

# Public Document Pack

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday 16 November 2022
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Council Chamber, Barnsley Town Hall
<b>PUBLIC WEB LINK:</b>	<a href="https://barnsley.public-i.tv/core/portal/webcasts">https://barnsley.public-i.tv/core/portal/webcasts</a>

## AGENDA

1. Declaration of pecuniary and non-pecuniary interests
2. Leader - Call-in of Cabinet decisions

### Minutes

3. Minutes of the previous meeting held on 2 November 2022 (Cab.16.11.2022/3)  
(Pages 3 - 8)

### Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.16.11.2022/4) (Pages 9 - 10)

### Petitions

5. Petitions received under Standing Order 44 (Cab.16.11.2022/5)

### Items for Decision/Recommendation to Council

#### Core Services Spokesperson

6. Social Media Guidance for Employees and Elected Members (Cab.16.11.2022/6)  
(Pages 11 - 42)  
RECOMMENDATION TO FULL COUNCIL ON 24 NOVEMBER 2022

#### Regeneration and Culture Spokesperson

7. Commuted Sums Policy (Cab.16.11.2022/7) (Pages 43 - 66)
8. Exclusion of Public and Press  
It is likely that the public and press will be excluded from this meeting during consideration of the items so marked because of the likely disclosure of exempt information as defined by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, subject to the public interest test.

#### Regeneration and Culture Spokesperson

9. St Michael's Housing Development - Financial Update (Cab.16.11.2022/9)  
(Pages 67 - 80)  
Reason restricted:  
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), T. Cave, Frost, Gardiner, Higginbottom, Howard, Lamb, Makinson and Platts

Cabinet Support Members:

Councillors Cain, Cherryholme, Eastwood, Franklin, Newing, Osborne and Peace

Chair of Overview and Scrutiny Committee

Chair of Audit Committee

Sarah Norman, Chief Executive

Carly Speechley, Executive Director Children's Services

Wendy Lowder, Executive Director Place Health and Adult Social Care for Barnsley

Shokat Lal, Executive Director Core Services

Matt O'Neill, Executive Director Growth and Sustainability

Julia Burrows, Executive Director Public Health and Communities

Neil Copley, Service Director Financial Services (Section 151 Officer)

Sukdave Ghuman, Service Director Law and Governance (Monitoring Officer)

Michael Potter, Service Director Business Improvement, HR and Communications

Katie Rogers, Head of Communications and Marketing

Anna Marshall, Scrutiny Officer

Jason Field, Head of Legal Services (Deputy Monitoring Officer)

Corporate Communications and Marketing

Please contact Sukdave Ghuman by email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Tuesday 8 November 2022

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday 2 November 2022
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Council Chamber, Barnsley Town Hall

## MINUTES

**Present** Councillors Houghton CBE (Chair), T. Cave, Frost, Higginbottom, Lamb, Makinson and Platts

**Members in Attendance:** Councillors Cain, Cherryholme, Eastwood, Franklin, Newing and Osborne

### 113. Declaration of pecuniary and non-pecuniary interests

There were no declarations of pecuniary or non-pecuniary interests.

### 114. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 19 October 2022 had been called in.

### 115. Minutes of the previous meeting held on 19 October 2022 (Cab.2.11.2022/3)

The minutes of the meeting held on 19 October 2022 were taken as read and signed by the Chair as a correct record.

### 116. Decisions of Cabinet Spokespersons (Cab.2.11.2022/4)

There were no Records of Decisions by Cabinet Spokespersons under delegated powers to report.

### 117. Petitions received under Standing Order 44 (Cab.2.11.2022/5)

**RESOLVED** that the report notifying the receipt of the following petitions be noted and the recommended actions for responding to them be endorsed:-

- (a) Containing the signatures of 35 signatories, in respect of Bus service provided to Higham from Barnsley Interchange and the return services.

*That the petitioner is informed of the response from SYMCA/Globe and details of the door to door service provided.*

### 118. Strengthening Children's Services (Cab.2.11.2022/6)

**RESOLVED** that Cabinet:

1. Acknowledges and notes the outcomes of the review of children's services in Barnsley;

2. Supports the proposal outlined in section 4 of this report and the actions within the development plan. This will include submitting quarterly children's services performance and financial reports for Cabinet's consideration; and
3. Agrees to the required investment to support the development and improvement of the service, noted particularly in section 5 of the report.

#### **119. First Homes - Affordable Home Ownership Scheme (Cab.2.11.2022/7)**

**RESOLVED** that Cabinet:-

1. Approves the publication of the First Homes Technical Note (including local connection criteria) as an appendix to the Affordable Housing Supplementary Planning Document (SPD) 2022;
2. Approves the implementation of a fee charging system to cover administration costs for initial and subsequent sale of First Homes; and
3. Delegates authority to the Head of Strategic Housing, Sustainability and Climate Change, and Group Leader Strategic Housing and Growth to approve First Homes sales, and review and adjust local eligibility criteria as required.

#### **120. Local Plan Review (Cab.2.11.2022/8)**

**RESOLVED** that the report be recommended to Full Council to endorse the Local Plan Review. This is to retain the Local Plan in its current form until a further review is undertaken prior to the end of 2027.

#### **121. Sustainable Construction and Climate Change Adaptation Draft SPD (Cab.2.11.2022/9)**

**RESOLVED** that approval be given to consult on the Sustainable Construction and Climate Change Adaptation Supplementary Planning Document.

#### **122. Youth Employment Programme – Progress Update (Cab.2.11.2022/10)**

**RESOLVED** that Cabinet: -

1. Recognises the positive impact of the YEP for many of our Barnsley young people, supporting their progression into paid employment or apprenticeships. The Council have recently won an award from the Department for Work & Pensions (DWP) for its programme;
2. Acknowledges the commitment and engagement from numerous services and teams across the Council and Berneslai Homes in creating these opportunities for our young people; and
3. Considers and approves the recommended option presented within this report (option 2), enabling the Council to build on the success and impact of the YEP in a sustainable way by:

- a. Implementing a Senior Leadership 'Inclusive Offer Pledge'
- b. Re-purposing ringfenced corporate apprentice budget
  - 'In-year' underspend can be used to create other paid work experience/placements for care leavers
  - Any underspend at the end of the financial year to be earmarked and used in the following financial year to create paid work experience/placements for any young people aged 16-24 who are NEET
- c. Converting x20 entry level positions into paid work placements

### 123. Exclusion of Public and Press

**RESOLVED** that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
12	Paragraph 3

### 124. City Region Sustainable Transport Settlement – Revenue Funding (Cab.2.11.2022/12)

**RESOLVED** that Cabinet:-

1. Authorises the acceptance of the overall City Region Sustainable Transport Settlement (CRSTS) allocated funding of £70.3m for the development of the list of schemes shown in Appendix A (exempt) of the report, the Highway Maintenance Block (HMB) and the Local and Neighbourhood Transport Complementary Programme (LNTCP) funding;
2. Authorises the Executive Director of Core Services, in consultation with the Executive Director of Growth and Sustainability, where appropriate and compliant with BMBC processes, to:-
  - a. negotiate the terms, conditions of, and final approval of any Grant funding agreement, for the delivery of the Barnsley CRSTS proposed schemes set out in Appendix A of the report;
  - b. conclude the approval and funding processes with SYMCA, appoint consultants to assist with the delivery of schemes, accept tenders, appoint where necessary a contractor to implement the delivery of the proposed schemes, subject to the costs being contained within the Grant Funding Agreement;
  - c. where necessary, apply for any necessary consents, licence arrangements, footpath diversions, traffic regulation orders, closure orders, prepare details of and publish a Side Roads Order under sections 14 and 125 of the Highways Act 1980 to deal with any required changes to the existing highway network to accommodate the scheme, to submit any orders to the Secretary of State for

Transport for confirmation and to take all necessary steps to secure confirmation of any Order including (if necessary) supporting the Order at a local public inquiry; and

- d. give approval to make a Compulsory Purchase Order under section 239 of the Highways Act 1980 (if necessary) and if needed, to use the enforcement provisions provided to secure the necessary land to construct any of the schemes listed in Appendix A of the report.

3. The Head of Property be authorised to:

- a. Enter into negotiations with any private landowner(s) to acquire privately owned land or property and enter into agreements to occupy land not in the ownership of the local authority. Give approval to make a Compulsory Purchase Order under section 239 of the Highways Act 1980 (if necessary) and if need be, to use the enforcement provisions provided to secure the necessary land to construct any of the schemes listed in Appendix A of the report; and
- b. to complete any variation to any existing leases on the occupation of land owned by the local authority, if required, and where necessary negotiate compensation payments to facilitate the delivery of the proposed Barnsley CRSTS schemes.

4. The Executive Director for Growth and Sustainability be authorised to:

- a. develop and submit the Barnsley CRSTS schemes for Strategic Outline and Full business case as detailed in the appendices to this report, noting that all submitted schemes are still subject to detailed design and cost reviews by SYMCA;
- b. submit any change variation requests to SYMCA in relation to the schemes;
- c. where necessary to retain external grant funding secured, whilst ensuring that the overall aims and objectives of the scheme are achieved;
- d. be authorised to seek any necessary planning permission, (outline or full) for the proposed schemes in relation to the Barnsley CRSTS projects detailed in Appendix A of the report;
- e. under the terms of the Barnsley Contract Procedure rules consider whether the works, services or goods can be provided in house or if necessary;
- f. seek tenders for any aspect of the project and appoint the successful tender on the basis of most economically advantageous bid; and
- g. be authorised to undertake all necessary steps to secure delivery of the proposed Barnsley CRSTS projects outlined in Appendix A of the report where funding has been secured.

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Chair

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**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**CABINET SPOKESPERSONS' DECISIONS**

**Schedule of Decisions taken for week ending 4 November 2022**

<b><u>Cabinet Spokesperson</u></b>	<b><u>Item</u></b>	<b><u>Decisions</u></b>
1. Place Health and Adult Social Care	Recruitment to Support Work Related to the Funding Reforms	<ol style="list-style-type: none"><li>1. The recruitment of 8 FTEs additional permanent workers in the adult social care locality teams and 2 FTEs fixed term staff in the financial assessment team (within Operational Finance); and</li><li>2. The ongoing capacity requirements for adult social care beyond 2024/25 be evaluated based on level of ongoing demand for assessments.</li></ol>
2. Leader	Appointment of Cabinet Support Member for Environment and Highways 2022/23	<ol style="list-style-type: none"><li>1. That Councillor Ashley Peace be appointed to the position of Cabinet Support Member for Environment and Highways for the remainder of the 2022/23 Municipal year with effect from 4 November 2022.</li></ol>

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**BARNSELEY METROPOLITAN BOROUGH COUNCIL****REPORT OF:** Executive Director, Core Services**TITLE:** Social media guidance for employees and elected members

<b>REPORT TO:</b>	<b>Cabinet</b>
<b>Date of Meeting</b>	<b>16 November 2022</b>
<b>Cabinet Member Portfolio</b>	<b>Core Services</b>
<b>Key Decision</b>	<b>No</b>
<b>Public or Private</b>	<b>Public</b>

**Purpose of report**

This report informs members of the updated social media guidance and best practices for employees and elected members.

**Council Plan priority**

Enabling Barnsley

**Recommendations**

That Cabinet:-

1. Agree the recommendation to Full Council on 24 November, acknowledging the updated social media guidance and best practices for employees and elected members.
2. Encourages all employees and elected members to pledge their support to the No Place for Hate campaign and to acknowledge their role and responsibility in making online hate and abuse socially unacceptable.

**1. INTRODUCTION**

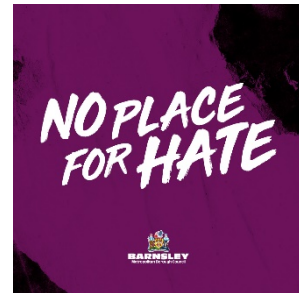
- 1.1 Social media can be a powerful force for good, and we want to encourage people to use social media in positive ways. It can bring considerable benefits to our organisation, helping us to showcase our work, increase engagement with residents and provide us with data that supports our council priorities and outcomes.

