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28 June 2021

To: All Members of the Standards Committee

Dear Member,

Standards Committee - Tuesday, 29th June, 2021

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

- 8. PROPOSED AMENDMENTS TO THE CONSTITUTION (EXECUTIVE FUNCTIONS) (PAGES 1 - 14)**
- 9. REVIEW OF THE SOCIAL MEDIA POLICY (PAGES 15 - 28)**
- 10. UPDATE ON DEBT MANAGEMENT (PAGES 29 - 32)**

Yours sincerely

Fiona Rae, Principal Committee Co-ordinator

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LATE BUSINESS SHEET

Report Title: Agenda Item 8 PROPOSED AMENDMENTS TO THE CONSTITUTION (EXECUTIVE FUNCTIONS)

Committee: Standards Committee

Date: 29 June 2021

Reason for lateness and reason for consideration

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting has agreed that this can be considered as late urgent business. This report was included on the agenda and marked to follow to allow Cabinet Member comments on the changes proposed in the report. This needs to be considered by the Standards Committee on 29th of June to allow the changes to be put forward to Full Council on the 19th of July 2021 and traffic management schemes to progress in a timely manner. This was agreed by the Chair on the 28th of June.

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Report for: Standards Committee – 29 June 2021

Title: Proposed Amendments to the Constitution (Executive Functions)

Report

authorised by: Mark Stevens - Assistant Director Direct Services

Ward(s) affected: Not applicable

Report for Key/

Non-Key Decision: Non-Key Decision

1. Describe the issue under consideration

- 1.1 The Council Constitution governs the organisation of Council decision-making. It is kept under review and, when necessary, amendments are proposed to Standards Committee for consideration and recommendation on to Full Council, in accordance with Article 14.03 (Changes to the Constitution).
- 1.2 This report takes forward minor deletions to Part Three, Section C Responsibility for functions: The Executive: The Leader, the Cabinet & Cabinet Bodies - Matters reserved to the Executive - namely - paragraph 2.1 – sub section on Highways - a) Approval of traffic calming works where more than 10 objections have been received; and (c) *Approval of any permanent traffic regulation order subject to valid objection* and adds this responsibility to the Officer Scheme of Delegation for Environment and Neighbourhoods.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

The Standards Committee is asked:

- 3.1 To approve the deletions to the Constitution set out at Appendix 1.
- 3.2 To recommend that these changes to the Constitution are adopted by Full Council at its meeting on 19th of July 2021.

4. Reasons for decision

- 4.1 To ensure that the Constitution is updated and allows decision-making to be taken forward more efficiently and effectively.

5. Alternative options considered.

To not agree the changes to the Council Constitution and/ or defer consideration. This option is not recommended as it would be contrary to the request made by officers.

6. Background information

- 6.1 Direct Services had been seeking delegated authority from Cabinet in recent Cabinet parking and highways-related reports to allow officers to take forward delegated decisions on traffic orders. However, it was ascertained that, as these were Executive Leader, Cabinet and Cabinet Member responsibilities set out at Section C Part three of the Constitution, these decisions could not be delegated.
- 6.2 Advice provided included that the Constitution has been referring to inaccurate terminology with the use of the wording of 'traffic regulation order' and this should read 'traffic order' as set out in Road Traffic Regulation Act 1984. Traffic regulation orders apply outside of Greater London but 'traffic management orders' (as an alternative to 'traffic orders') apply within Greater London. Traffic management orders or traffic orders are by-laws which define parking and some moving traffic rules and regulations. They can designate lengths of kerbside space for a specific use i.e. waiting and loading restrictions or parking bays.
- 6.3 Permanent traffic orders may be made by the Council under s.6 of the 1984 Act.
- 6.4 The Council is required to consult with certain bodies and give public notice before making such a permanent traffic order (s.24(1)(c) and sch.9 of the 1984 Act, regs.6-7 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489).
- 6.5 Objections must be made in accordance with the requirements set out in within a specified period of at least 21 days and (reg.8 of the 1996 Regulations):
- be made in writing;
 - state the grounds on which it is made;
 - be sent to the address specified in the notice of proposals.
- 6.6 Where an authority is making the objection following consultation, its objection must in addition state whether or not it is alleged that the order would have any direct effect on traffic on any road, other than a trunk road, in the area of the authority making the objection (reg.8 of the 1996 Regulations).
- 6.7 Therefore, Legal Services, following counsel advice consider a 'valid objection' referred to in the Constitution (Part Three Section C Section 1 para.2.1 – a) and c) would most likely be an objection made in accordance with the 1996 Regulations as outlined above.
- 6.8 These are operational everyday decisions and contrast with the required policy and strategic decision-making role of the Cabinet as set out in paragraph 2.1. Also, in most cases, these are not key decisions as they would affect one ward.

