

**REPORT OF DIRECTOR OF GOVERNANCE & LEGAL SERVICES
AND MONITORING OFFICER**

SOCIAL MEDIA CODES

Reason for this Report

1. To enable the Committee to consider draft social media codes for (i) Elected Members and (ii) Partner organisations, developed in accordance with the Motion carried at the Council meeting in March 2021 ('the Social Media Codes').

Background

2. At the full Council meeting in March 2021, the following Motion was carried:

'This Council recognises:

- That Councillors have a duty to promote kind and honest discourse both on and off line.
- That discussion, debate and scrutiny are vital to a democracy but must be carried out without abuse.
- That robust debate is a crucial part of the scrutiny process and should not be discouraged.
- That social media is an increasingly aggressive space where abuse is common place.
- That misinformation is often the trigger for such abusive behaviour.
- That anonymous accounts with no trail of accountability are often the worst culprits.
- That public figures are often the target for abusive behaviour and that it inevitably has a significant detrimental impact on their wellbeing.

Proposes to:

- Introduce a code of principles for social media use, that has an emphasis on promoting accurate discourse and encourages councillors to not write or share posts that contain obvious inaccuracies or aggression against colleagues.
- Develop a Code of Practice for groups and organisations which the Council works with, which sets similar high expectations of respectful and honest engagements, and which asks them to conduct themselves in a transparent manner rather than operating anonymous account.'

3. The Standards and Ethics Committee considered a report on this matter at its last meeting, on 7th July 2021, and provided comments on points to be included in each code. The Monitoring Officer was instructed to draft (i) a Members' Code of Principles on Social Media Use; and (ii) a Partner Organisations' Code of Practice on Social Media, (collectively referred to in this report as 'the Social Media Codes'). It was agreed that the Monitoring Officer should consult on the draft Social Media Codes with Members and partner organisations, and report back to the Committee.

Issues

4. The Committee will be aware that social media comments continue to feature frequently in Member conduct complaints. The Council's resolution to develop Social Media Codes was discussed with Members during the Members' Code of Conduct refresher sessions run by the Monitoring Officer earlier in the summer. Members' comments were then reflected in the draft Social Media Codes.
5. Draft Social Media Codes have been circulated to all Members and discussed with group leaders and whips. In response to queries from Members, the following points have been clarified in the draft Members' Code of Principles for Social Media Use:
 - (i) 'Accountability' (point 7 of the draft Code) - – in recognition of the fact that it may not always be possible for Members to fully read long threads / feeds of comments made via their platforms, the principle that Members are responsible for monitoring and editing third party comments made via their platforms has been amended to clarify that Members are expected to make all *reasonable* efforts to do so, which means that context should be taken into account in considering what is reasonable in this regard;
 - (ii) 'Informed' (point 8 of the draft Code) – similarly to point (i) above, in recognition of the fact that it may not always be possible for Members to fully read long threads / feeds of comments, the principle that Members should not 'like' or share anything they have not fully read and understood has been amended to clarify that Members are expected to make all *reasonable* efforts to do so, which means that context should be taken into account in considering what is reasonable in this regard; and
 - (iii) 'Transparency' (point 9 of the draft Code) – the principle that Members should openly identify themselves and refrain from anonymous comments or the use of 'sock puppet accounts' (false online identities created for the purposes of deception) has been amended to clarify that this does not prevent Members from posting comments on community pages, as long as the Member is openly identifiable.
6. The Committee is invited to consider whether any further amendments should be made to the Members' Code of Principles for Social Media Use, and specifically, to consider the following comments from Members:
 - (i) Point 5, 'Honesty' –this principle should be amended to refer to the need to be mindful of the '#bekind agenda'. Members will note that there is a

separate principle, 'Respect and consideration', under point 1, which may address this; and

