Full Council annually – holds office until a successor is elected. Some have a number of years in office but must be re-elected each year at Annual Meeting.

Proper person to represent the parish/town on ceremonial occasions elsewhere. A mayor has precedence within their town before all others except the sovereign. If present, the Mayor must preside at the council meeting.

In this council, the Mayor also attends various civic and charitable functions as per the list circulated before at the annual meeting on 13 May. In undertaking their ceremonial and civic engagements the Mayor cannot make decisions about council business.

6. Town Council Staff

The Local Government Act 1972 states that a Local Council must appoint a Proper Officer and Responsible Financial Officer. This person is generally known as the Clerk and Janet Mason is the Town Clerk at this council. A Deputy Town Clerk is also often appointed in many councils. Until very recently this Council did not have a Deputy, however, following a staff retirement in May 2018 the opportunity to review our working arrangements was taken and Joanna Harley was appointed as Deputy Town Clerk in late November 2018. John Bushby is the Town Warden and he undertakes some duties delegated from DBC eg inspection of open spaces and reporting or dealing with issues and inspecting and undertaking some maintenance at town council sites. He also posts items onto the website and undertakes website housekeeping.

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Janet Mason is employed for 30 hours per week and Joanna Harley for 28 hours. They do not work Thursday and Friday respectively. John is employed for 37 hours per week (fulltime). There is currently a vacancy for an Allotment and Finance Officer. The Town Clerk is the manager of the other town council staff and is herself employed by the town council as a corporate body. One of the Support S Services Group acts as her line manager and this would generally be the Town Mayor.

7. Localism Act 2011

At the time Eric Pickles was Secretary of State for Communities and Local Government and when the Localism Bill was put before parliament it was described in government briefing as:

“A landmark bill that heralds a ground-breaking shift in power to councils and communities overturning decades of central government control

The Localism Bill will put an end to the hoarding of power within central government and top-down control of communities, allowing local people the freedom to run their lives and neighbourhoods in their own way.”

The following sections of the act could have most impact for Local Councils and communities:

(i) General Power of Competence

Localism Act 2011 ss 1-8. This gives the power to an eligible council to do anything subject to statutory prohibitions, restrictions, and limitations. It does not override statutory prohibitions on a local council discharging the function of other local authorities such as planning and development control, highways, housing, traffic regulation. It removes the budgetary restrictions of what is referred to as s137 spending. In short this enabled spending on activities for which there was no explicit power of duty up to a cap of £7.86 per member of the electorate in 2018-19.

(ii) Neighbourhood planning

The Localism Act 2011 provided for a new neighbourhood planning regime. The Act allows parish councils and groups of people from the community, called neighbourhood forums, to formulate Neighbourhood Development Plans and Orders, which can guide and shape development in a particular area. These plans and orders must have regard to national policies and conform to local strategic policies.

(iii) Nominate premises as community assets and community right to buy

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The Community Right to Bid allows communities and parish councils to nominate buildings or land for listing by the local authority as an asset of community value. If the assets comes up for sale, the community can 'pause' the sale and take up to six months to find the funding required to buy the asset.

JEM 18-05-19