

Draft

PROTOCOL ON THE USE OF MEMBER FACILITIES

1. PURPOSE OF PROTOCOL

1.1 This protocol is designed to support the provisions of the Code of Conduct in respect of the proper use of facilities provided for elected members.

1.2 The protocol is not a statement of what individual councils will provide it merely supports the proper use of such facilities when and in whatever form they are available to elected members.

2. CODE OF CONDUCT REQUIREMENTS

2.1 The Code of Conduct for Councillors places certain obligations on elected members.

2.2 These obligations include a requirement that members must, when using or authorising the use by others of the resources of the authority –

(a) that they must act in accordance with the authority's requirements; and

(b) that they must ensure that such resources are not used for political purposes unless that use could be reasonably regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.

2.3 Elected members are also under a general obligation not to do anything which comprises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

3. ADVICE ON MEMBER FACILITIES

Information Technology

3.1 Appendix 1 to this protocol sets out specific requirements as to the proper use of IT facilities.

Correspondence

3.2 Members of the Council can engage in correspondence in a number of different ways. These are discussed below:

(a) Correspondence as a Ward Councillor

Members will from time to time be responding to correspondence generated from constituents in their ward. A special letter heading should be provided to members in order that they may conduct such correspondence. This letterhead should include a disclaimer indicating that any correspondence does not necessarily bind the authority to any views expressed by the author. This should avoid doubt in the mind of correspondents as to the Council's policy position. Where decisions have yet to be made by a Council, members should be careful to indicate the possible timescale for that decision and some of the considerations which may be taken into account.

(b) Correspondence As a Member of a Political Group or Party

Council stationery should not be used for correspondence conducted by an individual councillor or by a political group, if it concerns the operations of a party or political group. At all times, Councillors should use the appropriate party or group letter heading. This will avoid misunderstandings with correspondents between the role of political organisations and the Council's official position. Typing or e-mailing of such correspondence should be the sole responsibility of the political group or political party concerned and members should not seek to use the facilities within the Council concerned for that purpose.

(c) Correspondence as an Individual Councillor

Elected members will clearly have views regarding national or local issues which are under consideration. Members may seek to express those views by letter to those who enquire about them or where members make representations to national Government, or similar agencies or the press. Members should always be careful to use the letterhead designed specifically for members' own correspondence, as described under 3.2 above. This will avoid any misunderstanding between the policy position of the authority concerned and the individual member's views.

3.5 In conducting correspondence of this nature, members should always follow their obligations under the Code of Conduct of treating others with respect, not bringing their Council into disrepute and promoting equalities.

(d) Correspondence as Portfolio Holder or Leader of the Council

District Councils have a Cabinet which has sole responsibility for executive decision-making. This may result in portfolio holders or the Leader of the Council conducting correspondence on the Cabinet's behalf. Cabinet members should normally adopt as the practice leaving official correspondence on Cabinet decisions and the carrying out of Cabinet functions to be left to the appropriate Head of Service. Where Cabinet members conduct such correspondence they should be aware that they should not express personal views which are at variance with the Cabinet's decisions or policy unless they make this absolutely clear.

(e) Correspondence as a Chairman of a Committee

3.6 Sometimes the Chairmen of Committees must engage in correspondence. A Chairman of a Committee has no formal status in terms of decision-making by the Committee concerned. This is not to say that for reasons of courtesy or protocol a Chairman of a Committee is prevented from dealing with correspondence. However, in responding a Chairman needs to restrict correspondence to the decisions of that Committee and not give views which might be seen as limiting the discretion exercisable by their Committee if decisions are still to be taken. Correspondence may often be better conducted by the Head of Service concerned.

4. USE OF ACCOMMODATION

4.1 Accommodation is used by elected members for a number of purposes. These are discussed in turn below:

Civic Accommodation

4.2 Accommodation is often provided by local authorities for civic purposes. This can include members' rooms, writing rooms, group rooms, etc. Such accommodation is provided specifically for members' use and all members have full rights of access. However, it is not good practice to invite members of the public for purposes only after advising senior members or the appropriate Head of Service before issuing invitations to use this

accommodation. In his or her civic role Chairmen of Councils have a special call on this kind of accommodation which all members need to bear in mind.