- (ii) Point 9, 'Transparency' – this wording should be strengthened to say that 'false accounts' should not be generated at all, not just to refer to false accounts created for purposes of deception ('sock puppet accounts').
7. The draft Partner Organisations' Code of Practice on Social Media has also been shared with Cardiff's Public Service Board, comprised of the city's public service leaders, and the Cardiff Civic Society. In response to feedback received from Natural Resources Wales, an additional point has been added regarding partnership working, to say that partner organisations should, where reasonably practicable, seek to agree the content of statements or announcements about partnership projects before making them.
 8. Revised draft Social Media Codes have been prepared, taking account of all feedback received. The draft Members' Code of Principles on Social Media Use is attached as **Appendix A**; and the draft Partner Organisations' Code of Practice on Social Media is attached as **Appendix B**.
 9. The Committee will note that the Members' Social Media Code of Principles (**Appendix A**) reflects the standards of conduct required of elected Members by law (specifically, the principles of conduct set by order made under section 49 of the Local Government Act 2000, 'the Act'; and the model Code of Conduct set by order made under section 50 of the Act), as applied to Members' use of social media. As such, any breach of its principles may also be found to be a breach of the Members' Code of Conduct, which is enforceable under the statutory standards regime.
 10. In Cardiff, the Members' Code of Conduct consists of the mandatory provisions of the statutory model code of conduct. However, under section 51(4) of the Local Government Act 2000, the Council may decide to include other provisions which are consistent with the model code. In order to clarify the standards of conduct expected of Members using social media, it is recommended that the Members' Social Media Code of Principles should be incorporated within the Members' Code of Conduct. A marked up copy of the Members' Code of Conduct is attached as **Appendix C**, showing the recommended amendments (insertion of a new paragraph 4A).
 11. The Partner Organisations' Code of Practice will not be legally enforceable, although organisations which deal with the Council frequently may be asked to sign up to it. The purpose of the Partner Organisations' Code of Practice is to clarify the Council's expectations. However, if a partner organisation does not comply with it, this will not, in itself, give the Council the right to refuse to engage with them. Legal remedies are unlikely to be available, so legal advice should be sought in any particular case.

Legal Implications

12. The adoption of the Social Media Codes, and any amendment to the Members' Code of Conduct, are subject to the approval of Council. The Standards and Ethics Committee is responsible for making any recommendations to Council in this regard.
13. If any amendments are made to the Members' Code of Conduct, with the approval of full Council, the Council is required, as soon as reasonably practicable, to publish a newspaper notice informing the public that the Code of Conduct has been revised and is available for inspection, make copies of the revised Code of Conduct available for public inspection and send a copy to the Public Services Ombudsman for Wales (section 51(6) of the Local Government Act 2000).
14. Other relevant legal provisions are referred to in the body of the report.

Financial Implications

15. There are no financial implications arising from the recommendations of the report.

RECOMMENDATION

The Committee is recommended to:

1. Provide any comments on: (i) the draft Members' Code of Principles on Social Media Use (**Appendix A**); and (ii) the draft Partner Organisations' Code of Practice on Social Media (**Appendix B**);
2. Authorise the Monitoring Officer, in consultation with the Chair, to make any amendments required to the draft Social Media Codes (**Appendix A** and **Appendix B**) and recommend them for adoption by full Council;
3. Recommend to full Council that the Members' Code of Conduct should be amended as shown in **Appendix C**, to incorporate the approved Members' Code of Principles on Social Media Use; and
4. Recommend to full Council that the Partner Organisations Code of Practice on Social Media, once approved, should be published on the Council's website.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

29 September 2021

APPENDICES

Appendix A	draft Members' Code of Principles on Social Media Use
Appendix B	draft Partner Organisations' Code of Practice on Social Media
Appendix C	Members' Code of Conduct, draft amendments

Background papers

Standards and Ethics Committee report 'Social Media Codes', 7th July 2021
Council, March 2021, Notice of Motion 2, and minutes of the meeting