

PROTOCOL ON THE USE OF FACILITIES FOR COUNCILLORS (REVISED VERSION.....)

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 intended to be a statement of policy on behalf of the Council.

2. CODE OF CONDUCT REQUIREMENTS

2.1 The Code of Conduct for Councillors includes a requirement that they must, when using or authorising the use by others of the resources of the authority -

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

(b) ensure that such resources are not used for political purposes (including party 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.

(c) have regard to any Local Authority Code of Publicity (if applicable) when using the Council's resources in accordance with (a) above.

2.3 Councillors are also under a general obligation not to do anything which compromises the impartiality of officers of the Council or disclose ~~confidential or exempt~~ information, which you consider to be confidential unless :

(a) consent is obtained from the person authorised to give it;

(b) disclosure is required by law;

(c) disclosure is to a third party for the purpose of professional advice and that person agrees not to disclose the information;

(d) disclosure is in the public interest in accordance with all the Code of Conduct's requirements.

3. ADVICE ON FACILITIES FOR COUNCILLORS

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 or as an Individual Councillor

... Councillors 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. 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. This same letterhead should also be used for Councillors who wish to express views to external agencies. An electronic template can also be made available.

Correspondence conducted through e-mails or using Councillors' own notepaper should also include the disclaimer shown in Appendix 1.

(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 headings. This will avoid misunderstandings with correspondents about 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 Council facilities for that purpose.

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

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

The Cabinet has sole responsibility for executive decision-making. Cabinet members can usually leave official correspondence on Cabinet decisions to a Joint Chief Executive or the appropriate Head of Service. Where Cabinet members do conduct such correspondence they should be careful to refer to the Cabinet's decisions or policy and not give personal opinions without making this clear. Cabinet members should always send copies of their correspondence to the relevant Joint Chief Executive or Head of Service.

(d) Correspondence as a Chairman of a Committee or the Council

3.4 Chairmen of Committees may engage in correspondence. A Chairman of a Committee has, however, no formal status in terms of decision-making by the Committee concerned. For reasons of courtesy or protocol a Chairman may need to deal with correspondence. It is however preferable for correspondence to be conducted by the Head of Service concerned, but if Chairmen do prepare correspondence, they should send copies to the relevant Joint Chief Executive or Head of Service.

3.5 The office of Chairman of the Council is assisted by a dedicated support officer. The postholder conducts correspondence on behalf of the Chairman and Vice-Chairman of the Council.

3.6 Care should be taken to restrict correspondence to matters relating to the civic and Council aspects of the Chairman's role together with any matters concerning the annual charity appeal.

4. USE OF ACCOMMODATION

4.1 Accommodation is used by Councillors for a number of purposes. Advice is given below:

Civic Accommodation

4.2 Accommodation is provided by the Council for civic purposes. This includes the Members' Room, the writing room and the group room. This is provided for Councillors' use who have full rights of access. Members of the public should only be invited after advising the Portfolio Holder for Corporate Support Services or the appropriate Head of Service before issuing invitations. The Chairman of the Council has first call on this accommodation in order to undertake the Council's civic responsibilities which all members need to bear in mind.

4.3 Use of other Council venues for political group or party political purposes must be restricted to venues available to the public generally and paid for at the full hire costs. Councillors should not seek to hire accommodation which is provided for specific purposes or where public use is in any way restricted by the Council's policy.

4.4 Officers of the Council should be aware that civic accommodation is provided for members of the Council. Approval should be obtained from the Chairman of the Council or the Leader of the Council if officers wish to use the members' suite.

Political Party and Political Group Meetings

4.5 The Code of Conduct states that facilities for Councillors may be provided for political purposes if these are conducive to the proper despatch of Council business. Political group meetings comprising councillors and one or two external advisers can be seen as 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. Such meetings would be appropriate to be held in the Council Offices.

4.6 Meetings of political parties are held to further the political aims and objectives of the party concerned and for this reason Council accommodation should only be used if a public commercial booking is available under the Council's policy.