It is proposed that this responsibility is removed from Executive functions and added to the Officer Scheme of Delegation for Environment and Neighbourhoods with some safeguards in place. This would be as follows:

- Small traffic management schemes that are costed below £100k are taken by officer delegated decision in consultation with the Cabinet Member with the relevant portfolio. These would be deemed officer delegated decisions that are published on the Council's website and available for public view.
- Medium to large traffic management schemes that raise objections – these would be schemes that do not generate wider interest, don't affect multiple wards, but could raise more than 10 objections. These would be taken forward as non-key decisions by the Cabinet Member with responsibility for the relevant portfolio. The report and decision notice would be published 5 clear working days before the decision is taken and the Cabinet Member would make the decision through an individual signing. The decision would be published on the website and there would be no call-in as it is not a key decision.
- Large traffic management schemes that will have an impact on multiple wards and will have a significant public interest would be taken forward by Cabinet. This would allow consideration of deputations. The decisions would be subject to call-in.

- 6.9 There have been individual discussions with the Cabinet Member for Customer Service, Welfare and the Public Realm (with responsibility for schemes related to highways and parking matters), and Cabinet Member for Environment, Transport and the Climate Emergency and Deputy Leader of the Council (with responsibility for schemes related to transport matters) and they agree with these changes and consideration by Cabinet Members and the Director of Environment and Neighbourhoods and/or the Assistant Director Direct Services.

7. Contribution to strategic outcomes

The Council's Constitution supports the governance of the Council and its decision-making thereby assisting the Council to meet its strategic outcomes.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

- 8.1 There are no financial implications arising from this report.

Legal

- 8.2 The proposed changes to the Council Constitution were taken forward with Legal Service assistance.

Equality

- 8.3 There are no equality matters in this report.

9. Use of Appendices

- 9.1 Appendix 1 – Part Three, Section C Responsibility for functions: The Executive: The Leader, the Cabinet & Cabinet Bodies - Matters reserved to the Executive

10. Local Government (Access to Information) Act 1985

The Council Constitution can be found at: <http://www.haringey.gov.uk/local-democracy/about-Council/Council-constitution>.

Part Three, Section C

Responsibility for functions: The Executive: the Leader, the Cabinet & Cabinet Bodies

SECTION 1 – THE EXECUTIVE’S ROLE AND FUNCTIONS

1. Introduction

- 1.1 All functions of the Council which are not the responsibility of the Full Council or one of its Committees or an officer, in law or where the law gives a choice, under this Constitution (see Part 3 Section D), are the responsibility of the Executive.
- 1.2 The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is the collective term for the Leader, individual Cabinet Members, the Cabinet or a Committee of the Cabinet. The Leader selects the Executive members (Cabinet Members) and these make up the Cabinet. The Executive might also establish Committees and Sub-Committees.
- 1.3 The Cabinet will ordinarily carry out all of the local authority's executive functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless the Leader decides to discharge them personally or allocate them to an individual Cabinet Member or a Committee of the Cabinet. The Leader may do this at any time. The Leader may also delegate those functions to a joint committee, another local authority, or officers.
- 1.4 Where the Cabinet is exercising these functions, it may delegate those functions to a Committee of the Cabinet or officers, but not to an individual member of the Cabinet.
- 1.5 Where an individual Cabinet Member is exercising these functions, it may delegate those functions to officers.
- 1.6 Where Executive functions have been delegated, that does not prevent the discharge of delegated functions by the person or body who delegated them; or the Leader or Cabinet from reviewing decisions made in the discharge of those functions in accordance with the provisions of Part 3 of this Constitution. All Executive functions not expressly reserved to the Leader, the Cabinet, a Committee of the Cabinet or an individual Cabinet Member are delegated to officers, subject to the restrictions on officer powers set out in Part 3 Section E of the Constitution.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

SECTION C – The Executive: The Leader, the Cabinet and Cabinet Bodies

- 1.7 The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is not in line with the budget or policy framework, this must be referred to the Full Council as a whole to decide.
- 1.8 Decision making meetings of the Executive will generally be open for the public to attend except where confidential or exempt matters are being discussed. Decisions of the Executive will be taken in accordance with the Access to Information Procedure Rules at Part 4 of the Constitution.

