



Report to: Standards Committee

Report of: Monitoring Officer

Date: 17 September 2019

Subject: Protocol on Members' Use of Local Authority Resources

1. PURPOSE

To inform and advise members regarding the adoption of a Protocol for Members' Use of Local Authority Resources. This document is mentioned in the Constitution, but no existing protocol could be found.

2. RECOMMENDATIONS

That Committee approve and adopt the attached Protocol.

3. BACKGROUND

The Council's Code of Conduct for members refers to:

"Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources." (Article 42.1.2)

4. KEY INFORMATION

The Protocol sets out when members may and may not make use of local authority resources, from IT to meeting rooms.

5. FINANCIAL IMPLICATIONS AND BUDGET PROVISION

None

6. LEGAL IMPLICATIONS

The Protocol refers to implications under the Data Protection legislation and The Code of Recommended Practice on Local Authority Publicity.

7. RISK IMPLICATIONS

None significant

8. CONCLUSIONS

The Constitution establishes that a Protocol is required. Adoption of the attached policy will fulfil this requirement and provide clarity for members as to the distinction between council business, personal and political use.

9. BACKGROUND PAPERS/EXISTING COUNCIL POLICIES

BACKGROUND PAPERS

None

APPENDICES:

None

Checklist

Area for consideration	Comment
Monitoring Officer Consultation:	N/A
Section 151 Officer Consultation:	At ELT
Environmental Implications:	None
Equality Analysis: is Equality Impact Assessment required?	No



PROTOCOL ON THE USE OF COUNCIL FACILITIES & RESOURCES BY COUNCILLORS

1. INTRODUCTION

- 1.1 The Council provides facilities and resources (e.g. IT equipment, room bookings, officer time, printing) to assist Members in carrying out their duties as councillors or as holders of an office within the Council.
- 1.2 Members must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and they must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 1.3 The Protocol explains the limitations placed on the use by Members, of the Council's facilities and resources. The aim of the Protocol is to ensure that the Council remains and is seen to remain politically impartial, and that its resources, funded from the public purse, are put to use for wholly appropriate purposes.

2. USE OF FACILITIES AND RESOURCES

- 2.1 Council facilities and resources are only available for members' work in connection with Council business. Council business means a matter relating to a councillor's duties as an elected Member, as a member of a committee, sub-committee, working group or as a Council appointed representative on another body or organisation.

Matters for which Council facilities and resources are available will include:

- Letters to and communications with individual members of the public, other councillors, officers, government officials, maps etc. in connection with those duties set out above;
- Documents and communications in connection with the formulation of policy and the decision making process of the Council or other organisations on which a councillor represents the council;
- Material for discussion by a political group on the Council, so long as that relates mainly to the work of the Council and not the political party;

Adopted:

The following are not Council business and Council resources will not be available:

- Documents relating to the policy and organisation of political parties, particularly regarding the conduct of elections;
- Documents and communications for constituency party meetings, ward party meetings, etc. or letters to party members collectively in their capacity as party members.

2.2 The Council is prohibited from publishing any material of a party political nature and Members should ensure that when using or authorising the use by others of the Council's facilities and resources, that such facilities and resources are not used for purely political purposes and that the use of Council premises is restricted to premises available to the public generally and paid for at the full hire costs.

2.3 A Member's use of Council facilities and resources must not extend to political parties more generally. Use of Council owned premises for party political purposes (where such meetings are used to further the political aims and objectives of the party concerned) must be restricted to premises available to the public generally and paid for at the full hire costs. Inviting guests onto Council premises for purely political purposes is not appropriate and all invitees should be cleared in advance with Corporate Services if they are to be invited to meeting rooms outside publicly accessible areas.

2.4 The use by a Member, of any Council facilities and/or resources for purely political purposes, including designing and distributing party political material produced for publicity purposes and support of any political party or group activity, elections and campaigning, is likely to amount to a breach of this Protocol and of the Code of Conduct.

3. PUBLICITY CODE

3.1 The Code of Recommended Practice on Local Authority Publicity¹ provides guidance on a number of aspects of local authority publicity, covering the content, distribution, advertising, cost, timing etc of publicity. The Council is required by legislation² to consider the Publicity Code in coming to any decision on publicity, which is defined as any communication, in whatever form, addressed to the public or a section of the public.

3.2 The principle of objectivity requires the Council's publicity to be politically impartial. The Publicity Code acknowledges that a council has to be able to explain its decisions and justify its policies, but this should not be done in a way

¹ Published 31 March 2011

² Section 2 of the Local Government Act 1986 (as amended)

that can be perceived as a political statement or a commentary on contentious areas of public policy.

- 3.3 The principle of even-handedness has the effect that the Council's publicity can address matters of political controversy in a fair manner and may contain links to other political sites, or contain political logos on material hosted for third parties. But the Council should ensure that publicity about it does not seek to affect support for a single councillor or group. The Publicity Code does, however, recognise that it is acceptable to associate publicity with a single member of the Council.
- 3.4 The onus is placed on individual Members to be aware of and ensure the Council complies with the rules governing local authority publicity.

4. ELECTION PERIODS

- 4.1 Strict rules apply to Councillors' communications and publicity during the election period (which runs from the publication of the notice of election to the close of the polls):
- (a) The Chief Executive may find it necessary to suspend the hosting of material produced by third parties, or to close public forums to avoid breaching any legal restrictions;
 - (b) any Council publicity on controversial issues will not be published and any views or proposals will not be reported in such a way as to identify them with any individual Members or groups of Members;
 - (c) publicity relating to individuals involved directly in the election will not be published, unless expressly authorised by or under statute;
 - (d) Members must not use their Council email address in any ward newsletters which contain election or campaigning material.
- 4.2 The Council may publish factual information which identifies the names, wards and parties of candidates for election.
- 4.3 In general, the Council should not issue any publicity which seeks to influence voters. However, this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.
- 4.4 Council decision-making will continue as usual and decisions will be publicised.
- 4.5 Reactive publicity can include Councillors holding key political or civic positions, if commenting in an emergency or a major news event outside the Council's control.

Adopted:

5. PRIVATE/PERSONAL USE

- 5.1 As a general rule, facilities and resources paid for by the public purse and provided for use in Council business, should only be used for Council business. However, incidental personal use of Council facilities and resources is permissible, provided that the use of any Council facility or resource is not purely in connection with political purposes and there is no cost to the Council nor any liability for the Council arising from its use for secondary purposes, it is a matter for each individual Member as to whether or not they use it for private and family purposes. Members will however need to take into account any additional costs that may arise from extending software licences and the replacement of equipment. Members must also take into account security issues related to confidential information and the processing and disclosure of information under the Data Protection legislation.
- 5.2 Members are under an obligation to ensure that any secondary use of IT equipment supplied by the Council is acceptable and appropriate and that such use does not contravene the Code of Conduct, Council codes, protocols etc, the Misuse of Computer Act 1990 and any other relevant UK and European legislation.
- 5.3 Councillors supplied with a Council computer and internet connection facilities, must sign the Council's standard agreement for the use of IT and comply with the agreement.

6. COMPLAINTS AND ALLEGATIONS OF BREACHES OF THIS PROTOCOL

Allegations of any failure to meet this Protocol must be made in writing, to the Monitoring Officer. The Monitoring Officer will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the Leader of the relevant party group. More serious complaints may result in an investigation and a hearing before the Standards Committee.

7. OVERSEEING COMPLIANCE WITH THIS PROTOCOL

The Standards Committee oversees compliance with this Protocol.

8. FURTHER GUIDANCE

Further advice or clarification can be sought from the Monitoring Officer or Corporate Services Manager.