## 1.2 What is social media?

Social media is a website or app that helps you create and share content and communicate with others. Social media platforms include Facebook, Twitter, Instagram, TikTok, Snapchat, WhatsApp, LinkedIn, YouTube, Flickr Nextdoor and YappApp. It also includes SharePoint, MS Teams and Yammer. This list is not exhaustive and consists of any platform, website and application that focuses on communication, community-based input, interaction, content-sharing and collaboration. The guidance also covers any new platforms which will be developed in the future.

## 1.3 No Place for Hate in Barnsley

Our No Place for Hate campaign started in February 2021, to tackle hate and abuse on both our channels and channels across the borough. The campaign focuses on making online hate and abuse socially unacceptable.



You can read more about the campaign on our website [barnsley.gov.uk/noplaceforhate](https://barnsley.gov.uk/noplaceforhate).

As part of the recommendations to cabinet, we strengthened our [social media policy and social media acceptable use policy](#), and it's actively enforced on all of our social media channels by employees in both the Communications and Marketing service and owners in dedicated services.

We make about 11 serious interventions (banning and reporting) a month, ranging from defamation, allegations, threats, name-calling towards our employees and elected members and hate crimes. We also take smaller interventions on a daily basis such as hiding and deleting comments on content such as language, spamming or off-topic material.

There have been a few cases where we have used legal support to communicate with people where the online hate and abuse have been severe.

We actively contact local social media groups that serve our communities to highlight inappropriate content, asking them to act against it.

We've used the campaign messaging for different situations such as Hate Crime Awareness Week, Black History month, Joining Forces, support for Ukraine and Pride. Our partners are engaged and share the messaging through their channels.

## 1.4 Timescale

The guidance will be reviewed in 2024 to enable us to consider future technological advances.

We'll monitor our performance and application of this guidance to see if it's working and fit for purpose and make in-year amendments if needed.

## **2. PROPOSAL**

### **2.1 Background to our guidance**

Our current policy was created in 2018 and was due for updating in 2020. There's been a delay in updating this while our resource was focused on responding to the pandemic. This guidance was one document for both employees and elected members.

### **2.2 Tailored guidance**

The guidance has been split into three guides to provide tailored advice and support for employees and elected members. The three guides are:

- Social media guidance for employees
- Social media guidance for elected members
- Site owner guidance for dedicated service social media pages

### **2.3 Expected benefits of the updated social media guidance**

This updated social media guidance reflects the advances in social media over the last four years. It provides guidance for people on how to responsibly use social media at work, in their personal lives, and as an owner of a council social media page. It will support us in dealing with any issues and support our HR procedures when needed.

People are free to express their opinion, and most people who follow our pages do this in a balanced way. We have a zero-tolerance approach to no place for hate in Barnsley, including on our social media pages.

We do not accept content on our pages that is defamatory, slanderous, discriminatory, inciting or intimidatory behaviour, or is classed as misinformation (false, misleading or out-of-context material regardless of the motivation behind it) or disinformation (a deliberate attempt to mislead using material that the deceiver knows is untrue, designed to be widely shared).

This updated social media guidance provides clear steps on how to manage unacceptable content on social media on their pages, council pages and community pages. It also covers related situations when people are out working in the community.

It also offers support and guidance to anyone affected by online hate and abuse. We're committed to challenging online hate and will consider legal action where necessary alongside working with South Yorkshire Police.

### **2.4 Governance**

The guidance will be supported by the council's [Code of conduct for employees](#), the [Code of Conduct for Elected Members](#), our [Dignity at work policy](#), and our [social media acceptable use policy](#).

### **2.5 Promotion of guidance to employees and elected members**

Our Communications and Marketing Service and Human Resources will make sure the guidance is cascaded throughout the organisation and that all employees understand the guidance and their responsibility on social media.

This guidance will be promoted to employees and elected members in various formats, including intranet guidance, hard copy guidance and quick reference guides.

## **2.6 United in our stance for no place for hate in Barnsley**

To really make a difference, we need everyone to show a united stance against hate and abuse in our borough. This starts with us; employees and elected members.

As part of no place for hate and our updated social media guidance, we're encouraging everyone to show positive behaviour online and to play their part in developing supportive, inclusive online communities.

We're asking you to think before you click post. To consider the effect that your actions could have on others. To challenge or report online abuse when you see it.

We ask people to pledge their support using our online form. You can access it using the QR code or the link:

<https://surveys.barnsley.gov.uk/s/NoPlaceForHate/>



## **3. IMPLICATIONS OF THE DECISION**

### **3.1 Financial and Risk**

Consultations have taken place with representatives of the Service Director of Finance (S151 Officer). There are no financial implications or risks arising from the contents of this report, to inform members of the updated social media guidance.

### **3.2 Legal**

The updated social media guidance provides clear information on the legalities of social media and the comments people make on the pages.

### **3.3 Equality**

Equality Impact Assessment Pre-screening completed determining full EIA not required.

Reference within the guidance has been made to hate and harassment and the 'No Place for Hate' campaign, the Dignity at Work Policy and the Code of Conduct. These should all help to mitigate any impact in relation to the equitable application of the guidance.

### **3.4 Sustainability**

The decision-making wheel has not been completed. The report is for noting and does not require a decision.

### **3.5 Employee**

The guidance helps employees and elected members to get the best out of using social media responsibly. The guidance will be supported by the council's [Code of conduct for employees](#), the [Code of Conduct for Elected Members](#) and our [social media acceptable use policy](#).

### **3.6 Communications**

Our Communications and Marketing Service and Human Resources will make sure the guidance is cascaded throughout the organisation and that all employees understand the guidance and their responsibility on social media.

Our awareness-raising campaign will make sure that the guidance is accessible and that the communication support needs of our disabled employees and elected members are integrated into the campaign. This will help to make sure that everyone understands their personal and professional responsibilities as well as understanding the protections that have been put in place to safeguard them while at work.

## **4. CONSULTATION**

The following services have been part of updating this guidance:

Engaged:

- Communications and Marketing Service
- IT Services
- Legal Services
- Human Resources
- Customer Feedback
- Health, safety and emergency resilience
- Current council social media page owners

Informed:

- Trade Unions
- Cabinet Spokesperson Without Portfolio about member development

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The current guidance on social media could have remained in place. This option hasn't progressed as the current guidance doesn't offer the support needed to manage inappropriate content on social media.

- 5.2 The guidance on social media could have remained as a single document for both employees and elected members. This option wasn't progressed as the guidance needed to be tailored to different audiences to make it more relevant and effective.

## **6. REASONS FOR RECOMMENDATIONS**

### **6.1 Acknowledge the updated social media guidance and best practices for employees and elected members**

It's crucial that the council's senior leadership acknowledge the guidance and champion and monitor its application across all employees and elected members.

## **7. APPENDIX**

- Appendix A: Social media guidance for employees
- Appendix B: Social media guidance for elected members
- Appendix C: Site owner guidance for dedicated services social media pages

## **8. REPORT SIGN OFF**

<b>Financial consultation &amp; sign off</b>	<i>Avanda Mitchell 31.08.2022</i>
<b>Legal consultation &amp; sign off</b>	<i>Jason Field 26/08/22</i>

**Report Author: Katie Rogers**  
**Post: Head of Communications and Marketing**  
**Date: 4 November 2022**



# Social media guidance for employees 2022

**Welcome to your social media guidance - we want you to use this guide to help you get the best out of social media. Many of you are probably already active on social media, and we want to encourage and give you the freedom to support the council with the proper guidelines.**

Social media is a website or app that helps you create and share content and communicate with others. Social media platforms include Facebook, Twitter, Instagram, TikTok, Snapchat, WhatsApp, LinkedIn, YouTube, Flickr Nextdoor and YappApp. It also includes SharePoint, MS Teams and Yammer. This list is not exhaustive and consists of any platform, website and application that focuses on communication, community-based input, interaction, content-sharing and collaboration. The guidance also covers any new platforms which will be developed in the future.

You should follow this guidance if you're an employee of Barnsley Council. This also includes relief and agency employees, contracted companies that deliver services for the council, consultants, apprentices, volunteers, trainees and people on work placements. This information also applies to employees in schools where the governing body has adopted the policy.

For info...throughout this guide, the terms 'we' and 'us' describe the Communications and Marketing Service.

## **Key points:**

- Whatever you say on social media, remember you're likely to be considered as representing the organisation – even when on your own personal pages. We want you to feel confident and safe using social media as a communication channel.
- When posting and commenting on digital channels, your integrity is displayed for people to see, so be ethical, respectful, truthful, and decent. Anything you publish must be true, not misleading, and all claims must be substantiated and approved.
- Protecting the council is part of your job. Do not post any confidential information on any social platforms. If the council has not officially released the information, don't discuss it. This includes financial data, service data and information, and legal information.
- If you're unsure whether to post, comment on or share something, err on the side of caution and don't.
- Your interactions with the public can be used and re-used on social media. This could include emails, pictures and videos. Bear this in mind in how you interact and respond to the public in your day-to-day role.

# Your personal social media pages

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Social media can be a powerful force for good, and we want to encourage you to use social media in positive ways, including promoting the council as an employer of choice. When you're online, we have two requests for you: use good judgment when posting and protect the council's reputation.

## Showing that you work for the council

We want you to be proud to say you work for Barnsley Council. This is fine if you want your employer information displayed as part of your profile.

It's good practice to have a disclaimer to clarify that comments are your personal views and do not represent the council's view. This makes it clear that you may understand the council better, but you're not making official declarations. Use wording in your profile such as 'Views expressed are my own'.

If you're carrying out a legitimate role that involves posting comments on social media, for example, as a trade union representative or a community action group representative etc., you need to make clear in which capacity you're making your posts.

## Using your personal social media pages during work hours

You can use your personal social media sites while you're at work, using council or your own equipment. This should be in your own time and must not interfere with your job or service delivery. The council reserves the right to monitor the use of social media through line management and monitoring of excessive or inappropriate usage.

## Your responsibility when using social media

Even though you're using your personal account, the world will always see you as a reflection of the council.

Anything you post on your personal site is your responsibility. Content can be there permanently, regardless of whether you try to remove it. There'll always be a permanent record of everything you post. Irrespective of your privacy settings, posts can, and often do, become publicly available through screenshots, hacking and other methods.

We firmly believe that although people have differing views on many issues, any form of online bullying is not acceptable on any platform. Consider what you're posting and how this may reflect upon the values and reputation of the council as an inclusive employer.

Do not engage in content that is classed as online hate, abuse or bullying under our [social media acceptable use policy](#) that can impact other people and brings the council into disrepute or has the potential to adversely affect the council's reputation or business. This includes inappropriate content concerning the council and its work, council employees and elected members, residents, businesses, customers or suppliers. You'll be asked to remove the content, and the council may investigate and start disciplinary action against you, which could ultimately lead to your dismissal. Depending on the content, we may also report it to South Yorkshire Police.

If you're tagged in a post or tweet that is considered defamatory, derogatory and offensive against the council, please follow the guidance on dealing with unacceptable behaviour in the No place for hate section.

**Examples of this could be:**

- 1) “Thanks to the councillor for coming to support me today in my role. Some councillors don’t care and are only in it for backhanders and brown envelopes.”
- 2) “Two men living together should not be allowed in my community. We should get rid of them all. If I ever see any of them in my area, they better watch their backs. I’ll be waiting for them.”

If you had posted comment 1, we would instruct you to remove them, and the council may investigate and start disciplinary action against you, which could ultimately lead to your dismissal.

Hate and harassment can be criminal or non-criminal and include offensive comments or images on social media or text messages. If you had posted comment 2, you would be reported to South Yorkshire Police for hate crimes. The council may investigate and start disciplinary action against you, ultimately leading to your dismissal.

