

Protocol on Use of Resources by Members of the Council

1. General Introduction

- 1.1 The Council's code of conduct provides that a Member when using or authorising the use by others of the Authority's resources, must act in accordance with the Authority's requirements and ensure such resources are not used for political purposes.
- 1.2 The Council's requirements on the use of its facilities and resources are set out below. This guidance note also sets out the rules relating to the use of Council facilities in connection with publicity (and guidance on the use of the internet and external email). Any breach of these requirements could result in a breach of the Council's local code of conduct for Members.

2. Use of Facilities for Council Business

- 2.1 The Council makes various facilities available for the use of Members in connection with Council business. These include Officers' support, use of rooms, stationery, postage, telephones, photocopying and computer facilities (including the provision of a web page for each Councillor).
- 2.2 Council facilities are only available for Members' work in connection with Council business.
- 2.3 'Council business' means matters relating to a Member's duties as an elected Councillor, as a Cabinet Member, as a Member of an Overview and Scrutiny Panel, Committee, Sub-Committee, Working Party or as a Council representative on another body or organisation (outside body).
- 2.4 Matters for which Council facilities are available will include:-
 - Letters to and communications with individual members of the public, other Members, Officers, Government Officials, MPs etc. in connection with those duties set out above.
 - Documents and communications in connection with formulation of policy and the decision making process of the Council or other organisations on which Members represent 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.
- 2.5 The following are not Council business and Council facilities will not be available:-
 - Documents and communications for constituency party meetings, ward party meetings, etc. or letters to party members collectively in their capacity as party members.

- Documents relating to the policy and organisation of political parties, particularly regarding the conduct of elections.
- 2.6 It is inappropriate for Members to use Council facilities for volume mailings, including sending out circulars and conducting wide-scale consultation exercises, even though these may involve Council business.
- 3. Use of ICT**
- 3.1 In using computer/laptop facilities supplied by the Council, Members must undertake to comply with the Council's Internet and Email Usage Policy (see Appendix 'A' - to be read in conjunction with the rest of this protocol).
- 4. Publicity**
- 4.1 Special rules apply to the use of Council resources in relation to publicity which may be defined as 'any communication in whatever form addressed to the public at large or to a section of the public'. This will include press releases and letters to the media (unless clearly marked 'not for publication') but does not cover letters to individuals, unless this is on a scale which could constitute a section of the public.
- 4.2 An authority is prohibited from publishing political material by virtue of Section 2 of the Local Government Act 1986. The Act states that:-
- "1. *A local authority shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.*
 2. *In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters:*
 - a. *whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another.*
 - b. *where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.*
 3. *A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves."*
- 4.3 Although Section 2 applies to all publicity produced by the local authority it is particularly important to be sensitive to the provisions of the Act at election time.

- 4.4 Further guidance on the subject of publicity is contained in the Code of Recommended Practice on Local Government Publicity, of which the following is an extract:

"Individual Councillors

Publicity about individual councillors may include the details, the positions they hold in the Council (for example, member of the Cabinet, Chair of Overview and Scrutiny Panel or Committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided.

Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to her/his position and responsibilities within the Council, and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals."

- 4.5 The Code also specifically covers activity around elections, referendums and petitions:

Publicity around Elections (para 41.)

"The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election."

- 4.6 In the light of this provision particular care should be taken in the period beginning with the Notice of Election and the election itself.