
Draft Blogging Guidance and Protocol

To: **Standards Committee – 1 December 2009**

By: **Harvey Patterson, Monitoring Officer**

Classification: **Unrestricted**

Summary: The draft Protocol has been circulated to the Group Leaders for discussion and comment. The Protocol is before the Standards Committee for further consideration.

For Decision

1.0 Introduction and Background

- 1.1 Given the blogging danger zones and the cost to the taxpayer of dealing with member on member complaints including the collateral damage to public trust and the reputation of the Council, the Standards Committee were asked to promulgate some guidance intended to support members in hosting and managing weblogs in a manner that upholds the law and meets the ethical requirements of the Members Code of Conduct. The draft Guidance contained a draft **Protocol** intended for adoption by the Party Groups and which described their role in promoting responsible blogging and reducing the number of complaints made to the Standards Committee.
- 1.2 The draft Guidance and Protocol on Blogging was presented to the 8 September 2009 meeting of the Standards Committee.
- 1.3 The Standards Committee resolved:
- That the report be received (with one abstention)
 - That the guidance be noted
 - That the protocol should be forwarded to Group Leaders for comment (having first taken out Paragraph 5:11)
 - That the Protocol should be brought back to the Standards Committee for further consideration at the December meeting.

2.0 Consultation Responses

- 2.1 The Monitoring Officer circulated the draft Guidance Note and Protocol to Group Leaders and offered to attend party group meetings to explain the protocol.

Conservative Group

- 2.2 The Conservative Group considered and approved the Guidance Note and Protocol at the group meeting immediately following receipt of the consultation draft.

Labour Group

- 2.3 The Labour Group asked the Monitoring Officer to attend their group meeting on 15 September 2009 where he made a short presentation and answered questions on the Draft Guidance Note and Protocol. Although the Guidance Note was well received, concerns were expressed about the core assumptions underlying the Protocol; namely that the Party Group through the Group Leader and/or Group Whip should be responsible for the conduct of individual members of the Group. The position of the Labour Group was that they had a longstanding media protocol that directed media comment and content via their press office. This control and moderation process could not be reconciled with the real time immediacy of web publishing as a result of which it was made clear to Labour Group bloggers that they were personally responsible for blog site content and that relevant disclaimers should be posted on their blog sites to make this clear to readers and contributors. Labour also took issue with Paragraph 5.10 of the Protocol in that it sought to dictate some aspects of the internal working of their Group. They also posed the question of how the conciliation procedure would work if it was one of the Group Leaders who was the subject of a complaint. Finally, the Labour Group Leader expressed unease with the acceptance of responsibility for matters of conduct over which he had no overall control.

Independent Group

- 2.4 As at the date of writing the report, no comments have been received from members of the Independent Group.

Options

- 3.1 In considering the way forward, it is necessary to keep in mind the overarching purpose of the Guidance Note and Protocol which is to actively deplore and discourage blogging that has as its objective the denigration of the character and integrity of a councillor - not because councillors have a right to be exempt from the judgement of the public in relation to conduct which calls their character or integrity into question - they do not - but because personalised member on member attacks only serves to divert scarce resources into the management and investigation of complaints, fuel 'tit for tat' revenge complaints and damage the reputation of the Council. Consequently, any process or procedure that has the potential to reduce the number of member on member complaints is demonstrably in the public interest and deserves the support of all the party groups.
- 3.2 It is also the case that it is only a small, albeit very important, part of the Protocol that has met with any resistance and it is notable that the parts of the Protocol that deplore malicious blogging and personal attacks on the character and integrity of members is not opposed by any of the party groups. This indicates to me that the desire to eliminate personal member on member attacks, in whatever media, is shared by the vast majority of councillors in all party groups. However, for this to happen in practice will require the adoption of some kind of informal and relatively inexpensive mediation or conciliation procedure that seeks to resolve a complaint to the mutual satisfaction of the parties before it can mature into a formal complaint to the Standards Committee. It follows that any such procedure simply will not work without the voluntary co-operation of all the party groups.
- 3.3 In this regard the Labour Group has explained very clearly why they are unable to operate the mediation/conciliation procedures described in Paragraph 5.9 and 5.10 and in the last sentence of Paragraph 5.7 of the Protocol. Consequently, the options are:
- to design an amended informal mediation/conciliation procedure, bring that back to the Standards Committee for approval and then and re-consult the party groups in the hope that this will be acceptable to all; or

- to request the Labour Group to give consideration to describing an informal mediation/conciliation procedure which would meet with their approval - which can then be brought back to the Standards Committee for approval and, if necessary, further consultation.

The latter option is preferred as it will encourage the proactive consideration of the acceptability of an informal conciliation/mediation process rather than the passive rejection of officer designed proposals that are unacceptable

4.0 Corporate Implications

4.1 Financial

4.1.1 Standards complaints potentially cost £4,000 per complaint to investigate.

4.2 Legal

4.2.1 None specific

4.3 Corporate

4.3.1 One of the measures of an ethical Council under the Ethical Framework is the absolute number of complaints received by the Standards Committee and the adoption of a Blogging Protocol should reduce the number of member on member and tit for tat complaints.

4.4 Equity and Equalities

4.4.1 None specific

5.0 RECOMMENDATIONS

5.1 That the Standards Committee notes the consultation responses of the Party Groups.

5.2 That the Labour Group be requested to give consideration to describing an informal mediation/conciliation procedure for resolving member on member complaints that would meet with their approval

5.3 That the response of the Labour Group be brought back to the Standards Committee for consideration and, if necessary, further consultation.

6.0 Decision Making Process

5.1.1 The recommendations of the Standards Committee will be reported to Council as the decision-making body. If adopted, the Blogging Guidance and Protocol will be added into the Council's Constitution when it is next updated.

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Annex List

Annex 1 *Thanet District Council Draft Blogging Protocol*
Annex 2

Background Papers

Title

No background papers