## **Share our news**

We promote the council’s work across the borough. We encourage you to share information and help us to spread the word about what’s happening in Barnsley. Unless it’s part of your role within the council, you should never make official announcements on behalf of the council via any communication channel.

## **Joining social media groups**

If you want to join a social media group that has a conflict of interest with the council’s services, such as a campaign group, you should follow the guidance on personal interests in the [Code of conduct for employees](#).

## **Politically restricted roles**

If your role is politically restricted, use good judgement when using personal and work-related social media. This includes speaking and writing in public, including on social media, where the work appears to be intended to affect public support for a political party. Be aware of what news and pages you’re sharing or retweeting. If in doubt, err on the side of caution and don’t engage. You can read more about this in the [Politically Restricted Posts guidance notes](#).

## **Quick reference guide:**

- Check your facts before you post or share content.
- Respect the law, including copyright law.
- Avoid saying things that could damage the council’s reputation or other organisations or brands associated with the council.
- If you have a work-related issue, please don’t raise it via social media. Use the council’s [dignity at work](#) or [grievance procedure](#).
- Don’t divulge confidential information about, or belonging to, the council, people who use our services, employees or elected members.
- Don’t impersonate other employees or elected members on social media sites and forums.

- You can share photographs, images, video footage and comments of employees or elected members with their consent.
- You should not share photographs, images, video footage or comments from people who use our services on your personal sites. You can [read more information about consent on the intranet](#).
- Be aware of what's in your photographs, images and video footage. Make sure that there isn't any confidential information on view and that it conforms with our [social media acceptable use policy](#).
- Be aware of [GDPR regulations](#).
- You don't have to accept 'friend' requests from anyone at the council or associated with your work at the council if you don't want to.
- Don't start or accept an online relationship with people using our services on a personal social media site. Like your offline work, where you have a close relationship with someone who uses our services, you must let your manager know.
- Check your privacy settings and make sure you understand what people can see and what they can do with your content. Social media is a public place, and it's best to assume that anyone can see all your posts.
- You need to follow the council's [Information and security and computer usage policy](#) and the [Code of conduct for employees](#) when using council equipment and your council login.
- Outside of work, using your own equipment, you still need to follow the [Information and security and computer usage policy](#) and the [Code of conduct for employees](#).
- If you end your employment with Barnsley Council, please remember to update your employment information on your social media sites.

## **Dedicated service social media pages: being a representative of Barnsley Council**

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We want to support you using social media platforms to promote your services. This could be to advertise an event or service, to encourage community engagement, to share job or volunteering opportunities or for many other purposes. The uses of social media continue to increase as technology develops.

## Posting on the council's main social media pages

We manage the council's main social media pages, which have a large established following of people.

We already work with a lot of services to promote their campaigns, but if you have something which you think would benefit from being posted on social media, please get in touch with us at [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk).

## Dedicated service social media pages

Some services have their own social media pages. They have these pages because we have identified that the service benefits from having a targeted audience, the appropriate channel, and the service can manage it effectively. Services solely run these pages and are accountable for the content and management of the account. We offer guidance and support when needed.

**Please do not create any social media pages without our permission.** This might seem like we want to control this, and in a way, we do. As good as social media is, it takes a lot of resources to get it right and holds a significant reputational risk if you don't.

If you're accountable for a social media account, you will be asked to sign a social media agreement to acknowledge your responsibility for the account.

You can complete a [short business case](#) (available on the intranet) to tell us why you think you need a dedicated account.

You must follow the page owner's guidance if you manage a social media page.

## Consider adding social media management to your contracts

All suppliers, including subcontractors, are expected to uphold the council's social media guidelines; we also expect them to follow our social media acceptable use guidelines as well.

It's good practice to discuss their approach to social media in promoting good, positive content and handling harmful content. If you need support with this, please contact us at [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk).

## Managing unacceptable content on council social media pages

Our social media pages are governed by our [social media acceptable use policy](#) (social media house rules). It covers all of the council's pages and outlines the standards we expect on our social media pages; it's a key enforcement step in establishing a positive behaviour change on online pages. You can read more guidance on dealing with unacceptable behaviour in the no place for hate section.

## Legal guidance on using social media

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Comments made on a public forum are in the public domain. Updating your site settings to private will not protect you if you're found in breach of this guidance.

Consider whether your comments or actions could be considered defamatory, derogatory or offensive, as this could result in somebody taking legal action against you as well as against the council or making a formal complaint about you. If someone is taking legal proceedings against an employee because of their

defamatory comments or actions on a social media site or online media outlet, the council is entitled, in appropriate cases where the person has acted reasonably and in good faith, to support them in defending those legal proceedings.

If you do not follow the guidance in this document, it may result in disciplinary action under the council's [disciplinary procedure](#).

Tribunals and courts can consider communications recorded on social media sites. It's highly likely that online content, postings and messages will be used as evidence, regardless of the privacy settings of your page.

All employees have a common law duty of fidelity and trust, and confidence to their employers. A breach of this nature could be treated as a breach of the council's [Code of conduct for employees](#), and you could be subject to a disciplinary procedure which could ultimately lead to your dismissal.

Be aware of [GDPR regulations](#) and consent.

## **No place for hate in Barnsley**

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People are free to express their opinion, and most people who follow our pages do this in a balanced way. It's okay for people not to like the service we deliver or to disagree with decisions, and they are free to communicate this. We won't act against these comments, as frustrating as they may be.

We do not accept content that is defamatory, slanderous, discriminatory, inciting or intimidatory behaviour, or is classed as misinformation (false, misleading or out-of-context material regardless of the motivation behind it) or disinformation (a deliberate attempt to mislead using material that the deceiver knows is untrue, designed to be widely shared).

### **Managing unacceptable content on council social media pages**

Our social media pages are governed by our [social media acceptable use policy](#) (social media house rules). It covers all of the council's pages and outlines the standards we expect on our social media pages; it's a key enforcement step in establishing a positive behaviour change on online channels. We're always here to help you with managing content on your pages. Contact us at [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk)

### **Managing situations when you're out working in the community**

You might encounter situations where people try to stop you from doing your job or start to take pictures or film you when you're working out in communities. Almost everyone has a smartphone, which means nearly everyone has a camera. That means the odds of people filming you at work are pretty high.

This can be an unsettling experience. Your behaviour – positive or negative – can get filmed and posted online. It takes seconds and has the potential to catch the attention of thousands of people.

Most of our work happens in places open to the public. That means anyone filming you at work isn't breaking the law, strictly speaking. They could be breaking the law if they're filming you in a place which has sensitive information or activities happening in it. Examples include a family centre with children in the area or a meeting discussing someone who uses our services.

Follow this guide on how to deal with it:

- It's essential to keep calm, even if it isn't always easy.
- Be polite, respectful and courteous – even if they are not.
- Ask them to stop taking pictures or recording a video of you.
- Offer them a point of contact for more information on the work you're doing.
- If possible, remove yourself from the situation quickly and calmly.
- Do not retaliate with a heated conversation or by filming them back.
- Do not be disrespectful to people or mock them.
- Let your manager know what happened as soon as possible. Write down the date, time, location, a description of the person filming you, and a statement of what happened.

## **Managing unacceptable content on non-council social media pages**

We can't control or manage non-council platforms or users, but we'll take steps to try to remove unacceptable content or correct the information. This could include approaching the organisation, site moderators, or the person who has posted it directly to take action. We'll also report it to the platform directly. We'll work with colleagues in legal services to consider whether any legal action can be taken.

We can only approach people using the Barnsley Council account if they like and follow the main Barnsley Council account. This will sometimes limit how we can approach pages. As a Communications and Marketing service, we'll not use our personal accounts to do this.

Please be our eyes on social media pages. If you see anything unacceptable towards the council:

- Screenshot the content and get a link to the thread and the page (make sure you get the platform name, date and time on it) – this is important so we can investigate it. Please send this to us at [communication@barnsley.gov.uk](mailto:communication@barnsley.gov.uk)
- Report the content using the platform's reporting process.

## **Unacceptable content directed at our employees**

The council has a duty of care to take all reasonable steps to ensure your health, safety and wellbeing. Customers and residents have the right to expect the best service from the council, and the council will always try to provide that service politely and respectfully. In return, we expect the same treatment. This includes any comments made on social media pages.

Unfortunately, our employees are sometimes subjected to online abuse. This content could include a comment, image or video. More extreme content could show our employees being filmed doing their jobs. It could show situations out of context and spread misinformation and disinformation. What might be seen as just a comment or someone showing their frustrations is still directed at someone just doing their role.

We're clear on our stance - we'll not tolerate any violent or aggressive behaviour, discriminatory or hate crime comments towards a council employee, be it online or face to face.

## **Steps to take**

**If the content is on a council-run social media channel and is related to an employee of Barnsley Council**

Follow the steps in the social media owner guidance.

**If the content is on your personal social media pages and is related to you as an employee of Barnsley Council, you should:**



- Screenshot the content and get a link to the thread and the page (make sure you get the platform name, date and time on it) – this is important for us to have this for further investigation.
- Fill in a [violence and aggression report](#) as soon as possible. This allows us to make an official record and get you the help and support you might need.
- Report the content using the platform's reporting process.
- Delete the comment.
- Block their access to your social media pages.
- Check and review your personal privacy settings. Stay safe online and consider who is looking at your pages and your details. This includes any photographs and videos you share and your links to your family and friends' pages.
- Speak to your manager for support.
- Send evidence to your manager and [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk). We'll look at how we take steps to support you.
- Depending on the content, we'll consider whether it needs highlighting to legal or the police.
- Follow the guidance in our [Personal Safety and Violence and Aggression at work – Code of Practice](#), particularly the escalation process where a threat is made.
- Our [wellbeing section on the employee hub](#) has information to help you stay healthy and happy at work and in your personal life if needed.

**If the content is on a public social media channel and is related to you as an employee of Barnsley Council, you should:**

- Screenshot the content and get a link to the thread and the page (make sure you get the platform name, date and time on it) – this is important for us to have this for further investigation.
- Report the content using the platform's reporting process.
- Fill in a [violence and aggression report](#) as soon as possible. This allows us to make an official record and get you the help and support you might need.
- Block their access to your social media pages.
- Check and review your personal privacy settings. Stay safe online and consider who is looking at your pages and your details. This includes any photographs and videos you share and your links to your family and friends' pages.
- Speak to your manager for support.
- Send evidence to your manager and [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk). We'll look at how we take steps to support you.
- We'll contact the community page for you and try to get the comment removed. We'll also remind them of their responsibility as page administrators.
- Depending on the content, we'll consider whether it needs highlighting to legal, our health and safety service or the police.
- Follow the guidance in our [Personal Safety and Violence and Aggression at work – Code of Practice](#), particularly the escalation process where a threat is made.
- Our [wellbeing section on the employee hub](#) has information to help you stay healthy and happy at work and in your personal life if needed.

**The content might be on your personal social media pages and not related to your employment or role at Barnsley Council. This can still be upsetting, and you can take the following steps:**

- Screenshot the content and get a link to the thread and the page (make sure you get the platform name, date and time on it) – this is important that you have this if it needs further investigation.
- Report the content using the platform's reporting process.



- Delete the content from your account.
- Block the account.
- Check and review your personal privacy settings. Stay safe online and consider who is looking at your pages and your details. This includes any photographs and videos you share and your links to your family and friends' pages.
- Depending on the content, consider whether it needs highlighting to the police.
- Speak to your manager for support.
- Our [wellbeing section on the employee hub](#) has information to help you stay healthy and happy at work and in your personal life if needed.

## How we'll support you

We'll provide support and guidance to anyone affected by online hate and abuse.

This includes support to complete the actions in the no place for hate section and Health and Safety and wellbeing support through the [Personal Safety and Violence and Aggression at work – Code of Practice](#).

Your manager will give you personal day-to-day support.

Our legal services will try and support you in dealing with a difficult situation and the law.

Our HR services will support you in understanding and applying the code of conduct and other relevant policies.