2. Matters reserved for the Executive

- 2.1 The following functions shall be exercised only by the Executive and will be taken by the Cabinet, or a Committee or Sub-Committee appointed by it, unless the Leader chooses to exercise these functions personally or allocate them to an individual Cabinet Member or a Committee of the Cabinet:

General:

- (a) All key decisions. These will be published in the Forward Plan in so far as they can be anticipated;
- (b) Changes to fees, charges or concession policies in respect of executive functions;
- (c) Decisions on permanent savings in the budget to achieve the Cabinet's policies;
- (d) To be responsible for those local choice functions allocated to the Cabinet;
- (e) To oversee the delivery of Council services;
- (f) To agree the reduction or cessation of any of Council service;
- (g) With the agreement of the Leader, to enter into new, or confirm existing, joint arrangements with the Cabinets of other local authorities.

Policy:

- (a) To formulate the Council's overall policy objectives and draft the budget and policy framework for approval by the Council;
- (b) To determine the Council's strategy and programme for implementing the budget and policy framework set by the Council;

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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- (c) To consider and promote initiatives to improve the quality, efficiency and effectiveness of Council services;
- (d) To determine the Council's strategies and programmes in relation to:
 - (i) the social, economic and environmental needs of the Borough;
 - (ii) human rights and equalities in community leadership, service delivery and as an employer;
 - (iii) service transformation and best value
- (e) To oversee, including strategy formulation, co-ordination and implementation of the councils functions under the relevant legislation in relation to:
 - (i) Regeneration and social inclusion;
 - (ii) Community engagement, including communication, consultation, capacity building and active citizenship.

Local and Community Leadership:

- (a) To provide community leadership in the Borough;
- (b) To lead on community planning with input from others as appropriate;
- (c) To develop, and consult on as appropriate, the Council's policy framework and other strategic documents;
- (d) To take in-year decisions on resources and priorities and to deliver and implement the budget and policy framework as agreed by the Council;
- (e) To be the focus for forming partnerships with public, private, voluntary and community organisations and to be responsible for effective joint work with partner agencies.

Financial management and resources

- (a) To be responsible for the strategic management of Council resources, including land, property and staff, and to take decisions on such matters in the context of the Council's budget and policy framework and the Financial Regulations at Part 4 of this Constitution , including but not limited to:
 - (i) Budget management and control;
 - (ii) Revenue virements involving a change of Council policy of £100,000 or above and all other revenue virements of £250,000 or above;
 - (iii) Capital virements of £250,000 or above;
 - (iv) The achievement of value for money

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- (b) To have responsibility for the acquisition or disposal of Council interest in land and buildings with a capital value equalling or exceeding £500,000.

Children's Services

- (a) Local Management of Schools – significant variations to the Scheme and any cases of a withdrawal of delegated powers, with the exception of power to suspend the right to a delegated budget where a school is eligible for intervention which is delegated to the Director following consultation with the relevant Cabinet Member;
- (b) The adoption of a syllabus of religious education on the recommendation of the Standing Advisory Council on Religious Education (SACRE);
- (c) The determination of discretionary awards;
- (d) The establishment or discontinuance of schools;
- (e) Permanent closure, relocation or change of use of residential establishments and day establishments providing services for children.

Adult Social Services

- (a) Decisions on the permanent closure, relocation or change of use of residential establishments and day establishments.

Housing Services

- (a) Declaration of a clearance area in respect of slum clearance, of housing action areas and of general improvement areas pursuant to the provisions of the Housing Act 1985

Regeneration and Property Services

- (a) The annual bid to Transport for London for financial allocations to fund the Local Implementation Plan;
- (b) Local Implementation Plan - the addition of a scheme to, or the deletion of a scheme from, the active preparation programme;
- (c) 'Major Greater London Road Network Schemes' - Council response to public draft line, side road and compulsory purchase orders;
- (d) Major Capital Transportation Proposals:

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- (i) Choosing a preferred route or option following public consultation;
 - (ii) Authorising the promotion of Compulsory Purchase and Side Road Orders;
- (e) The making of an order for the compulsory acquisition of land;
- (f) The acquisition of land in advance of requirements;
- (g) Approval of the Local Development Scheme before submission to the Secretary of State;
- (h) Approval of all Local Development Documents (LDDs)