4.3 Hospitality events are held in member accommodation and again members of the public should not be invited to attend such functions without the specific approval of those hosting the event, for instance the Chairman of the Authority.

4.4 Officers of the Council should at all times be aware that councillors have first call on civic accommodation and that approval should be obtained at member level if they wish to use it.

Political Party and Political Group Meetings

4.5 The Code of Conduct states that member facilities may be provided for political purposes if these are conducive to the proper despatch of Council business. It is for each authority to determine what is appropriate in the circumstances. As guidance however, political group meetings comprising councillors and one or two external advisers are considered a useful means of progressing Council business in that they allow co-ordination of political group views which can assist in achieving a consensus about future Council decisions.

4.6 However, this facility should not extend to political parties. Their meetings are inevitably held to further the political aims and objectives of the party concerned and may contribute only indirectly to Council decision-making. For this reason use of Council accommodation for party political meetings should be prohibited.

4.7 Members should also be careful to avoid using Council premises for electoral purposes in the weeks before elections.

4.8 This guidance should relate not only to the offices of a Council but also to any other property owned by the authority e.g. village halls, public halls, sport centres, depots, etc.

Councillors' Surgeries

4.9 One of the primary roles of Councillors is to deal with their ward constituents. It is a matter of choice for individual members whether they seek to hold ward surgeries with constituents to discuss their concerns. Any provision of Council accommodation for this

purpose should be limited to meetings with residents of the ward in question and should not involve party political matters. It should not be apparent to any member of the public that any Councillor is from any particular political party.

5. TYPING AND PHOTOCOPYING

5.1 Facilities are often provided by local authorities for typing/photocopying of documents by members. These are discussed in turn below:

(a) Supply of Photocopied Documents

Members of local authorities have certain statutory rights to documents and they may ask for copies. It may be necessary in some cases for members to demonstrate why they need to have this information particularly if personal, exempt or confidential information is involved. Councils may also provide photocopiers. Such facilities are free to the Councillor but should be used only pursuant to the Councillors' official rather than personal or political purposes.

Typing

5.2 Typing resources are often provided by Councils for elected members to assist them with their official work. This should not extend to party political matters. Typing facilities are also available to Council Chairmen, as the Civic Head of the Authority, and special letter headings, etc. should be provided for that purpose. Chairmen should be careful to avoid expressing personal opinions which may appear contrary to the Council's policy.

5.3 Councillors should not make unreasonable demands as to provision of typing services if this conflicts with other work required by the Authority.

5.4 Members who type their own correspondence should ensure that they use the correct letterhead and envelopes which should be provided by the authority. These should always use a disclaimer of the kind discussed earlier in this protocol.

6. ADVICE

6.1 In the course of their duties as an elected councillor, members may well wish to seek advice from officers on questions of fact, to canvass opinions or to seek guidance. Officers of a local authority are there to assist elected councillors in these ways. Elected members

must be sure that they are not seeking information for party political advantage or requesting assistance which compromises the impartiality of officers. This would be a breach of the Code of Conduct. There may be occasions when officers cannot provide information without sharing this with other Councillors or political groups on the basis of an even-handed approach. This is because officers must not give political advantage to one group in preference to others. Disclosure to others may however be delayed by agreement with the Head of Service concerned to allow the member or group requesting the information a chance to fully consider it. Disclosure should however be assumed at some stage.

6.2 Where advice is sought on matters such as members' allowances, travel expenses, registration of interests, complaints and personal circumstances these should be dealt with directly with the relevant Head of Service. Members should be assured that such discussions should be conducted on a confidential basis. Members should not however place officers in a position of suppressing information which may be inconvenient or embarrassing to them personally. This too would be a breach of the Code of Conduct.

6.3 Members are also advised to seek early advice on any matter covered by this protocol if they are unsure about how to proceed.

7. REVIEW OF PROTOCOL

7.1 This protocol was adopted by the Epping Forest District Council on and will be reviewed on a regular basis.