Our [wellbeing section on the employee hub](#) has information to help you stay healthy and happy at work and in your personal life.

## More information

If you need information or support, please contact us at [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk) or call (01226) 773443.

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# Social media guidance for elected members

**Welcome to your social media guidance - we want you to use this guide to help you get the best out of social media. We want to encourage you to use social media and give you the freedom to support the council with the proper guidelines.**

Social media is a website or app that helps you create and share content and communicate with others. Social media platforms include Facebook, Twitter, Instagram, TikTok, Snapchat, WhatsApp, LinkedIn, YouTube, Flickr, Nextdoor and YappApp. It also includes SharePoint, Teams and Yammer. This list is not exhaustive and consists of any platform, website and application that focuses on communication, community-based input, interaction, content-sharing and collaboration. The guidance also covers any new platforms which will be developed in the future.

You should follow this guidance if you're an elected member or co-opted member of Barnsley Council. It's also applicable to candidates who are standing to be elected to Barnsley Council.

For information, throughout this guide, the terms 'we' and 'us' are used to describe the Communications and Marketing Service.

## **Key points:**

- Whatever you say on social media, you're likely to be considered as representing your role as an elected member of Barnsley Council– even when on your own personal pages. We want you to feel confident and safe using social media as a communication channel.
- When posting on social platforms, your integrity is on display for people to see, so be ethical, respectful, truthful, and decent. Anything you publish must be true, not misleading, and all claims must be substantiated and approved.
- Protecting the reputation of Barnsley Council is an essential part of your role as an elected member. Do not post any confidential information on any social platforms. If the council has not officially released the information, don't discuss it. This includes financial data, service data and information, and legal information.
- If you're unsure whether to post, comment on or share something, err on the side of caution and don't.
- Your interactions with the public can be used and re-used on social media. This could include emails, pictures and videos. Bear this in mind in how you interact and respond to the public in your day-to-day role.

## **Your personal social media pages**

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You may have separate social media pages – one as an elected member and one as your own personal page.

## **Showing that you're an elected member of Barnsley Council**

We want you to be proud to be an elected member of Barnsley Council. This is fine if you want to show this on your own social media pages as part of your own profile.

It's good practice to have a disclaimer to clarify that comments are your personal views and do not represent the council's view. This makes it clear that you may understand the council better, but you're not making official declarations. Use wording in your profile such as 'Views expressed are my own and not in my role as a councillor'.

If you're carrying out a legitimate role that involves posting comments on social media, for example, as a trade union representative or a community action group representative etc., you need to make clear in which capacity you're making your posts.

## Using social media for council business

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We're starting to see more and more elected members using social media as a channel to engage with their communities.

Your posts, tweets or comments on social media about the council or your role as an elected member are treated the same way as any other communications. They are covered by your [Code of Conduct for Elected Members](#).

If anyone considers that your posts, tweets or comments on social media have failed to comply with the [Code of Conduct for Elected Members](#), you may be subject to a complaint to the council's monitoring officer.

## Your responsibility when using social media

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Even if you're using your personal social media page, the world will always see you as a reflection of the council.

Anything you post on a social media site is your responsibility. This includes content you create, share, and people's comments and reactions linked to your content. Content can be there permanently, regardless of whether you try to remove it. There'll always be a permanent record of everything you post. Irrespective of your privacy settings, posts can, and often do, become publicly available through screenshots, hacking and other methods.

We firmly believe that although people have differing views on many issues, any form of online bullying is not acceptable on any platform. Consider what you're posting, how you manage your page, and how this may reflect the council's values and reputation.

Do not engage in content that is classed as online bullying under our [social media acceptable use policy](#) and brings the council into disrepute or has the potential to adversely affect the council's reputation or business. This includes content you create, share, and people's comments and reactions linked to your content. Online bullying includes inappropriate content concerning the council's services, council employees and other elected members, residents, businesses, customers or suppliers. You'll be asked to remove the content, and the council may investigate and start disciplinary action against you. Depending on the content, we may also report it to South Yorkshire Police.

If you're tagged in a post or tweet that is considered defamatory, derogatory and offensive against the council, then please follow the guidance on dealing with unacceptable behaviour in the no place for hate section.

### **Examples of this could be:**

- 1) "Thanks to the councillor for coming to support me today in my role. Some councillors don't care and are only in it for backhanders and brown envelopes."
- 2) "Two men living together should not be allowed in my community. We should get rid of them all. If I ever see any of them in my area, they better watch their backs. I'll be waiting for them."

If you had posted comment 1, we would instruct you to remove them, and it would be referred to the council's monitoring officer as a breach of your [Code of Conduct for Elected Members](#).

Hate and harassment can be criminal or non-criminal and include offensive comments or images on social media or text messages. If you had posted comment 2, you would be reported to South Yorkshire Police for hate crimes. It would also be referred to the council's monitoring officer as a breach of your [Code of Conduct for Elected Members](#).

### **Share our news**

We promote the council's work across the borough. We encourage you to share information and help us to spread the word about what's happening in Barnsley. Unless it's part of your role within the council, you should never make official announcements on behalf of the council via any communication channel.

### **Joining social media groups**

If you want to join a social media group that has a conflict of interest with the council's services, such as a campaign group, you should follow the guidance on personal interests in the [Code of Conduct for elected members](#).

## **Dos and don'ts at a glance**

(adapted from the [LGA website](#))

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### **Do:**

- talk to residents, staff and others. And do answer their questions (quickly and honestly)

- be responsible at all times
- be respectful at all times, too
- have a personality – corporate speak or just issuing press releases won't work well on social media
- share other people's helpful content and links
- share photographs, images, video footage and comments of elected members or employees with their consent and within [UK GDPR regulations](#). You can also [read more information about consent on the intranet](#)
- credit other people's work, ideas and links
- listen (social media is designed to be a two-way channel, just like any good conversation)
- ask your own questions. Seek feedback from your residents (but make sure you share the results with them)
- adhere to your existing HR policies such as the [Code of Conduct for elected members](#) and this social media guidance
- understand your responsibility for the content you create, content you share, and people's comments and reactions linked to your content
- check your privacy settings and make sure you understand what people can see and what they can do with your content.
- follow the council's [Information and security and computer usage policy](#) and [Code of Conduct for elected members](#) when using council equipment and your council login.
- talk to your communications team – they are there to help you
- and more than anything, do use social media in the spirit in which it was intended – to engage, openly and honestly.

## Don't

- broadcast or talk at people. Your residents will soon spot broadcasts and respond accordingly
- block social media – social media is not a risk, blocking its use is a risk
- raise council-related issues on social media. Use the process in place to get more information and facts
- say things that could damage the council's reputation or other organisations or brands associated with the council
- divulge confidential information about, or belonging to, the council, people who use our services, employees or other elected members.
- impersonate other elected members or employees on social media sites and forums
- try to cover up mistakes, be honest and you'll get more respect for it in the long run
- build accounts and just hope people will come – sometimes it is best to go to the places where your audiences are already having conversations
- assume that social media will look after itself – you will need to invest time, enthusiasm and energy to make it work. And don't leave your accounts unattended for long spells
- ignore legal advice, it's there to help you
- think that a disclaimer in your bio will save you from potential legal action, it won't
- share your passwords with anyone

- forget that social media is 24/7 – just because you leave at 5pm doesn't mean the world stops or that residents won't be active. If your account is only staffed 9-5 then you should say so on your profile.

## Legal guidance on using social media

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Comments made on a public forum are in the public domain. Updating your site settings to private will not protect you if you're found in breach of this guidance.

Consider whether your comments or actions could be considered defamatory, derogatory or offensive, as this could result in somebody taking legal action against you as well as against the council or making a formal complaint about you. If someone is taking legal proceedings against an elected member or employee because of their defamatory comments or actions on a social media site or online media outlet, the council is entitled, in appropriate cases where the person has acted reasonably and in good faith, to support them in defending those legal proceedings.

Tribunals and courts can consider communications recorded on social media sites. It's highly likely that online content, postings and messages will be used as evidence, regardless of the privacy settings of your page.

Breaches of the [Code of Conduct for elected members](#) renders you liable to action being taken by the Appeals Awards and Standards Regulatory Board. Failure to observe the conduct and behaviour specified in this code may also render you liable to disciplinary action being taken by your own political group.

Be aware of [UK GDPR regulations](#) and consent.

## No place for hate in Barnsley

---

People are free to express their opinion, and most people who follow our pages do this in a balanced way. It's okay for people not to like the service we deliver or to disagree with decisions, and they are free to communicate this. We won't act against these comments, as frustrating as they may be.

We do not accept content that is defamatory, slanderous, discriminatory, inciting or

intimidatory behaviour, or is classed as misinformation (false, misleading or out-of-context material regardless of the motivation behind it) or disinformation (a deliberate attempt to mislead using material that the deceiver knows is untrue, designed to be widely shared).

## **Managing unacceptable content on social media pages**

Our council social media pages are governed by our [social media acceptable use policy](#) (social media house rules). It covers all of the council's pages and outlines the standards we expect on our social media sites; it's a key enforcement step in establishing a positive behaviour change on online channels.

## **Managing situations when you're out in the community**

You might encounter situations where people try to stop you from doing your role or start taking pictures or filming you when you're out in communities. Almost everyone has a smartphone, which means nearly everyone has a camera. That means the odds of people filming you at work are pretty high.

This can be an unsettling experience. Your behaviour – positive or negative – can get filmed and posted online. It takes seconds and has the potential to catch the attention of thousands of people.

Most of our work happens in places open to the public. That means anyone filming you at work isn't breaking the law, strictly speaking. They could be breaking the law if they're filming you in a place which has sensitive information or activities happening in it. Examples include in a family centre with children in the area or in a meeting discussing someone who uses our services.

Follow this guide on how to deal with it:

- It's essential to keep calm, even if it isn't always easy.
- Be polite, respectful and courteous – even if they are not.
- Ask them to stop taking pictures or recording a video of you.
- Offer them a point of contact for more information on the work you're doing.
- If possible, remove yourself from the situation quickly and calmly.
- Do not retaliate with a heated conversation or by filming them back.
- Do not be disrespectful to people or mock them.
- Let your group leader and monitoring officer know what happened as soon as possible.  
Write down the date, time, location, a description of the person filming you, and a statement of what happened.

## **Managing unacceptable content on non-council social media pages**

We can't control or manage non-council platforms or users, but we'll take steps to try to remove unacceptable content or correct the information. This could include approaching the organisation, site moderators, or the person who has posted it directly to take action. We'll also report it to the



platform directly. We'll work with colleagues in legal services to consider whether any legal action can be taken.

We can only approach people using our Barnsley Council accounts if they like and follow the main Barnsley Council account. This will sometimes limit how we can approach pages. As a Communications and Marketing service, we'll not use our personal accounts to do this.

Please be our eyes on social media. If you see anything unacceptable towards the council:

- Screenshot the content and get a link to the thread and the page (make sure you get the platform name, date and time on it) – this is important so we can investigate it. Please send this to us at [communication@barnsley.gov.uk](mailto:communication@barnsley.gov.uk)
- Report the content using the platform's reporting process.

## **Unacceptable content directed at our elected members**

The council has a duty of care to take all reasonable steps to take care of your health, safety and wellbeing. Customers and residents have the right to expect the best service from the council, and the council will always try to provide that service politely and respectfully. In return, we expect the same treatment. This includes any content made on social media platforms.

Unfortunately, our elected members are sometimes subjected to online abuse. This content could include a comment, image or video. More extreme content could show our elected members being filmed doing their roles. It could show situations out of context and spread misinformation and disinformation. What might be seen as just a comment or someone showing their frustrations is still directed at someone just doing their role.

We're clear on our stance - we'll not tolerate any violent or aggressive behaviour, discriminatory or hate crime comments towards an elected member, be it online or face to face.