Highways Services

- (a) ~~Approval of traffic calming works where more than 10 objections have been received;~~
- (b) Approval of (i) all orders to designate all or part of a public footpath as a cycle track prior to statutory consultation and (ii) any order which has been subject to objection, prior to its submission to the Secretary of State for confirmation;
- (c) ~~Approval of any permanent traffic regulation order subject to valid objection.~~

Contracts and Procurement

- (a) Power to suspend any contractor from the Lists in cases of serious breach of contract or unsatisfactory service delivery for contracts valued at £500,000 (five hundred and fifty thousand pounds) or more.

3. The Leader and Individual Cabinet Members

- 3.1 Individual Cabinet Members have powers allocated by the Leader to exercise those functions of the Cabinet which fall within that Cabinet Member's specific portfolio responsibilities.
- 3.2 On the production of each monthly update to the Forward Plan the Leader shall indicate which decisions -
 - (a) may be taken by the Cabinet Meeting, or
 - (b) may be taken by a Cabinet Committee, or
 - (c) may be taken by the Leader personally, or
 - (d) may be taken by an individual Cabinet Member or Members

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If there is any doubt as to which portfolio would cover any proposed decision by a Cabinet Member, the matter shall be referred to the Leader to determine the appropriate portfolio.

- 3.3 At any time before a decision on the Forward Plan has been taken, the Leader may allocate that decision to a different body or person within paragraph 3.2 (a) to (e) above.
- 3.4 The Cabinet meeting, when considering any matter referred to it, and unless the Leader directs otherwise, may delegate any aspect of the matter to a Cabinet Committee or to an officer for decision but not so as to conflict with any decision already taken by the Cabinet Meeting. At a Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.
- 3.5 An individual Cabinet Member may refer any decision, within that Member's responsibilities, to a meeting of the Cabinet or to the Leader for determination.
- 3.6 The Leader may take any executive decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with the Access to Information Procedure Rules at Part 4 of this Constitution and the procedures on urgent decisions in paragraph 1.7 of The Protocol on Decision-Making. The Leader may take such a decision alone but may consult with any other Cabinet Member(s) having relevant portfolio responsibilities so far as is appropriate. The Leader may also allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

4. Assistant Cabinet Members

- 4.1 The Council may appoint Assistant Cabinet Members to provide an effective link between the Cabinet and other Councillors and to assist Cabinet Members generally and with specific roles within their portfolio.
- 4.2 The Assistant Cabinet Members:-
 - (a) May not take Cabinet decisions
 - (b) May have specific areas of focus within the relevant portfolio area
 - (c) Will be able to substitute in certain circumstances for the Cabinet Members but not if a decision is to be made as part of the Cabinet arrangements
 - (d) Can attend and participate in the absence of the relevant Cabinet Member at meetings of the Cabinet with the permission of the Leader but cannot vote

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- (e) Cannot participate in a Scrutiny Panel or Review that is examining an area of policy within the relevant Cabinet Member portfolio responsibilities
- (f) May put questions to Cabinet Members at Council Question time but not in respect of the portfolio to which they have responsibility as an Assistant Cabinet Member
- (g) Assistant Cabinet Members may not take part in Cabinet decision-making in any way.

5. Deputy Leader of the Council

- 5.1 The Leader shall appoint a Deputy Leader of the Council from among the Cabinet Members (other than the Leader) and the Deputy Leader may carry out the deputising functions below in addition to having the responsibilities of one of the Cabinet Member portfolios.
- 5.2 The Deputy Leader may at the request of the Leader and in the Leader's absence:
 - (a) deputise for the Leader by chairing meetings of the Cabinet and Leadership meetings
 - (b) act as spokesperson on all matters that are the responsibility of the Cabinet
 - (c) represent the Council with regard to Member level contacts or meetings with Central Government and any regional, national or international organisations.
- 5.3 In the event that the Leader is unable to act or the office of Leader is vacant, the Deputy Leader may exercise all the functions of the Leader under this Constitution.

SECTION 2 - COMMITTEES OF THE EXECUTIVE

The Leader or the Cabinet may delegate any of its functions to a Committee of the Cabinet. Committees of the Cabinet shall report to the Cabinet. The Cabinet may establish decision-making Committees, which may only include Cabinet Members. The Cabinet may establish advisory Committees, the membership of which need not be limited to Cabinet Members. The Cabinet may change them, abolish them, or create further ones, at its own discretion.

Committees established by the Cabinet shall be empowered to perform their functions with immediate effect unless the Leader or the Cabinet imposes any express restriction when they are established. Unless stated otherwise, all Decision-Making Committees will continue in operation until expressly abolished by the Leader or the Cabinet and all Advisory or Consultative Committees will continue in operation only until the first meeting of the Cabinet in the next municipal year following their establishment when they must be expressly renewed or they cease to exist.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

SECTION C – The Executive: The Leader, the Cabinet and Cabinet Bodies

All functions that have been delegated to a Committee established by the Cabinet can still be taken by the Cabinet as the parent body (i.e. the body that delegated the decision), or by the Leader either personally or in accordance with the Leader's delegation of those functions to an individual Cabinet Member or an alternative Committee of the Cabinet.

The establishment, abolition or cessation of Committees and the amendment of their terms of reference will be reported to full Council in due course for noting in the Council's Constitution.

LATE BUSINESS SHEET

Report Title: Agenda Item 9 - Social Media Guidance

Committee: Standards Committee

Date: 29 June 2021

Reason for lateness and reason for consideration

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting has agreed that this can be considered as late urgent business. This report was included on the agenda and marked to follow to allow to allow further input from legal services, IT colleagues and Communications. Considering the report in June, will allow the guidance to be used for training purposes and also distributed to members in good time. This was agreed by the Chair on the 28th of June.

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Report for: Standards Committee, 29 June 2021

Title: Updated Social Media Guidance for Councillors

Report authorised by: Raymond Prince - Assistant Head of Legal Services

Lead Officer: Ayshe Simsek – Democratic Services and Scrutiny Manager

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non key

1. Describe the issue under consideration

This report responds to comments at Standards Committee in January and March 2021 and puts forward updates to the existing guidance. It is proposed to reissue the guidance to support councillors who use social media.

Cabinet Member Introduction

N/A

2. Recommendations

2.1. That the Committee:

- a) Consider the updated Social Media Guidance for Councillors (Appendix 1).
- b) Note that the Guidance will be:
 - (i) posted on the Members Portal on the Council's intranet
 - (ii) incorporated into the Members Toolkit for new councillors in May 2022
 - (iii) Used to provide training to councillors In May 2022

3. Reasons for decision

- 3.1. Local authorities are under a statutory duty to promote and maintain high standards of conduct for their elected and co-opted members. The Monitoring Officer is responsible for ensuring that appropriate training is given to elected members on the Ethical Standards Framework, the Councillors' Code of Conduct and any guidance and advice.

4. Alternative options considered

- 4.1. It would be open to the Committee to do nothing. However, this is not recommended.
- 4.2. This is because the Council is under a duty to promote and maintain high standards of conduct for its elected and co-opted members. The guidance will provide support to councillors who are subject to the Code of conduct when using social media in their official capacity.

5. Background information

- 5.1. Standards for England (formerly the Standards Board) was previously responsible for drawing up an England-wide code of conduct for councillors and previously provided guidance and advice note on matters related to the code of conduct such as use of social media by councillors.
- 5.2. Following the abolition of Standards for England in 2012 local authorities were required to adopt local codes of conduct. The provision of guidance and advice on standards issues is the responsibility of the Monitoring Officer.
- 5.3. Social media is used by the Council, and councillors now use it to inform and engage with the community who now expect this to be another communication channel. When using social media, councillors are subject to the Code of Conduct and relevant legislation. Therefore, there are risks to using social media which councillors need to be aware of.
- 5.4. The Social Media Guidance for Councillors aims to provide support to councillors in their use of social media. It aims to ensure that councillors understand and comply with the Member Code of Conduct, council policies and laws which are relevant to the use of social media, so they can actively take part in social networks whether the use is for official council business or personal.
- 5.5. Further to considering other borough's social media policies, these all contain the same principles and suggested practical information. These were based on the LGA guidance for Councillor social media use. There has been some further additions proposed in red which are more practical and FAQ section added.
- 5.6. Although it was commented that the two Independent Persons had experience with social media and social media training, given their role on the Standards Committee and considering complaints, having additional contact with the councillors may not be keeping with this role. External or internal trainers could be sought to take forward this training.

