

GOVERNANCE COMMITTEE

Agenda Item 51(ii)

Brighton & Hove City Council

Subject:	Members' Web Pages – Review of Guidance	
Date of Meeting:	8 September 2009	Standards Committee
	22 September 2009	Governance Committee
Report of:	Director of Strategy and Governance	
Contact Officer:	Name:	Tel:
	Elizabeth Culbert	29-1515
	Caroline Banfield	29-1126
Wards Affected:	All	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Following two recent complaints, the Standards Committee has asked for some revisions to the existing Members' Web Page Policy, to clarify the guidance given on certain issues. This report sets out a revised Members' Web Page Policy which is in line with the Standards Committee's recommendations.

2. RECOMMENDATIONS:

2.1 That the **Standards Committee:**

- (a) Notes and approves the content of the revised Members' Web Page Policy, subject to the approval of Governance Committee.
- (b) Refers the revised policy to Governance Committee for approval on 22 September 2009.

2.2 That the **Governance Committee:**

- (a) Notes and approves the content of the revised Members' Web Page Policy having taken into consideration comments received from Standards Committee.
- (b) Requires all Members who have pages published on the Members' Web Pages to sign the revised Web Page Policy as a condition of remaining published on the site and that any Members wishing to join the site in the future should be granted access to it on condition that they first sign a copy of the revised Members' Web Page Policy.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Members' Web Pages were launched in July 2006 in order to benefit both councillors and residents by:
- Providing information on the local area and councillor activities

- Facilitating increased communication and feedback between councillors and constituents
 - Promoting understanding of the role of councillors and of the local democratic process
- 3.2 Prior to the launch, an Acceptable Use Policy was drafted to emphasise a number of legal issues that could potentially affect website authors. The policy was approved by the Member Development Working Group and subsequently by Standards Committee at its meeting of 14 July 2006. Any member who wished to publish content on the Members' Web pages was asked to sign his/her acceptance to be bound by the policy as a prerequisite to being supplied with logon details.
- 3.3 On 12 September 2006, Standards Committee approved a revised version of the Acceptable Use Policy, and renamed it the Members' Web Page Policy (copy attached as Appendix One). The revised version contained further information on web page content that could be construed as "political" and also highlighted councillors' duty to promote race equality. All councillors who were live on the site were asked to sign this revised document to indicate their agreement to be bound by it and any new entrants to the site were also asked to sign it.
- 3.4 Since July 2006, the council's complaints team has received two formal complaints regarding content on the Members' web pages. A Standards hearing panel met to consider the complaints in mid June 2009. The substance of the complaints included concern that the Web Page Policy had been breached through inappropriately publicised political events.
- 3.5 The Standards hearing panel concluded that the Web Pages Policy had not been breached but that the complaint had highlighted a need for further guidance to be issued to all members. The panel stated that it would be helpful for the Policy to be reviewed in order to "set more clearly defined boundaries on what matters can properly be communicated using council resources, with particular reference to support for political events and information about visiting politicians."
- 3.6 The hearing panel also called for the Policy to state clearly whether members may use web pages to refer to national events and issues as well as local events and issues.
- 3.7 In response to the recommendations of the Standards hearing panel, paragraph 9 of the Web Pages Policy has been redrafted. The changes from the original text are shown in italics and underlined text in the document at Appendix One.
- 3.8 An additional paragraph has also been added to the Policy (paragraph 6) to remind members of the position when linking to external websites from their Members' web pages.

4. CONSULTATION

- 4.1 Changes to the Members' Web Page Policy have been requested by a Standards hearing panel and approved changes will be referred to Standards Committee for information.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no financial implications arising from the report. On-going support will continue to be met from existing Democratic Services budgets.

Finance Officer Consulted: Peter Francis

Date: 21/08/09

Legal Implications:

- 5.2 Members are required to use the Member Web Pages in accordance with the Web Page Policy. The policy addresses the key legal issues for Members to have regard to. They are: (a) avoid inclusion of any defamatory material, (b) avoid inclusion of any political promotion or political campaigning material. (c) comply with data protection confidentiality requirements, (d) comply with the council's Code of Conduct for Members, (e) avoid copyright infringement, (f) observe the terms and conditions of the Members Web Page Policy

Lawyer Consulted:

Elizabeth Culbert

Date: 19/08/09

Equalities Implications:

- 5.3 The website meets accessibility standards. All members are offered this facility.

Sustainability Implications:

- 5.4 There are no sustainability implications arising from this report.

Crime & Disorder Implications:

- 5.5 There are no Crime and Disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 The main risks associated with use of the site are that individual members could be found to have breached the code of conduct and/or to be legally liable for any of the other issues outlined in 5.2 above. The main risk for the council is that it could be found to have acted unlawfully in allowing its resources to be used for political purposes, contrary to the Local Government Act 1986. The opportunities associated with the use of this site are that it will improve community engagement and raise the profile of members and the council.

Corporate / Citywide Implications:

- 5.7 There are none.

SUPPORTING DOCUMENTATION

Appendices:

1. Members' Web Page Policy
2. Extract from the proceedings of the Standards Committee meeting held on 8 September 2009

Documents in Members' Rooms

None

Background Documents

None