## **Steps to take**

### **If the content is on your social media pages**

- Screenshot the content and get a link to the thread and the page (make sure you get the platform name, date and time on it) – this is important for us to have this for further investigation.
- Fill in a [violence and aggression report](#) as soon as possible. This allows us to make an official record and get you the help and support you might need.
- Report the content using the platform's reporting process.
- Delete the comment.
- Block their access to your social media pages.
- Check and review your personal privacy settings. Stay safe online and consider who is looking at your pages and your details. This includes any photographs and videos you share and your links to your family and friends pages.
- Speak to your group leader and the Monitoring Officer for support.

- Send evidence to your group leader, the Monitoring Officer and [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk). We'll look at how we take steps to support you.
- Depending on the content, we'll consider whether it needs highlighting to legal or the police.
- Follow the guidance in our [Personal Safety and Violence and Aggression at work – Code of Practice](#), particularly the escalation process where a threat is made.
- Get support from our [Well@Work service](#) if you need it.

### **If the content is on a public social media channel**

- Screenshot the content and get a link to the thread and the page (make sure you get the platform name, date and time on it) – this is important for us to have this for further investigation.
- Report the content using the platform's reporting process.
- Fill in a [violence and aggression report](#) as soon as possible. This allows us to make an official record and get you the help and support you might need.
- Block their access to your social media pages.
- Check and review your personal privacy settings. Stay safe online and consider who is looking at your pages and your details. This includes any photographs and videos you share and your links to your family and friends' pages.
- Speak to your group leader and the Monitoring Officer for support.
- Send evidence to your group leader, the Monitoring Officer and [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk). We'll look at how we take steps to support you.
- We'll contact the page for you if we can and try to get the comment removed. We'll also remind them of their responsibility as page administrators. We might not be able to do this.
- Depending on the content, we'll consider whether it needs highlighting to legal, our health and safety service or the police.
- Follow the guidance in our [Personal Safety and Violence and Aggression at work – Code of Practice](#), particularly the escalation process where a threat is made.
- Get support from our [Well@Work service](#) if you need it.

### **How we'll support you**

We'll provide support and guidance to anyone affected by online hate and abuse, such as comments about them on social media sites in connection with their role.

This includes support to complete the actions in the No place for hate in Barnsley section and Health and Safety and wellbeing support through the [Personal Safety and Violence and Aggression at work – Code of Practice](#).

Your group leader and the Monitoring Officer will support you.

Our legal services will try and support you in dealing with a difficult situation and advise you on applying the law where possible.

Our Governance and Member Services will support you in understanding and applying the code of conduct and other relevant policies.

## More information

The LGA has a [Councillors' guide to handling harassment, abuse and intimidation](#)

If you need information or support, please contact

- Our Communications and Marketing team at [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk) or call (01226) 773443.
- Our Monitoring Officer at [sukdaveghuman@barnsley.gov.uk](mailto:sukdaveghuman@barnsley.gov.uk) or call 07796 476796.
- Our Legal Services team at [LegalServices@barnsley.gov.uk](mailto:LegalServices@barnsley.gov.uk)
- Our Governance and Member Support team at [Governance@barnsley.gov.uk](mailto:Governance@barnsley.gov.uk) or [MembersEnquiries@barnsley.gov.uk](mailto:MembersEnquiries@barnsley.gov.uk)

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# Dedicated service social media pages - page owner's guidance

Social media is a website or app that helps you to create and share content and communicate with other people. Social media sites include Facebook, Twitter, Instagram, TikTok, Snapchat, WhatsApp, LinkedIn, YouTube and Flickr. It also includes SharePoint, MS Teams and Yammer. This list is not exhaustive and includes any platform, website and application that focuses on communication, community-based input, interaction, content-sharing and collaboration. The guidance also covers any new platforms which will be developed in the future.

You should follow this guidance if you're an employee of Barnsley Council and you have responsibility for managing a council-owned social media page. This also includes relief and agency employees, contracted companies that deliver services for the council, consultants, apprentices, volunteers, trainees and people on work placements. This information also applies to employees in schools where the governing body has adopted the policy.

We want to support you to use social media platforms to promote your services. This could be to advertise an event or service, to promote community engagement, to share job or volunteering opportunities or for many other purposes. The uses of social media continue to increase as technology develops.

Some services have their own social media pages. They have these pages because we've identified that the service benefits from having a targeted audience, the channel is appropriate, and the service has the capacity to manage it effectively. These accounts are solely run by services, and they are accountable for the content and the management of the account.

Just for info...throughout this guide the terms 'we' and 'us' are used to describe the Communications and Marketing Service.

**Please do not create any social media pages without our permission.** This might seem like we want to control this, and in a way we do. As good as social media is, it takes a lot of resources to get it right and holds a big reputational risk if you don't.

If you're following this guide you should have:

- completed a business case to say why you should have a page
- had approval from Communications and Marketing service to create the page
- signed a social media agreement to acknowledge your responsibility for the page.

If you haven't posted on a page for a month or more then we reserve the right to revoke access or close down inactive or infrequently used sites.

# 1. Setting up a page

Before you create any council social media account you need to speak to us and complete a business case. We'll also offer guidance and support on your use of social media. **You cannot set up your own social media page without approval from the Communications and Marketing service.**

The business case asks you to think about why you want a site. Who is your audience and what will you be telling them? Will the site help achieve the council's priorities and outcomes?

It may be that you don't need a page and that we can post your information or event on the council's main social media sites. The council's main social media pages have a large established following of people.

We already work with a lot of services to promote their campaigns, but if you have something which you think would benefit from being posted on social media, please contact us at [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk).

## 2. Your role as a site owner of your dedicated service social media account

Once you're a social media page owner you'll be speaking on behalf of the council and you will be responsible, and accountable, for posting and managing the content and engagement on that page

### 2.1 Your daily activities and responsibilities for posting content

- You'll be responsible for the daily monitoring and upkeep of any material on your site.
- You should aim to post at least two to three times a week. Ideally, you will be posting daily.
- You are responsible for what you write. Everything is public and permanent, even with privacy settings in place. Screen shots can be taken and shared with a wider audience.
- Make sure your posts are accurate and be careful not to reveal confidential information about the council. If you see confidential information posted on a page or if there's an issue that is damaging to the council's reputation, please let us know. If you're not sure, don't post it.
- You should not share photographs, images, video footage or comments from people without their consent. You can [read more information about consent on the intranet](#).
- Be aware of what's in your photographs, images and video footage. Make sure that there isn't any confidential information on view and that it conforms with our [social media acceptable use policy](#).
- Your content must be non-political. Think about the language that you use and don't retweet any elected member's tweets, whatever their political stance.
- You must comply with The General Data Protection Regulations.
- Respect copyright and give credit where it is due. Don't post text, images or videos that are created by someone else without crediting them. This includes copying pictures from the internet. Where possible include a link to the source. You can [read more information about consent on the intranet](#).
- Don't post clippings of newspapers on your pages. We don't have a licence for this. You can post links from websites. You can [read more information about this on the intranet](#).
- Pay attention to your spelling, grammar and tone of voice.

- You should regularly check engagement on your page such as the comments and respond to these if needed in a timely manner. It's good to have pre-approved responses to common issues and questions that might get asked on your pages.
- We can help you decide if you should post certain content. Just email us at [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk)

## 2.2 Barnsley Council brand and style guides

Barnsley Council works in partnership to bring people together and connect them to services helping them to be the best they can be.

We have one strong brand identity that all our services should use so our wide council offer can be easily recognised.

Following our brand and style guides mean that however someone interacts with us, they get the same consistent experience. This develops a more reliable, trustworthy identity for the council, turning people into loyal ambassadors.

It's important that our vision and values are clearly communicated to show how we're making Barnsley the place of possibilities. So, residents, businesses and visitors feel confident that their best interests are at the heart of everything we do.

When we create your pages, we'll work with you to make sure the branding on your pages aligns with our brand and style guides.

## 2.3 Creating engaging content

Making your content interesting will increase the number of engagements on your page. We'll speak to you about this when we create your page and you can contact us at any time at [communications@barnsley.gov.uk](mailto:communications@barnsley.gov.uk)

## 2.4 Managing the reputation of the council

We all have a responsibility to manage the reputation of the council. A key risk to our reputation is the incorrect use of social media. To help manage this risk, we'll need access to your administration rights so that we can check your site. If you currently have a site and haven't given us administration rights, please contact us.

## 2.5 Management of the site

All Facebook pages will be linked to our central Facebook Business Manager dashboard. We'll need your Twitter account username and password which will be stored on a secure spreadsheet on SharePoint.

You're responsible, and accountable, for removing access and changing passwords when an admin leaves the council or changes their role. Please let us know as well.

Clearly state the times that your social media pages are monitored and make sure you have the resource to do this. The council's main social media pages are monitored between 9am and 5pm, Monday to Thursday and until 4:45pm on Friday. We also monitor the council's main social media pages for coverage during critical and major incidents, adverse weather and events. We don't respond to questions or complaints outside of these hours, even if we're posting from our pages. We direct people to the council's [contact us page](#).

We have an automatic profanity filter on our pages. When people include a keyword in their comments we've added to the filter, the platform will hide the comment so that it doesn't appear on our page. Our list of keywords includes terms relating to the bullet point list in the council's social media acceptable use policy. We'll help you set this up and show you how to update it.

As standard, we do not disable comments from our posts. It's at our discretion to disable comments from posts if we think this is the right action to take. We will support you with making sure that this is the right action to take.

## **2.6 Pre-election period**

Whatever type of election, if someone engages on your pages with content which could be interpreted as supporting a party or candidate during the pre-election period, you should delete it. This includes pictures, videos, comments, statements, shares and retweets.

If you post content to the page which could be interpreted as supporting a party or candidate during the pre-election period, you'll be asked to remove it and the council may investigate and start disciplinary action against you which could ultimately lead to your dismissal. This includes pictures, videos, comments, statements, shares and retweets.

## **2.7 Social media advertising**

Social media advertising is a great way of targeting messages to your customers. All Social media advertising should be booked by the Communications and Marketing service.

## **2.8 Contact from the media**

The media frequently use social media content to create stories. If you're contacted by the media please do not respond to them. Contact us as soon as possible.

# **No place for Hate in Barnsley**

Make sure you have read the No Place for Hate section in the Barnsley Council social media guidelines for employees. These will help you to understand and deal with unacceptable content on your social media pages.

**It's not an easy thing to do, so please contact us and we can support you through the process.**

## **Your approach**

Treat people with respect. Be polite, respectful and courteous – even if they are not. It's important to keep calm, even if it isn't always easy.

Do not retaliate with a heated conversation. Do not be disrespectful to people or mock them.

We'll not tolerate any inappropriate content or engagement concerning the council, its employees, elected members, residents, customers or suppliers. This includes harassment, bullying, violent or aggressive behaviour, and discriminatory or hate crime comments. You'll be asked to remove it and the council may investigate and start disciplinary action against you which could ultimately lead to your dismissal.

## **Dealing with unacceptable content on your pages**

People are free to express their opinion and the majority of people who follow our pages do this



in a balanced way. It's okay for people to not like the service we deliver or to disagree with decisions and they are free to communicate this. As frustrating as it may be, we won't take any action against these types of comments.

We do not accept content that is defamatory, discriminatory, inciting or intimidatory behaviour, or is classed as misinformation (false, misleading or out-of-context material regardless of the motivation behind it) or disinformation (a deliberate attempt to mislead using material that the deceiver knows is untrue, designed to be widely shared).

#### **Steps to take:**

- Make sure you have the council's social media acceptable use policy clearly linked to your pages. We'll help you do this when we set up your page.
- Screenshot the content and get a link to the thread and the page (make sure you get the platform name, date and time on it) – this is really important for us to have this for further investigation.
- Create a log so you can add detail about the actions you take and the reasons behind them. Also, include the screenshot here. This is crucial if someone complains. We have a log on SharePoint and we can share this with you.
- Report the content using the platform's reporting process.
- If the content relates to the list in the council's social media acceptable use policy, you need to hide or delete it depending on the severity.
- You should respond publicly to the content and also via direct message asking you to remove it immediately. We'll tell you why we've removed it. We have a list of prepared responses which we can share with you.
- If people do not amend or remove their content, then you should block their access to your social media page. You should tell them that you're doing this.