6. Contribution to strategic outcomes

- 6.1. The guidance supports the governance of the Council and its decision-making, thereby assisting the Council to meet its strategic outcomes.

7. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

7.1. None

Procurement

7.2. None.

Legal

7.3. By virtue of section 27 of the Localism Act 2011, the Council is required to promote and maintain high standards of conduct by members and co-opted members and to adopt a code dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity.

7.4. Councillors are subject to the Code of Conduct when using social media. The proposed guidance on social media for councillors provides an overview of the law and other considerations when using social media either as a Councillor or as an individual.

Equality

7.5. None.

8. Use of Appendices

8.1. Appendix 1: Social Media Guidance for Councillors

9. Background information Local Government (Access to Information) Act 1985

9.1. **Councillors and social media on the use of social media for councillors**
<https://www.local.gov.uk/councillors-and-social-media>

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Social Media Guidance for Councillors

Introduction

This guidance offers advice and tips to councillors to ensure that the public are clear at all times whether councillors are using social media on behalf of the Council or as an individual. It also aims to ensure that use of social media by councillors is effective, lawful and does not expose the council to security risks, reputational damage or breach the current data regulation legislation.

This guide covers the use of social media over the internet and by email, smart phones, social networking sites, blogging, and tweeting, and all social media platforms.

Social media includes (but not limited to) social networking and applications such as Facebook, Twitter, Instagram, WhatsApp, Snapchat, Flickr, YouTube, LinkedIn, blogs, discussion forums, wikis.

What to bear in mind

When you engage with people online it is important that a common sense approach is taken, to include trying to verify that the person you are corresponding with is as you are being led to believe they are before replying. The things that can get you into hot water anywhere else are just the same things to avoid in social media.

You are personally responsible for what you publish on social media. It is important that you think before you post online and check for accuracy of the content as words can't be unspoken. Even if you delete a statement, blog or tweet, it will probably already have been read, indexed or duplicated in places beyond your reach. Care should also be taken when liking, sharing, or re-tweeting content where this could be perceived as endorsement of the content.

You should think about your digital footprint, which is a term used to describe the entirety of information that you post online, including photos and status updates. Criminals can use this publicly available information to steal your identity, or use it to make phishing messages more convincing.

The law of defamation applies to social media in the same way as written or spoken communication. You can be sued for damages if a person or business considers their reputation has been or may be harmed because of your actions.

You need to be clear at all times whether you are posting in a personal or professional capacity, as an elected member or private individual. Including 'Cllr' or 'Councillor' in a name may give the impression and so lead to a conclusion that the councillor is writing in the capacity as an elected member.

Anyone receiving threats, abuse or harassment via their use of social media should report it to their political group leader, members' services and/or the police. Complaints can also be made following the social media provider's own policies.

Using social media at council meetings

If you are using social media during an official council meeting or event, ensure that you are discreet, and that the use does not negatively impact on the proceedings / your participation in them or contravene the Constitution or other council protocol.

It is important for you to show that sufficient attention is being given to the discussion at the meeting. If it is perceived that a decision is made without you having properly listened to the debate, it could lead to the relevant decision coming under challenge. It could also result in code of conduct complaints of a failure to treat others with respect or bringing the Council into disrepute.

Remember you should not publish or report on meetings which are private or internal (where no members of the public are present, or it is of a confidential nature) the content of exempt or confidential business dealt with by the Council in private sessions.

The Code of Conduct

Your posts on social media are subject to the Code of Conduct and various laws. You should apply the following guidelines to your online activity in the same way you would to other written or verbal communication.

- Show respect of others. The general principle is to avoid personal attacks, rude or offensive comments, however the right for an individual to express views is enshrined in law by the Human Rights Act 1998 and whilst the code of conduct requires councillors to treat others with respect, political expression may at times be considered disrespectful to a group of people.
- Not to bully or intimidate others -repeated negative comments about individuals could be interpreted as bullying or intimidation.
- Avoid conducting yourself in a manner or behaving in such a way to give a reasonable person the impression you have brought your office or the council into disrepute.
- Comply with equality laws including the public-sector equality duty – do not publish anything that might be seen, as racist, sexist, ageist, homophobic, anti-faith or offensive to any of the groups with the protected characteristics defined in the Equality Act 2010 [Age, Disability, Gender Reassignment, Marriage and Civil Partnership ,Pregnancy or Maternity, Race, Religion or Belief, Sex (formerly Gender) Sexual Orientation] even as a joke or “tongue in cheek”.

- Not disclose confidential information about people or the council.
- Not to secure a benefit for yourself or disadvantage for others.
- 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.

A complaint may be made against you if you contravene the code of conduct.

Personal social media accounts

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.

Consider the name that you use online. Prefacing your Twitter account with Cllr lets people know exactly who you are and indicates the Code of Conduct may well apply.

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.

Setting up separate accounts can help you manage your home life and role as a councillor separately.

Best practice:

- You can choose to set appropriate privacy settings to manage what the press or public can see and what your family and friends see.
- Read the terms of service of any social media site accessed and make sure you understand their confidentiality and privacy settings. **There is advice on the weblink below on how to set up privacy and safety settings on your chosen social media platform** <https://www.ncsc.gov.uk/guidance/social-media-how-to-use-it-safely>

- You can 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 not those of the council.
- Keep your messages professional, polite, and positive.
- Exercise discretion when choosing who to follow on Twitter and befriend on Facebook. If you are Facebook friends with council employees, contractors or who have been procured to provide services to the council, company or a member of the public making a planning application or pressure groups, this might be construed as having a close personal association with them and therefore a personal interest.
- 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.
- If you make a mistake admit it. Mistakes happen so don't try to cover it up as there will always be a record of what you've said.
- Don't tweet or post on Facebook/ Instagram when you feel tired or emotional. It's probably sensible to turn off your phone at any time when you think your judgement may be impaired.
- You are allowed to be predisposed to a particular view but not to have gone so far as to have predetermined your position.
- It is important to remember therefore, that anything relevant you might have said about particular issues on social media could be used as evidence of your having made up your mind in advance of hearing all the relevant information.

Things to avoid doing:

- Make any comment or post material so as to give a reasonable person the impression that you have brought your office as councillor or the council into disrepute.

- Present political or 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 harassing or bullying. Harassment may include personal attacks on officers or members of the public.
- Use the council's logo, or any other council related material on a personal account or website.
- Publish content in a way which appears as if the council has endorsed it.
- Publish content in an abusive manner or in any way which can be seen as unacceptable behaviour.
- Disclose confidential council information or matters.
- Don't discuss casework on social media or encourage people to contact you about issues that might be personal to them.
- As with your own leaflets or newsletters, ask permission before taking a picture that you intend to use. Don't take photos of children without the express permission of their parents based on an understanding of what you intend to use the picture for.
- Don't allow anyone else access to your social media accounts. Protect your passwords and use robust, unique passwords and change them regularly especially if you use a public or shared computer. Keep in mind that you can be hacked on social media! Be wary about direct messages via Twitter, even from people you know, with messages such as 'Hi, have you seen this photo of you on Twitter?' Delete these before opening, as the spam could then be sent to all of the people you are following. Do not open videos or links on, for example, Facebook Messenger if you are not expecting as it could be a hack.

Civil Law and other considerations

Defamation

If you publish an untrue statement about a person which is damaging to their reputation, if found liable to another person, you could be ordered to pay large sums of money as damages. This may also apply even if you retweet or pass on information originally posted by others.

Harassment

It is an offence to pursue a campaign repeatedly against a person that is likely to cause them person alarm and distress.

Copyright

Placing the images, documents, photos, videos and music without the permission of the person who created them is likely to be a breach of copyright. Avoid publishing anything you are unsure about or seek permission in advance.

Predetermination

If you are involved in a decision making you should avoid publishing anything on social media that might suggest that you have already made up your mind about a matter you may be involved in determining. Otherwise the decision runs the risk of being invalidated. **You are allowed to be predisposed to a particular view but not to have gone so far as to have predetermined your position.**

Political comment and Electioneering

It is not acceptable to make political points or canvass votes using social media accounts via the Council supplied computer equipment, at any time, and in particular in the run up to elections.

Data protection and the UK General Data Protection Regulation

Do not post personal data of other people without their express permission to do so. **As a councillor you are a data controller in your own right and therefore personally responsible for what you publish. Make sure you understand the requirements of the UK GDPR and Data Protection Act.**

Frequently Asked Questions

1.Can I comment/respond to questions posted on my social media page regarding general local issues?

Yes. The Social Media guidance is not intended to restrict the use of social media, it is a guidance tool to make Councillors aware of the risks and pitfalls.