Councillors' Surgeries

4.7 Council accommodation provided for surgeries should be available to all members of the Council, in accordance with Council policy and subject to any stipulations which restricts that use.

5. WORD PROCESSING AND PHOTOCOPYING

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

(a) Supply of Photocopied Documents

5.2 Councillors 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.

5.3 Any photocopiers provided for use by Councillors should not be used for personal or political items.

(b) Typing

5.4 Typing resources are provided by the Authority for Councillors to assist them with their official work. These should not be used for party political or political group matters. Typing facilities are also available to the Chairman of the Council, as the civic head of the Authority, and special letter headings, etc. should be provided for that purpose.

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

5.6 Councillors who type their own correspondence should ensure that they use the correct letterhead and envelopes provided by the Authority. These should always include a disclaimer of the kind discussed earlier in this protocol.

(c) Political Groups and Political Parties

5.7 Political groups or political parties may wish to engage the Council's reprographics service to undertake printing work. If this service is available, the cost should always be charged at the agreed Council rates. The Council will however reserve the right to refuse material which breaches the Code of Conduct, local government statute law or would otherwise bring the Council into disrepute. Councillors are advised to be particularly mindful of the requirement for them to make their own arrangements for printing of election material. This must show the name of the printer and it is clearly inappropriate for this to be the Council.

6. TRAINING

6.1 The Council provides training designed to equip members for their various roles. Members should regard attendance at those courses as essential, and strongly recommended, particularly where the training specifically relates to tasks they must undertake as a Committee or Cabinet member.

7. REVIEW OF PROTOCOL

7.1 This protocol was adopted by the Epping Forest District Standards Committee on 14 February 2006 and will be reviewed when required.

**PROTOCOL ON THE
USE OF FACILITIES
FOR COUNCILLORS**

APPENDIX 1

Guidance on the Use of IT by Councillors

1. Purpose of Guidance

- 1.1 The Council provides Councillors with an allowance towards the costs of providing and maintaining equipment, software or other consumables necessary to allow them to access the Committee Management System and selected other systems. This protocol gives advice on use of computer equipment in order to minimise risks to both the Council and to individual Councillors.

2. Security

- 2.1 Under the terms of the Connectivity Scheme, Councillors are responsible for:

- (i) ensuring that their password and secondary authentication equipment remain accessible only by themselves;
- (ii) abiding by the Council's published ICT policies and standards relating to security of systems and data and remote working;
- (iii) meeting the requirements of the Local Government Act 1972 and any subsequent Act in relation to exempt and confidential information; and
- (iv) adhering to specific user policies for systems they are given access to.

3. Use of Equipment

- 3.1 Councillors should be mindful of the onus placed upon them under 2 above. They should ensure that any material down-loaded via the Intranet is kept securely at any remote location. Councillors should ensure that if the computer is shared, proper arrangements are made to limit access to materials stored by the member, that fall into exempt and confidential categories. Such material will be routinely endorsed "Restricted".

- 3.2 Councillors should not store or download any material which:

- (i) causes the Council to be brought in to disrepute;
- (ii) contravenes the Access to Information or Data Protection Acts or similar legislation;
- (iii) is illegal or inconsistent with the high standards expected of those in public office;
- (iv) is defamatory; or
- (v) breaches the Council's Code of Conduct (including confidentiality).

- 3.3 If a Councillor uses their computer for the preparation of any material of a personal or political nature, he/she must make it clear that such material is published in a private capacity and not by or on behalf of the Council, and that no costs have been incurred by the Council as a consequence of its publication. Similarly, a Councillor should not express views on any matter relating to the Council without expressly indicating that the views are personal and not those of the Authority.
- 3.4 Councillors should be aware that the internet is a completely unregulated medium and they are not protected in any way from viruses etc.
- 3.5 The Council accepts no responsibility for Councillors' use of IT equipment.

For more information see the Member Connectivity Scheme and related ICT Policies.