## **Support for you**

Managing a social media page can have its good and not-so-good days. Please get in touch with us if you need any support.

You can also speak to your manager for advice and support and get support from our [Well@Work service](#) if you need it.

## **Inactive or infrequently used pages**

If you haven't posted on a platform for a month or more then we reserve the right to revoke access or close down inactive or infrequently used sites.

## **Mismanagement of pages**

If you do not follow the guidance in this document it may result in disciplinary action under the council's [disciplinary procedure](#).

We will also take the steps to remove your access from pages and will look to see if the page needs deleting altogether.

Tribunals and courts can consider communications recorded on social media sites. It's highly likely that online content, postings and messages will be used as evidence, regardless of the privacy settings of your page.

All employees and elected members have a common law duty of fidelity and trust and confidence in their employers. A breach of this nature could be treated as a breach of the council's [Code of conduct for employees](#) and you could be subject to a disciplinary procedure which could ultimately lead to your dismissal.

**BARNSELY METROPOLITAN BOROUGH COUNCIL****REPORT OF: EXECUTIVE DIRECTOR GROWTH & SUSTAINABILITY****TITLE: COMMUTED SUMS FOR MAINTENANCE**

<b>REPORT TO:</b>	<b>CABINET</b>
<b>Date of Meeting</b>	<b>16 November 2022</b>
<b>Cabinet Member Portfolio</b>	<b>Regeneration &amp; Culture</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Public or Private</b>	<b>Public</b>

**Purpose of report**

To seek approval for a proposed practice of securing commuted sums from developers through Section 38 / Section 278 Legal Agreements

**Council Plan priority**

Sustainable Barnsley

**Recommendations**

That Cabinet:-

1. Approve the Commuted Sum Policy as outlined in this report;
2. Approve that the implementation date for the commuted sums and new fees / charges is 1 December 2022;
3. Give delegated authority to the Executive Director (Growth & Sustainability), and Service Director Finance - (S151 Officer), in consultation with the Cabinet Member for Environment & Transport, to agree fees and charges which vary from the standard inflation clause, if the cost base changes or new services are introduced and that this can be done at 6 month intervals if external factors influence the cost base significantly throughout the financial year.

## 1. INTRODUCTION

- 1.1 To provide Cabinet with information for charging developers commuted sums to cover the future maintenance and replacement costs of all eligible infrastructure assets (not privately owned) offered for adoption for the lifetime of the development.

## 2. PROPOSAL

- 2.1 The rationale for seeking commuted sums for future maintenance and associated works is to ensure that the local authority has the financial resource to cover the upkeep and replacement of assets they adopt from developers.
- 2.2 A commuted sum is a one-off payment of capital as a contribution towards the future maintenance of eligible assets to be adopted for the lifetime of the development. This is usually 60 years for housing development infrastructure (roads, drainage etc) and 120 years for structures (bridges, culverted watercourses etc)
- 2.3 Commuted sums generally relate to payments made by developers through either s38 (Highways Act 1980), s278 (Highways Act 1980) or s106 Agreements (Town & Country Planning Act 1990) via a legal agreement with the developer. The payment of a commuted sum by a developer discharges them of any future maintenance responsibilities for the adopted assets upon formal adoption. The obligation and associated risk then lie with the adopting party to maintain the asset.
- 2.4 At present, the Council charges commuted sums for items such as drainage assets, however it is proposed that many other items should be included in this process if they are offered for adoption by the developer.
- 2.5 The need for paying commuted sums can be divided into four broad categories:
- The cost of maintaining areas and construction, which under our normal design guidance are not required for the safe and satisfactory functioning of the highway. Examples are additional areas of carriageway, such as a “square” surrounding a turning head, hard landscaping, grass verges and so on.
  - The cost of maintaining some features of the adoptable works which can be considered as Extra Over. Examples include highway structures, public transport infrastructure, landscaping, trees, shrubs etc, additional or non-usual street furniture and noise fencing. These costs represent an increase in our future maintenance liability which will be more than the anticipated normal funding generated by the development.
  - The additional cost of maintaining permitted alternative materials and features which are Extra Over. Examples include surfacing materials and street lighting equipment. These additional costs are in excess of what we would have incurred if the materials and features used had been to **standard** specification.

2.6 **“Standard”** highway construction in Barnsley is defined as follows:

- Carriageways surfaced in concrete asphaltic materials (non-pigmented binder and non-coloured aggregates)
- Carriageways in shared surface roads, courtyards and housing squares surfaced in 200mm x 100mm x 60mm rectangular concrete block paving
- Footway surfaced in concrete asphaltic materials (non-pigmented binder and non-coloured aggregates)
- Hard Margins adjacent to block paved carriageways also surfaced in 200mm x 100mm x 60mm rectangular concrete block paving
- Cycleways surfaced in concrete asphaltic materials
- Pre-cast concrete kerbing
- Gully drainage, connection pipes and gravity draining highway carrier drains.
- Galvanised pedestrian guard railing.
- Standard highway lighting layouts, columns and lanterns.
- Standard illuminated and non-illuminated highway signs.
- Passively safe signposts where required for road safety.
- Bollards and markers posts manufactured from Plastic derivatives or recycled plastic/rubber.
- Road markings.

2.7 **“Non-Standard”** is therefore defined as all construction types or materials that are not included in the definition of “standard” construction as above.

The following items within the Barnsley borough that incur a requirement for commuted sums are:

Traffic Signals	Commuted Sum
Traffic signal junction / Pedestrian Crossing	Actual sum depend upon detail
CCTV camera infrastructure	Actual sum depend upon detail.
Traffic Counting device	Actual sum depend upon detail.
Traffic and Road Safety	Commuted Sum
Gateway features	To be determined on a site by site basis
Raised Tables	To be determined on a site by site basis
Chicane	To be determined on a site by site basis
Speed cushion	To be determined on a site by site basis
Over-run areas to roundabout (granite setts)	To be determined on a site by site basis
Over-run areas to speed control bends	To be determined on a site by site basis
Mini roundabouts	To be determined on a site by site basis
Illuminated Traffic Signs	To be determined on a site by site basis
Non Illuminated Traffic Signs	To be determined on a site by site basis
Vehicle Activated Signs	Whole life costs including replacement

<b>Drainage</b>	<b>Commuted Sum</b>
Gullies	Annual maintenance costs over a 60 year period
Soakaways	Annual maintenance costs over a 60 year period
Retention ponds	Annual maintenance costs over a 60 year period
Hydrobrakes	Annual maintenance costs over a 60 year period
Petrol & Oil Interceptors	Annual maintenance costs over a 60 year period
Other SuDs features (subject to adoption)	Annual maintenance costs over a 60 year period
Connection to highway drains	Additional annual maintenance costs to reflect increased liability
Jetting	To be determined on a site by site basis
Gully Emptying	To be determined on a site by site basis
Combined Kerb Drainage	To be determined on a site by site basis
<b>Green Landscaping</b>	<b>Commuted Sum</b>
Tree	To cover cost of pruning per tree *for a defined period
Hedges	Annual maintenance cost per sqm
Soft Landscaping	Annual maintenance cost per sqm
Verge Maintenance	Annual maintenance cost per sqm
Weed Spraying	To be determined on a site by site basis
Tree Grills	To be determined on a site by site basis
Planters and Raised Beds	Annual maintenance cost per sqm
Earthwork Environmental Bunds	Annual maintenance cost per sqm
<b>Bridges &amp; Structures</b>	<b>Commuted Sum</b>
Attenuated highway drainage system	Whole life costs including replacement after 120 years
Bridges	Whole life costs including replacement after 120 years
Culverts & trash screens	Whole life costs including replacement after 120 years
Retaining Walls	Whole life costs including replacement after 120 years
Head walls	Whole life costs including replacement after 120 years
Sign/signal gantries & cantilever road signs	60 year life – maintenance and replacement
<b>Street Lighting</b>	<b>Commuted Sum</b>
Non-standard columns	Dependent upon type
Non-standard fixings	Dependent upon type
Illuminated street furniture	Dependent upon type
High lighting mast	Dependent upon type
Street Lighting Bulk Lamp Cycle	Dependent upon type
<b>Surfacing</b>	<b>Commuted Sum</b>
Surface Dressing	Overlay per sqm

Hot or cold applied coloured surfacing and high friction surfacing	Overlay per sqm
Modular/Tegula paving	To be determined on a site by site basis
<b>Footways / Cycleways inc PRow</b>	<b>Commuted Sum</b>
Hot or cold applied coloured surfacing and high friction surfacing	Overlay per sqm
Pigmented / Decorative surfacing	To be determined on a site by site basis
Modular/Tegula paving	To be determined on a site by site basis
Conservation kerbs / slabs	To be determined on a site by site basis
Tactile Paving	To be determined on a site by site basis
<b>Kerbs</b>	<b>Commuted Sum</b>
Conservation type kerbs	To be determined on a site by site basis
<b>Fencing &amp; barriers</b>	<b>Commuted Sum</b>
Vehicle Restraint System (VRS)	Replacement
Acoustic Fencing	Dependent on type
Non-standard pedestrian guard railing	Dependent on type
Knee rail fencing	Replacement
Boundary fencing	Dependent on type
<b>Street furniture</b>	<b>Commuted Sum</b>
Bollards	Dependent on type
Retro reflective bollards	Dependent on type
Marker posts	Dependent on type
Cycle Stand	Dependent on type
Litter Bin	Dependent on type
Seating	Dependent on type
<b>Public Transport</b>	<b>Commuted Sum</b>
Bus Shelters	To be determined on a site by site basis
Real Time Information	To be determined on a site by site basis

## Agreement, Bond and Timing

- 2.8 The legal Agreement will include conditions requiring the payment of commuted sums and specify when such payments will need to be made. Any commuted sums payable will be included in the bond required under the Section 38 or Section 278 agreement. The commuted sum will be payable before we issue the adoption / final certificate.
- 2.9 For Section 278 works, we will not normally apply commuted sums for the existing area of carriageway unless replaced with a non-standard material (in that case, the commuted sum would be the difference between the commuted sum for the standard and non-standard material). A full commuted sum would be required for any additional carriageway created (e.g a right turn lane) or any

new feature (e.g. refuge / splitter island, additional lighting, bollards etc). This is because the additional carriageway and features created above those already existing are only required to provide the access for the new development and therefore it is reasonable to require a commuted sum to maintain them in the future.

- 2.10 There has previously been variation in the methodology/use of the calculation of commuted sums across internal council departments. In order for consistency and reasonable best practice, it is proposed that the industry standard guidance “commuted sums for maintaining infrastructure assets” prepared by CSS (County Surveyors Society) now ADEPT, is used to calculate sums for all assets being adopted by the Council.
- 2.11 There are a number of variations in the formulae that have been used for calculating commuted sums. The essential feature is that the commuted sum paid is discounted to allow for the fact that it will be earning interest and costs will be increasing due to inflation, which will make up part of the maintenance payment required.

It is therefore necessary to determine the net present value of a future expense and the following formula is recommended to be used to calculate the maintenance obligations:

- $\Sigma Mp / (1 + D/100)^T$ , where
- $Mp$  = Estimated future maintenance cost  $T$  years from now
- $D$  = Discount rate (effective annual interest rate) (%)
- Commuted sum = Summation of all net present values for appropriate future costs.

### **Maintenance cost ( $Mp$ )**

- 2.12 The local authority will use its current contract rates. The maintenance regime is based on ‘whole life costing’ with the frequency of treatment and or the intervals of replacement, based on planned frequencies, historic information and industry guidance. For non-maintenance items it is also appropriate to add a percentage to the works costs to cover the design and supervision costs, considered to be 12.5%.

### **Periodic Discount Rate ( $D$ )**

- 2.13 The recommended discount rate (effective annual interest rate) is 2.0 - 2.2% based on the interest rate and rate of inflation. CCBC utilise a discount rate of 2.0% that is reviewed in accordance with revised CSS (County Surveyors Society) guidance. The use of the discount rate ensures that both the interest earned on the commuted sum, and the effect of inflation in increasing the cash sums eventually required, are taken into account.

### **Time Period ( $T$ )**

- 2.14 Where the life of a development is 60 years or more, it is recommended that a period of 60 years is used as the default period for calculating commuted sums



for future maintenance. The period of 60 years is conventionally used as the minimum life of housing and assets. The period of 60 years for commuted sums represents a reasonable compromise between covering future costs and the uncertainties over whether they will be required in the future. Commuted sums will need to include for the replacement of assets with a shorter life than the expected time period.

2.15 The exception to the use of this time period is where the local authority would be adopting a substantial structural asset e.g. bridge, culvert. In such cases a time period of 120 years is to be utilised.

2.16 Summary of calculation of commuted sums:

- The estimated periodic maintenance cost of the asset to be adopted e.g. maintenance at six monthly intervals.
- Its future cost of renewal or replacement.
- The duration over which the sum is required. The Association of Directors of Planning and Transport (ADEPT) recommends commuted sums for structures should be calculated to cover a 120 year period and that the period for other items should be 60 years (the whole life of the development).
- The effective annual interest rate that will provide a return on the sum invested prior to its expenditure after the effects of inflation have been taken into account (called the discount rate approx. 2.0 – 2.2%). It is recommended that BMBC use 2.0%.

2.17 As an example, a zebra crossing provides a useful illustration of the type of costs to be incurred, from day 1 the flasher units will consume electricity each day, the unit will require cleaning every 2 years, electrical testing is required every sixth year. The flasher unit and globe will require replacement every 10 years whilst the supporting posts will need to be replaced after 25 years. The electricity costs are based on annual cost of the unit and consumption. White lining replaced every 5 years and anti-skid surfacing every 10 years. All these costs and time periods will need to be accommodated within the commuted sum calculation.

### **3. IMPLICATIONS OF THE DECISION**

#### **3.1 Financial and Risk**

3.1.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).

3.1.2 A commuted sum is a one-off payment of capital as a contribution towards the future maintenance of eligible assets to be adopted for the lifetime of the development. This is usually 60 years for housing development infrastructure (roads, drainage etc) and 120 years for structures (bridges, culverted watercourses etc)

3.1.3 The lack of a formal policy means that the Council only currently charges commuted sums for items such as drainage assets, however it is proposed that

many other items should be included in this process if they are offered for adoption by the developer. The commuted sums are currently collected through S38 and S278 legislation and will continue to be collected in this way.

- 3.1.4 There has previously been variation in the methodology/use of the calculation of commuted sums across internal council departments. In order for consistency and reasonable best practice, it is proposed that the industry standard guidance “commuted sums for maintaining infrastructure assets” prepared by CSS (County Surveyors Society) now ADEPT, is used to calculate sums for all assets being adopted by the Council.
- 3.1.5 This new commuted sum policy reflects current rates for maintenance of assets to be adopted and seeks to minimise the financial burden associated with new development and the adoption of new infrastructure. The sums will be reviewed every year and where appropriate rates amended to take into account any increase in maintenance costs / materials.
- 3.1.6 The commuted sum amount will be calculated on non-standard items at the rates detailed earlier in the report.
- 3.1.7 The Council will face significant budgetary pressures now and in the foreseeable future. If new highway infrastructure that requires relatively high or excessive maintenance works continues to be added to the network, with no appropriate additional funding made available, then this pressure will increase.
- 3.1.8 The funding secured from the commuted sums is expected to cover all future maintenance costs of all infrastructure assets where adopted, for the lifetime of the development.
- 3.1.9 The total value of commuted sums secured each year will be dependent on how much development and the type of assets that are being put forward for adoption. Contributions will go towards the highways maintenance capital programme as part of the Medium-Term Financial Strategy. No Appendix A is required for this report.

## **3.2 Legal**

- 3.2.1 The statutory authority for commuted sum payments appears in Sections 38(6) and 278(3) of the Highways Act 1980. Such payments are considered lawful and there is case law that supports the collection of commuted sums to maintain assets that are being adopted. However, the approach taken to the setting and collection of commuted sums must be fair to all parties and it must not be used as a mechanism to generate income.
- 3.2.2 It should be noted that Section 37 of the Highways Act 1980 provides an alternative mechanism whereby a developer / owner of a private road can unilaterally dedicate a road for adoption which can only be resisted where the Council can demonstrate the road will not be of sufficient public utility to justify it being maintained at the public expense. Where a developer elects to use this route, there is no requirement for him to offer up any commuted sum nor can

the Council require one, so it is far more advantageous to avoid this route where possible.

### 3.3 Equality

- 3.3.1 An Equality Impact Assessment (EIA) pre-screening has been completed in accordance with the Council's EIA policy. No potential for unlawful discrimination and / or low level or minor negative impact has been identified therefore a full EIA has not been carried out.

### 3.4 Sustainability



- 3.4.1 By applying commuted sums in accordance with the recommendations of this report, the Council will be ensuring that the maintenance costs of future schemes on the highway are taken account of at an early stage of the planning process. This will prevent future difficulties in relation to the funding of additional maintenance.
- 3.4.2 These proposals may give rise to some private developers (and potentially some Council promoted schemes) having to reduce the provision of planting and other street scene features, to accommodate the commuted sum payment within their available budget.
- 3.4.3 The introduction of some additional commuted sum payments may lead to the simplification of some schemes to save money. This will be resisted as the Council brings forward new design guidance, which is intended to lift design quality. Commuted sum costs associated with planting and enhanced materials are relatively low. Commuted sums for more expensive elements of schemes such as sustainable drainage are already being collected.

### **3.5 Employee**

3.5.1 There are no direct personnel implications

### **3.6 Communications**

3.6.1 The Policy will be made available on the Council's website where all information for developers is provided. We will communicate the new policy to all developers currently working in Barnsley either through email or letter. This will allow transparency and ensure that developers are aware of the potential commuted sum requirements in association with their development proposal.

## **4. CONSULTATION**

4.1 Officers within Planning Services, Highways and Environment Services and Strategic Transport team have been consulted on the draft policy and have provided input into the formulation of the updated commuted sums.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 The only other option is for the Council not to have a Commuted Sums Policy. This will mean that the Council does not have an up to date, clear and transparent policy and it will continue to collect commuted sums on an ad-hoc basis that do not reflect current maintenance contract costs.

## **6. REASONS FOR RECOMMENDATIONS**

6.1 The Commuted Sum Policy will create clear guidance for calculating commuted sums payments from the promoters of new schemes affecting the highway.

6.2 It will help protect the Council's finances in the future, from additional claims due to increased highway maintenance requirements on new infrastructure.

## **8. LIST OF APPENDICES**

Appendix 1: Commuted Sum Policy

## **9. BACKGROUND PAPERS**

None

## **10. REPORT SIGN OFF**

<b>Financial consultation &amp; sign off</b>	<i>Maq Ahmed 10 May 2022</i> <i>Mark Bell</i> <i>Steve Loach</i>
<b>Legal consultation &amp; sign off</b>	<i>Jason Field / Cheryl Radford 10 May 2022</i>

**Report Author: Tracey Brewer**  
**Post: Head of Transport**  
**Date: 16 August 2022**

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Barnsley Council

Commuted Sums Payments for Future Maintenance in  
Relation to Adoption and Transfer of Infrastructure  
Assets

# Contents

1. Introduction
2. Background
3. Legal Background
4. Application
5. Commuted Sum Calculation
6. Standard Highway Construction Definition
7. Commuted Sum Schedule



## 1. Introduction

- 1.1 The purpose of this policy is to clearly define when a commuted sum will apply and how the commuted sum is calculated so that a clear and consistent understanding is achieved when entering into future highway adoption agreements with developers.
- 1.2 This document aims to provide a transparent and consistent approach to the seeking of and calculation of Commuted Sums for developer / third party funded highway assets in Barnsley. The guidance outlines the clarity of approach in order to:
  - Remove uncertainty and risk for developers at an early stage in the process
  - Provide greater scrutiny for overstretched highway budgets
  - Enable developments to progress with much more certainty about the overall requirements and commitments for all parties involved
  - Provide a more flexible approach to the adoption of new and alternative “non-standard” layouts without stifling innovation and the desire to create better places to live
- 1.3 The principles adopted by this policy follow the guidance contained within the County Surveyors Society (CSS) (now known as Directors of Environment, Economy, Planning and Transport (ADEPT)) guidance document “Commuted Sums for Maintaining Infrastructure Assets” (2009). Within this document, the suggested legal definition for the term “Commuted Sum” in relation to the adoption of new infrastructure is:

**A payment of a capital sum by an individual, authority or company to the Highway Authority, Local Authority or other body as a contribution towards the future maintenance of the asset to be adopted or transferred.**
- 1.4 For each and every length of newly adopted highway, a consideration is made by central government to provide additional funding to the Highway Authority for the future maintenance of these roads (the Revenue Support Grant – RSG) The amount of this funding is based purely on the additional length of carriageway and does not allow for the increased maintenance burden associated with “non standard” construction types or materials.
  - “Non standard” in this instance is defined as all construction types or materials that are not included in the following definition of “standard construction”. See Section 6 for details of Standard Construction definitions.
- 1.5 The calculation of commuted sum(s) is the subject of individual agreements, however, this policy sets out the framework as to how and why commuted sums are calculated and applied.

## **2. Background**

- 2.1 The Council, as Highway Authority has a statutory responsibility for the management and maintenance of the highway network which includes the need to keep the network safe for all road users.
- 2.2 Highway assets and infrastructure delivered by developers are continually transferred to the Council as the highway authority through legal agreements securing “adoption”, whereby the Highway Authority then assumes responsibility for its future maintenance. When the Highway Authority takes on assets from other owners, it incurs maintenance costs for the life of the assets, as well as replacement costs at the end of their useful life
- 2.3 The rationale for seeking commuted sums is to ensure that highway authorities have sufficient financial resources to fund the future maintenance, associated works and, where appropriate, replacement of these additional assets, for which any funding received from Government through the Revenue Support Grant (RSG) is insufficient.
- 2.4 The purpose of this policy is to ensure that, when accepting assets from other owners, the Highway Authority is not unnecessarily burdened with maintenance and replacement costs. It does this by allowing for commuted sums for maintenance to be recovered through Section 38 or section 278 agreements. The statutory authority for these payments is covered under section 38(6) and section 278(3) of the Highways Act 1980.
- 2.5 Barnsley Council has increasing pressure on its budget, which has resulted in the need for commuted sums to cover the cost of maintaining additional highway facilitating a development and the costs in maintaining new roads offered for adoption.

## **3. Legal Background**

- 3.1 There are three main ways in which the Highway Authority agrees to take on assets from other owners:
  - S38 Agreement (of the Highways Act 1980), whereby the total length of adopted highway maintained by the Highway Authority is extended. This affects the formulae that govern the calculation of the RSG, which includes for general highway maintenance.
  - S278 Agreement (of the Highways Act 1980). As these works are on the existing maintainable highway, it is less likely that there will be an extension to the network and therefore it is unlikely to affect the RSG.
  - Other agreed transfers from third parties. These may or may not extend the existing highway, depending on the circumstances.

### **New Roads adopted under Section 38**

- 3.2 Section 38 of the Highways Act 1980 (“the Act”) is a power allowing highway authorities to adopt newly constructed roads by agreement with landowners and developers. Section 38(6) states as follows:

*"An agreement under this section may contain such provisions as to the dedication as a highway of any road or way to which the agreement relates, the bearing of the expenses of the construction, maintenance or improvement of any highway, road, bridge or viaduct to which the agreement relates and other relevant matters as the authority making the agreement think fit".*

This relates not only to the "maintenance" prior to adoption but also "relevant matters as the authority making the agreement thinks fit", which may include a commuted sum for future maintenance following adoption.

- 3.3 The Court of Appeal has emphasised the wide and unqualified nature of Section 38(6) powers. There are no limitations as to how the commuted sum should be calculated (Redrow Homes Ltd v Knowsley MBC 2015) and this need not be limited to "extra over" costs.

### **Existing Roads improved under Section 278**

- 3.4 Section 278 of the Act is a power allowing highway authorities to secure improvements to existing roads by agreement with landowners and developers. Section 278(3) gives an express provision for payments for the maintenance of highway works and states as follows:

*"The agreement may also provide for the making to the highway authority of payments in respect of the maintenance of the works to which the agreement relates and may contain such incidental and consequential provisions as appear to the highway authority to be necessary or expedient for the purposes of the agreement"*

- 3.5 Section 278 is therefore drafted in the same wide and unqualified terms as Section 38 of the Act
- 3.6 Regardless of the potential offer of a commuted sum payment, the highway authority will retain discretion as to what it is prepared to adopt, particularly where a proposal may not be acceptable in principle (e.g. on the grounds of highway safety) or where it would be inappropriate for it to do so (e.g. street art, play areas) or where materials are considered to be unacceptable or to an inappropriate specification.

## **4. Application**

4.1 The need for paying commuted sums can be divided into four broad categories:

- The cost of maintaining areas and construction, which under our normal design guidance are not required for the safe and satisfactory functioning of the highway. Examples are additional areas of carriageway, such as a "square" surrounding a turning head, hard landscaping, grass verges and so on.
- The cost of maintaining some features of the adoptable works which can be considered as Extra Over. Examples include highway structures, public transport infrastructure, landscaping, trees, shrubs etc, additional or non-usual street furniture and noise fencing. These costs represent an increase in our future maintenance liability which will be more than the anticipated normal funding generated by the development.
- The additional cost of maintaining permitted alternative materials and features which are Extra Over. Examples include surfacing materials and street lighting equipment. These additional costs are in excess of what we would have incurred if the materials and features used had been to standard specification.

### **Agreement, Bond and Timing**

4.3 The legal Agreement will include conditions requiring the payment of commuted sums and specify when such payments will need to be made. Any commuted sums payable will be included in the bond required under the Section 38 or Section 278 agreement. The commuted sum will be payable before we issue the adoption / final certificate.

4.4 For Section 278 works, we will not normally apply commuted sums for the existing area of carriageway unless replaced with a non-standard material (in that case, the commuted sum would be the difference between the commuted sum for the standard and non-standard material). A full commuted sum would be required for any additional carriageway created (e.g a right turn lane) or any new feature (e.g. refuge / splitter island, additional lighting, bollards etc). This is because the additional carriageway and features created above those already existing are only required to provide the access for the new development and therefore it is reasonable to require a commuted sum to maintain them in the future

## 5. Commuted Sum Calculation

- 5.1 All commuted sums secured are discounted to allow for the fact that they will be earning interest which will make up part of the maintenance payment when it is required. It is therefore necessary to determine the net present value of a future expense, and the following formula is used to calculate the maintenance obligation:

$$\text{Commuted sum} = \Sigma \text{Mp} / (1 + \text{D}/100)^{\text{T}}$$

Where **Mp** = Estimated periodic maintenance cost

**D** = Discount rate (effective annual interest rate) (%)

**T** = Time period before expenditure will be incurred

- 5.2 **Maintenance Unit Costs (Mp)** are generally based on a "whole life" costing approach with the frequency of inspection, treatment, and/ or the intervals of replacement based on planned frequencies or historic information. It may also be appropriate to add an agreed percentage to the works costs to cover the highway authority design and supervision costs.
- 5.3 Therefore, the associated activities / functions that may be included in the calculation of commuted sums are as follows:
- Inspections and surveys
  - Routine and cyclic maintenance
  - Winter maintenance
  - Energy charges
  - Design and supervision fees
  - Asset replacement
- 5.4 The maintenance costs are based on term maintenance contract rates and staff hourly rates at the time of calculation.
- 5.5 **Discount Rate (D)** is worked out as follows:
- $$D = (1.045 / 1.0225) - 1 = 2.2\%$$
- Where
- 1.045 is the interest rate (4.5% based on long term neutral base rate)
- 1.0225 is the inflation rate (2.25% based on the RPI-X (RPI – mortgage payments))
- \*\* subject to review / change based on economic factors*
- 5.6 This formula ensures that both the interest earned on the commuted sum, and the effect of inflation in increasing the cash sums eventually required are taken into account.

5.7 **Time period (T)** A time period of 60 years is used as the default period for calculating commuted sums for future maintenance, with the exception of highway structures when 120 year will apply, in accordance with the standard design life requirement.

5.8 Commuted sum example:

*Annual maintenance cost for example £100*

*Replacement cost for example £500*

*Design life for example 20 years*

*Discount rate 2.2% (0.022)*

Calculate for each year up to 60 years including replacement cost as required:

Year 1 -  $£100 \div (0.022\% + 1)^1 = £97.85$

Year 2 -  $£100 \div (0.022\% + 1)^2 = £95.74$

Year 3 -  $£100 \div (0.022\% + 1)^3 = £93.72$  and so on up to year 20

Year 20 -  $£500 \div (0.022\% + 1)^{20} = £323.56$

Year 21 -  $£100 \div (0.022\% + 1)^{21} = 63.32$  and so on up to year 40

Year 40 -  $£500 \div (0.022\% + 1)^{40} = £209.38$

Year 41 -  $£100 \div (0.022\% + 1)^{41} = £40.97$  and so on up to year 60

Year 60 -  $£500 \div (0.022\% + 1)^{60} = £135.49$

Each value for each year is then summed.

## **6. Standard Highway Construction Definition**

6.1 "Standard" highway construction in Barnsley is defined as follows:

- Carriageways surfaced in concrete asphaltic materials (non-pigmented binder and non-coloured aggregates)
- Carriageways in shared surface roads, courtyards and housing squares surfaced in 200mm x 100mm x 60mm rectangular concrete block paving
- Footway surfaced in concrete asphaltic materials (non-pigmented binder and non-coloured aggregates)
- Hard Margins adjacent to block paved carriageways also surfaced in 200mm x 100mm x 60mm rectangular concrete block paving
- Cycleways surfaced in concrete asphaltic materials
- Pre-cast concrete kerbing
- Gully drainage, connection pipes and gravity draining highway carrier drains.
- Galvanised pedestrian guard railing.
- Standard highway lighting layouts, columns and lanterns.
- Standard illuminated and non-illuminated highway signs.
- Passively safe sign posts where required for road safety.
- Bollards and markers posts manufactured from Plastic derivatives or recycled plastic/rubber.
- Road markings.

6.2 "Non-Standard" is defined as all construction types or materials that are not included in the definition of "standard" construction as above.

## 7. Commuted Sums

The following items within the Barnsley borough that incur a requirement for commuted sums are:

<b>Traffic Signals</b>	<b>Commuted Sum</b>
Traffic signal junction / Pedestrian Crossing	Actual sum depend upon detail
CCTV camera infrastructure	Actual sum depend upon detail.
Traffic Counting device	Actual sum depend upon detail.
<b>Traffic and Road Safety</b>	<b>Commuted Sum</b>
Gateway features	To be determined on a site by site basis
Raised Tables	To be determined on a site by site basis
Chicane	To be determined on a site by site basis
Speed cushion	To be determined on a site by site basis
Over-run areas to roundabout (granite setts)	To be determined on a site by site basis
Over-run areas to speed control bends	To be determined on a site by site basis
Mini roundabouts	To be determined on a site by site basis
Illuminated Traffic Signs	To be determined on a site by site basis
Non Illuminated Traffic Signs	To be determined on a site by site basis
Vehicle Activated Signs	Whole life costs including replacement
<b>Drainage</b>	<b>Commuted Sum</b>
Gullies	Annual maintenance costs over a 60 year period
Soakaways	Annual maintenance costs over a 60 year period
Retention ponds	Annual maintenance costs over a 60 year period
Hydrobrakes	Annual maintenance costs over a 60 year period
Petrol & Oil Interceptors	Annual maintenance costs over a 60 year period
Other SuDs features (subject to adoption)	Annual maintenance costs over a 60 year period
Connection to highway drains	Additional annual maintenance costs to reflect increased liability
Jetting	To be determined on a site by site basis
Gully Emptying	To be determined on a site by site basis
Combined Kerb Drainage	To be determined on a site by site basis
<b>Green Landscaping</b>	<b>Commuted Sum</b>
Tree	To cover cost of pruning per tree *for a defined period
Hedges	Annual maintenance cost per sqm
Soft Landscaping	Annual maintenance cost per sqm
Verge Maintenance	Annual maintenance cost per sqm
Weed Spraying	To be determined on a site by site basis
Tree Grills	To be determined on a site by site basis
Planters and Raised Beds	Annual maintenance cost per sqm
Earthwork Environmental Bunds	Annual maintenance cost per sqm



<b>Bridges &amp; Structures</b>	<b>Commuted Sum</b>
Attenuated highway drainage system	Whole life costs including replacement after 120 years
Bridges	Whole life costs including replacement after 120 years
Culverts & trash screens	Whole life costs including replacement after 120 years
Retaining Walls	Whole life costs including replacement after 120 years
Head walls	Whole life costs including replacement after 120 years
Sign/signal gantries & cantilever road signs	60 year life – maintenance and replacement
<b>Street Lighting</b>	<b>Commuted Sum</b>
Non-standard columns	Dependent upon type
Non-standard fixings	Dependent upon type
Illuminated street furniture	Dependent upon type
High lighting mast	Dependent upon type
Street Lighting Bulk Lamp Cycle	Dependent upon type
<b>Surfacing</b>	<b>Commuted Sum</b>
Surface Dressing	Overlay per sqm
Hot or cold applied coloured surfacing and high friction surfacing	Overlay per sqm
Modular/Tegula paving	To be determined on a site by site basis
<b>Footways / Cycleways inc PRow</b>	<b>Commuted Sum</b>
Hot or cold applied coloured surfacing and high friction surfacing	Overlay per sqm
Pigmented / Decorative surfacing	To be determined on a site by site basis
Modular/Tegula paving	To be determined on a site by site basis
Conservation kerbs / slabs	To be determined on a site by site basis
Tactile Paving	To be determined on a site by site basis
<b>Kerbs</b>	<b>Commuted Sum</b>
Conservation type kerbs	To be determined on a site by site basis
<b>Fencing &amp; barriers</b>	<b>Commuted Sum</b>
Vehicle Restraint System (VRS)	Replacement
Acoustic Fencing	Dependent on type
Non-standard pedestrian guard railing	Dependent on type
Knee rail fencing	Replacement
Boundary fencing	Dependent on type
<b>Street furniture</b>	<b>Commuted Sum</b>
Bollards	Dependent on type
Retro reflective bollards	Dependent on type
Marker posts	Dependent on type
Cycle Stand	Dependent on type
Litter Bin	Dependent on type
Seating	Dependent on type
<b>Public Transport</b>	<b>Commuted Sum</b>

Bus Shelters	To be determined on a site by site basis
Real Time Information	To be determined on a site by site basis

- 7.1 This list is not exhaustive but reflects the most common occurrences of commuted sums being required, and the developer/consultant is advised to approach the Highway Authority at an early stage to agree when a commuted sum will be required.
- 7.2 It may be that we do not know the full cost implications of the site at this stage; therefore, we will calculate the final value immediately before we adopt the development. The agreement will contain provision for re-calculating commuted sums based on actual quantities used, and a price fluctuation factor specified within the agreement. The 'provisional' commuted sum will be included in the bond requirement under the S38/S278 but will be taken out of the inspection fee calculation. The actual commuted sum will be payable before the Highway Authority agree to issue the Adoption / Final Certificate.

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