2. Can I comment/respond to questions posted on my social media page regarding upcoming Council matters such as licensing or planning applications?

Councillors can take a view and express opinions or concerns, however, they must not show bias or pre-determination. Councillors are reminded to remain impartial and open minded and listen to all the facts before coming to a decision. Evidence of any kind of bias or pre-determination could leave the decision open to challenge. In addition, any

member who sits on a decision making committee must have regard to any Protocol which supports the decision making process.

3. I find comments on my social media page posted by a third party insulting and/or confrontational. How should I respond?

If at all possible, don't respond at all. It is best to not "feed the trolls" by ignoring the post. If it clear that the person is a serious, concerned member of the public then a suitably non-confrontational reply may be appropriate. Remember that you remain a representative of the Council online.

4. Someone has posted a racially aggravated comment on my personal blog, what can I do? Can I be held liable?

As soon as you become aware of the comment you should inform the site administrator. If you are exclusively in charge of the site you should consider reporting the comment to the Police. You should keep evidence of the post and then ensure it is taken down. Providing a Councillor takes reasonable care and reports the potential offence quickly they are unlikely to be held liable for someone else's breaches.

5. Do any special rules apply to social media posts and blogs during a local election period?

During an election period Councillors should take particular care as legislation relating to electoral matters will apply to the online publication of electoral material or statements relating to the election. For example, if you publish a statement on your personal blog regarding another candidate the Representation of the People Act 1983 may apply. Under this legislation it is a criminal offence to make or publish a false statement of fact about the personal character or conduct of an election candidate.

6. What happens if I breach the Social Media Guidance?

It depends upon the nature of the breach. This may lead to a code of conduct complaint or even personal liability or criminal charges.

Useful contacts

- For advice of a non-political nature on best practice, contact the Communications Team
- For advice on the Code of Conduct, contact the Monitoring Officer
- For information about courses and member training relating to social media, contact Committee and Member Services.

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LATE BUSINESS SHEET

Report Title: Agenda Item 10 - Update on Debt Management

Committee: Standards Committee

Date: 29 June 2021

Reason for lateness and reason for consideration

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting has agreed that this can be considered as late urgent business. This report was included on the agenda and marked to follow to allow further information to be added by Finance colleagues. Considering the report in June, will allow the committee to meet the expectations set out in the work plan. This was agreed by the Chair on the 28th of June.

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Report for: Standards Committee – 29 June 2021

Title: Update on Debt Management

Report authorised by: Jon Warlow, Director of Finance

Lead Officer: Thomas Skeen, Assistant Director of Finance

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non Key Decision

1. Describe the issue under consideration

1.1 This report provides an update on debt management.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

The Standards Committee is asked:

3.1 To note the update on debt management.

4. Update on Debt Management

4.1 The Standards Committee received a Financial Regulations Update on 14 October 2019. As part of this update, it was reported that debt write off limits in Haringey were low when compared to other boroughs and it was recommended that the limits were increased.

4.2 The Standards Committee has asked for an update following the implementation of these changes; the update is provided below.

4.3 As per the Council's Financial Regulations (part of the constitution), all debt write offs that have occurred, regardless of value, are presented to Cabinet in summary form as part of the public quarterly budget monitoring reports.

4.4 Debts valued at under £50k are approved by officers (either Service Directors or the Section 151 Officer, depending on the value.) Debts of £50k can be written off by the approval of the Cabinet member with responsibility for finance (on the advice of the S151 Officer), or by a recommendation to

Cabinet in the quarterly budget monitoring report, it being Haringey's practice to do the latter. These higher level debts are reported in an anonymised format to the Cabinet and form part of the public reports. Debts of this value are rare, there have been three such instances in the past 12 months.

- 4.5 The number of debts valued at £25k-£50k written off since the changes were implemented are as follows:

Time Period	Number of Debts Valued at £25-50k written off
Q3 & Q4 2019/20	4
Q1-Q4 2020/21	8

There were no debt write offs valued at £25-50k during this time period for the ALMO (Arms Length Management Organisation – Homes for Haringey).

5. Contribution to strategic outcomes

Not applicable.

6. Statutory Officers comments (Chief Finance Officer (including procurement), Head of Legal and Governance, Equalities)

Not applicable.

7. Use of Appendices

Not applicable.

8. Local Government (Access to Information) Act 1985

Not applicable.