

Section 10 - Protocol for Use of Member Websites

1.0 Introduction

- 1.1 This Protocol has been prepared to assist Members in preparing information to be included on their individual Website.
- 1.2 Member Websites are provided by Sunderland City Council to support Members in carrying out their responsibilities towards the people of Sunderland.
- 1.3 The Council recognises the value of providing Members with a web presence which they can use for community leadership purposes. It is intended that this web presence should be used to promote awareness of the activities Members undertake in carrying out their responsibilities as democratically elected representatives of their communities, and their particular range of interests in issues related to the wellbeing of the community.

2.0 Code Of Conduct

- 2.1 In carrying out their responsibilities Members are subject to the requirements of the Code of Conduct for Members and Co-opted Members contained in the Council's Constitution. Members must observe the Code when requesting information to be added to details on the website.

3.0 Code Of Conduct – Political Content

- 3.1 A Member must, when using or authorising the use by others of the resources of the authority;
 - (i) act in accordance with the authority's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.
- 3.2 A Member's website maintained by the Council is considered a Council resource and may not be used for political purposes, on the basis set out at (ii) above.

4.0 Pre-Election Period

- 4.1 In addition to the general prohibition on use of the website for political purposes set out in the Code of Conduct, all Member websites will be closed to updates during any pre-election period, that is from the date of publication of the notice of election, until voting has closed.
- 4.2 For guidance on pre-election period expenditure on political campaigning, please see the Code of Recommended practice on Local Government Publicity.

5.0 Code Of Conduct – Propriety

- 5.1 While the whole of the Code of Conduct applies, Members are also reminded that, the Code also makes it clear that they must:
- (a) promote equality by not discriminating unlawfully against any person;
 - (b) treat others with respect;
 - (c) not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the authority;
 - (d) not disclose information given in confidence by anyone, or information acquired which s/he believes to be of a confidential nature, without the consent of a person authorised to give it, or unless required by law to do so; and
 - (e) not conduct himself in a manner which could reasonably be regarded as bringing his/her office or authority into disrepute.

6.0 Quasi Judicial Functions

- 6.1 A Member who is a Member of one of the quasi judicial Committees of the Council (Planning, Licensing, Schools Admissions, and any further quasi judicial functions that the Council may undertake) must not use the website to comment on issues relating to any decision they may be required to take in the course of their responsibilities to that Committee or publish any material that indicates, or could be understood to indicate, that they have arrived at any decision that has not yet been taken (i.e. that they have prejudged the matter).

7.0 Defamation

- 7.1 The rules of Defamation apply to websites and to blogs as they do to other communications. There is defamation when an untrue statement is made about a person other than the person making the statement. When a defamatory statement is recorded (e.g. in a letter, e-mail or on a website) it is called libel. When it is made verbally it is called slander. No member may publish defamatory material, or ask for it to be published on their behalf.

8.0 Copyright

- 8.1 Members may not publish any item without obtaining the consent of the copyright owner. Members should be aware that, as a general rule, the creation of any original material, including artistic material, illustrations, computer programming, publications and documents, gives the copyright in that material to the person who created it whether or not the material is actually marked 'copyright'.

9.0 Data Protection

- 9.1 Members may not publish any item which falls outside the Council's Data Protection notification.
- 9.2 Members must comply with data protection law and in particular must ensure that information published on the Member's website which identifies any other individual, does not breach that individual's data protection rights.
- 9.3 If in doubt the Member should seek advice from the Council's Data Protection Officer.

10.0 Obscenity

- 10.1 It is a criminal offence to publish obscene material. Material is considered obscene in law if its effect is such as to tend to deprave and corrupt someone who is likely, having regard to all the relevant circumstances, to read, see, or hear it. Material containing foul language, and pornographic material, are examples which would be considered obscene.
- 10.2 It is not possible to provide an exhaustive list, and if in doubt the Member should seek advice from the Head of Law and Governance.

11.0 Discriminatory Material

- 11.1 A Member may not publish material which discriminates against, victimises or harasses any section of society, including on grounds of gender, race, religion, religious belief or sexual orientation.

This prohibition on discrimination includes any material which may encourage or incite to racial hatred.

12.0 Procedures

- 12.1 Material for publication on the Member website will be submitted to the Head of Law and Governance's service for consideration.
- 12.2 The officer responsible for uploading and maintaining material on the Member website will seek the Head of Law and Governance's advice if in doubt as to whether material is suitable for publication.
- 12.3 Members are reminded that they are required to observe the Code of Conduct on Member/Employee Relations. (see Section 3, page 33)

13.0 Councillor's Undertaking

I will at all times use the site in good faith, in accordance with this Protocol, and will seek the Head of Law and Governance's advice if in doubt as to whether material is suitable for publication.

I recognise that the Council has discretion to remove, or refuse to upload, any information which it considers may breach this protocol or considers to be otherwise unacceptable.

Signed: Councillor:

Date: