



USE OF RESOURCES BY MEMBERS

INTRODUCTION

This document has been produced to enable Members and officers to understand the Authority's requirements in terms of the use of Council resources by Members.

The Council's Code of Conduct for Members states that a Member must, when using or authorising the use by others of the resources of the Authority:

“act in accordance with the Authority's requirements”.

The original version of this document was approved by the Council's Standards and Governance Committee on 20th April 2009 and reflects the Council's requirements. Breach of this document will, therefore, be prima facie evidence of breach of the Council's Code of Conduct.

In addition, Members must bear in mind that under the Code of Conduct, they should ensure that when using or authorising the use by others of the resources of the Authority, that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate or be conducive to the discharge of the functions of the Authority or to the office to which the Member has been elected or appointed. This paragraph is unlikely to justify the use of the resources in support of any party or group activity and advice should always be sought before reference or use is made of it.

Generally, this is an important document and Members should keep it close to hand.

A. GENERAL PRINCIPLES

There are a number of general principles that are applicable whether the resources are mobile telephones, office telephones, IT equipment or other:

- public resources may only be used in accordance with the Code of Conduct for Members;
- The Code of Conduct states:
 - you must be able to defend the use of Council resources – if you feel you cannot, you are probably misusing them;
 - there is a general *de minimis* exception - by this we mean usage that would otherwise be contrary to this document, but is so small in extent, although inconsequential in its effect, that a reasonable person, knowing all the facts, would take the view that it should not be thought of as to be included in what is being controlled, prohibited or otherwise included within this guidance;
 - in the event of an emergency, clearly use of telephones (as an example) is going to be acceptable;
 - if in doubt, do refer to the Code of Conduct;
 - always apply common sense – it is a good barometer of what is likely to be acceptable and what is not; and
 - always seek advice before doing something that you feel may be in the margins.

Details of the full range of Members' Services provided are laid out in "The A-Z of Members Services and Support" which is available on the Intranet. Subject to the Code of Conduct, and any specific provisions contained in this Guidance, these General Principles apply to the use by Members of those services.

B. TELEPHONES

Personal Telephone Calls

You should generally not make personal telephone calls on Council telephones other than in an emergency or subject to the de minimus exception as set out on page 3.

If you do need to make a call outside these exceptions, you should ensure that you record and pay for the call based on the scheme that applies to Council employees. Details of this are available from the Members' Services team.

If allegations of misuse of the telephone system are made, they will be investigated through appropriate procedures, which may include monitoring logs of telephone calls.

Mobile Telephones

Cabinet Members, Group Leaders, the Chair of Overview and Scrutiny Committee, the Mayor and the Sheriff are entitled to have mobile telephones supplied by the Council, with the Council paying

all reasonable charges. These mobile telephones should only be used for Council business unless the Member has made an agreement with the Council to reimburse the Council for personal use at an appropriate monthly rate that does not incur a cost to the Council.

A mobile telephone is available on short-term loan for any Member who needs to be in contact with the Council (eg personal safety reasons, Council business, etc).

Council supplied mobiles are only to be used for Council business, subject to the de minimus exception set out on page 3.

C. IT, INTERNET AND E-MAIL

1. Introduction

The Council provides Councillors with IT equipment to facilitate the performance of their duties as Councillors. However, it encourages Councillors to use their own PC / laptops for this purpose (BYOD). The effective use of IT is essential, but there are risks associated with such use which need to be managed. This part of the Guidance sets out the conditions on which IT equipment or facilities are provided, in order to minimise those risks both to the Council and to individual Councillors.

In this document, "IT equipment" means any IT provided to the Councillor by the Council (PC, laptop, Smartphone, tablet, etc), and/or any hardware, software or materials provided for use by the Councillor. "Facilities" means any access to the Council's systems via any on-site or remote access.

2. IT Equipment

IT equipment supplied by the Council is supplied for Council purposes whether in Group Rooms or to individual Members. Whilst it is supplied for Council purposes, provided 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 other than Council business. Members will, however, need to take account of, amongst other things, data protection, security issues and corporate standards. It is, nevertheless, always the Councillor's responsibility, should they decide to use IT equipment supplied for Council business for secondary purposes, to satisfy themselves that this secondary use is acceptable and appropriate, and it is not the responsibility or liability of the Council or officers to ensure that this is so.

Members may wish to use their own PC / laptop / tablet for web access, to email and to access Council systems. Whilst the Council cannot be held responsible for any maintenance or service issues relating to Members' own equipment and cannot provide advice or support in relation to this, the Council will provide support for the use of the Member's own IT to access Council services on a best efforts basis.

3. Security for the Computer

- (a) The Councillor accepts responsibility and shall make reasonable arrangements for the safe-keeping of the IT equipment. Any damage or loss should be reported to the Members' Services team immediately.
- (b) The Councillor shall ensure conformance with data protection and health and safety requirements.
- (c) Access to the Council's information systems via the IT equipment is subject to password security. The Councillor shall ensure that no-one else is given access to those Council information systems. Passwords must not be revealed to any other person.

4. Use for Council Business

- (a) The IT equipment is provided to the Councillor to help facilitate this role. The Councillor must not, therefore, use the IT equipment in any manner which will prevent or interfere with its use for that purpose.
- (b) Accordingly, the Councillor must not:
 - (i) misuse the IT equipment in such a manner as to damage it or cause it to cease to function; or
 - (ii) install or use any equipment or software which may cause the IT equipment to malfunction or which is contrary to corporate IT policies.
- (c) The Councillor must:
 - (i) ensure that the IT equipment is kept safe and maintained in a working condition;
 - (ii) report any faults promptly to IT Services; and
 - (iii) provide access as required to Council officers to service, maintain and repair the IT equipment.
- (d) The Council provides the IT equipment together with ancillary equipment and materials required for the Councillor's functions as a Councillor. Accordingly, the Council may decline to provide further equipment or material beyond a certain allowance where the use of such equipment or material appears to the Council to be required for private (non-Council) use. Specifically, the Council will supply to each Councillor for each municipal year:
 - (i) Up to six (6) reams (packets) of printer paper;
 - (ii) Two (2) printer cartridges (includes black and colour)

5. Use for Private Purposes

- (a) The Council is prohibited from publishing any material of a party-political nature. If the Councillor uses the IT equipment for the preparation of any material of such nature, s/he 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;
- (b) The Council has obtained the necessary software licenses for the use of the IT equipment by the Councillor. If the Councillor wishes to use other software for any

non-Council business use, it is the Councillor's responsibility to obtain any necessary software licences and ensure it complies with corporate IT policies.

- (c) The Council accepts no responsibility for such private use of the IT equipment or any loss, costs or liability which the Councillor or any other person may suffer as a result of the use of the IT equipment.

6. **Bringing the Council into Disrepute**

- (a) The Councillor shall not use the IT equipment or other facilities, nor permit or allow their use, in any manner which may bring the Council or the Councillor into disrepute.
- (b) Specifically, where the Council provides web-sites for Councillors, the Council reserves editorial control of such websites and the right to remove or require the removal of any material which is unlawful, defamatory or likely to cause offence or bring the Council into disrepute.

7. **Inspection and Audit**

The Council reserves the right to inspect the IT equipment at any time. The Councillor is required to give Council officers access at any reasonable time for such inspection and audit, which may be undertaken remotely and without notice to the Councillor. Councillors are advised that IT hardware includes a history file which records its use, and particularly any websites which it has accessed.

8. **Costs**

- (a) Each Councillor is responsible for any costs of usage of materials other than that provided by the Council as set out above. In addition, each Councillor is responsible for the costs of any usage of IT equipment or links for business other than Council business, subject to a de minimis / emergency exception.
- (b) If the Councillor wishes to make use of the IT equipment for extensive private EMail or internet access, s/he should note the time spent and reimburse the Council, or preferably use their own private IT.

9. **Return and Recovery of the IT equipment**

- (a) The IT equipment remains the property of the Council.
- (b) The Council reserves the right to require the Councillor to return the IT equipment at any time and the right to recover the IT equipment from the Councillor.
- (c) The Councillor is required to return the IT equipment to the Council upon ceasing to be a Councillor within five (5) days by arrangement with the Members' Services team.

10. **Confidentiality**

- (a) The Councillor will be able to access confidential Council information using the IT equipment. The Councillor is responsible for ensuring the continued security of any such confidential information which they receive, including the security of any storage of such information on any IT equipment. The Councillor is reminded of his/her obligations under the Council's Code of Conduct for Councillors not to disclose such confidential information to any third party.
- (b) Some of this information will be personal information relating to individuals. The unauthorised processing or disclosure of such information is prohibited under the Data Protection Act and the Councillor is responsible for ensuring that there is no such unauthorised disclosure from any IT equipment. Further advice can be sought from the Data Protection Officer (Chris Thornton).

11. **Restriction of Use**

The Council reserves the right to restrict the use of the IT equipment if it has reason to believe that the use of the IT equipment is likely to offend any provision of the Code of Conduct. In particular, the Council reserves the right to:

- (a) remove or disable any software or equipment; (b) remove any information stored on the IT equipment; or
- (c) terminate or restrict any links or access to Council systems.

12. **E-Mail**

- (a) Council e-mail systems are provided for use for Council business purposes only subject to the de minimus exception set out on page 3;
- (b) The Council's Email standards are published on the Intranet and are mandatory for all users of Council equipment and facilities, including Members. It is the responsibility of individual Councillors to make sure that they are familiar with the Corporate Email Standards.
- (c) Members may re-direct / forward emails to other email addresses, however Members must satisfy themselves that this does not breach either the Data Protection legislation or the requirements on confidentiality.

13. **Internet**

The Council's Internet standards are published on the Intranet and are mandatory for all users of Council equipment and facilities, including Members. It is the responsibility of individual Councillors to make sure that they are familiar with the Corporate Internet Standards.

If a Member is concerned that s/he has potentially breached the Internet standards (eg by inadvertently accessing an inappropriate site) then advice should be sought from the Service Director: Legal & Governance.

14. **Data Protection**

The Data Protection principles, set out below, must be followed:

- Anyone processing personal data (including Councillors) must comply with the eight enforceable Data Protection principles of good practice. These are embodied in the Data Protection Act. They say that data must be:
 - fairly and lawfully processed;
 - processed for limited purposes;
 - adequate, relevant and not excessive;
 - accurate;
 - not kept longer than necessary;
 - processed in accordance with the data subject's rights;
 - secure;
 - not transferred to countries without adequate protection.

15. **Compliance with the law**

Councillors are required to comply with the Computer Misuse Act and Data Protection Act and other relevant UK and European legislation specifically in relation to their use of IT equipment supplied by the Council and/or links made available by the Council.

Councillors are required to undertake Data Protection and related e-learning annually through the HR online portal.

D. SUPPORT

1. Support is provided for all Members to assist them in carrying out their Council duties. The level of support depends on the varying demands of different roles and responsibilities. Officers should not be requested to deal with personal or political matters and if any such request is made, they are required to politely refuse any involvement and refer the matter to their manager. Examples of personal or political matters that cannot be handled by officers include:

- Making arrangements for social or other personal activities, unless directly related to Council business.
- Correspondence between Members that is party-related rather than on matters of Council business.
- Correspondence, telephone calls and other communications that relate to Group meetings other than that which is relevant to Council business. .

Additional guidance is provided in the Protocol on Member/Officer Relations.

2. **For the Executive and Group Leaders**

Personal assistance and secretarial support is provided to give individual support to the Leader of the Council, Cabinet Members and Opposition Group Leaders in relation to their work on Council business. This includes:-

- Diary management and arranging meetings with officers, residents, community organisations, businesses and other organisations that relate to Council business.
- Dealing with correspondence, drafting replies to correspondence, typing and IT support.
- Obtaining information from officers and other organisations as required by Cabinet Members and Group Leaders.
- Dealing with the public and organisations on the telephone or in person to provide information and help to resolve queries and problems referred to individual Cabinet Members and Group Leaders.
- Arranging travel, accommodation and conference or other bookings for Approved Duties as defined in the Members' Allowance Scheme.

3. **All Members**

The Members' Services team provides secretarial services and administrative support for all Members. These services include dealing with Members' enquiries, typing, (where required and cannot be reasonably emailed by the Councillor themselves), lettermonitoring, photocopying, conference attendance, stationery, IT and other support. The A-Z of Members Services and Support fully details the services and support available to Members

The Members' Services team will also provide administrative support for Group Secretaries and other Members in booking rooms for meetings and in the servicing of Group Rooms.

4. **Signatures on Letters**

Any resources supplied by the Council are for Council purposes and may not be used in whole or in part to effect public support for or to promote a political party, a candidate or group of candidates in an election or in an electoral or party political campaign.

Standards and Governance Committee on 18th October 2005 determined that Members may be permitted to generally sign their correspondence using their name, party and ward. Where Members hold a particular office or position, they may use the appropriate title, specifically Leader, Cabinet Member, Group Leader, Opposition Spokesperson, Chair or Vice-Chair of a particular committee where appropriate. No signatures should be used that are not appropriate to the content of the correspondence. For example, if a Cabinet Member is writing regarding something that is appropriate to his/her appropriate Portfolio area, then it would be right and proper to sign off the correspondence with the Cabinet Member title. However, when writing about a ward matter then the sign-off should only be the Ward Councillor title.

No other alternative or variation is allowed. It is important that, in the heat of political fray, Members should not use or be perceived as using public resources for political battles or to make political points. A factual statement reflecting the fact that a particular Councillor was elected to represent a particular party in a particular ward or holds a particular position within the Authority is a matter of fact and record.

In addition, where a request is made to use an electronic signature, they will not generally be utilised. If an electronic signature is essential for publications or similar reasons, then an original signature should be obtained from the Member and scanned, with the electronic signature then deleted from systems immediately after use. Officers shall not retain the electronic signature of any Member. In all other cases, the use of Members' electronic signatures shall only be used in exceptional circumstances and approved on a case-by-case basis by the Service Director: Legal & Governance.

5. **Multiple copies**

Any resources supplied by the Council are for Council purposes and may not be used in whole or part to effect public support for or to promote a political party, a candidate or group of candidates in an election or in an electoral or party political campaign.

The principles that relate to dealing with correspondence, drafting replies to correspondence, typing and IT support for Cabinet Members will also apply to all members (see 2 above).

Standards and Governance Committee considered this issue on 18th October 2005 and ruled as follows:

- a. Where it is clear that the content is clearly direct "politicking" (see paragraph below) and/or has no discernable service related context and/or is clearly self or party promotional, regardless of numbers, the Service Director: Legal & Governance will disallow the usage.
- b. Any letters delivered, sealed in envelopes to be posted out with the Council paying the postage will either be returned to the Councillor or opened and, if discovered to be a breach of these rules, will be the subject of a report to the Monitoring Officer.
- c. Democratic Services will refer any request for more than 250 letters per mail shot to the Service Director: Legal & Governance for consideration and once a single Councillor has sent out more than 1000 letters in a municipal cycle using this process, any further requests will be referred to the Service Director: Legal & Governance.
- d. When the Service Director: Legal & Governance considers that this is an abuse, they will rule accordingly, but the Member will have a right of appeal to a specially convened meeting of the Governance Committee (if one is not imminent).

During the period leading up to any relevant election the above multiple mailings will be suspended. This approach has been endorsed by Group Leaders.

There is a difference between "politics" and "politicking". "Politicking" can usually be characterised and/or identified as saying what others want to hear, or promoting oneself

at the expense of others, a self-serving agenda. Therefore, characteristics such as exaggeration, grand-standing, egocentric behaviour, personalisation and/or abuse of others would tend to be indicators of “politicking” which would be unacceptable in any such correspondence.

It should also be pointed out that timing will be material. During the time prior to any election – local, parliamentary, European or indeed a referendum – it is likely that a firmer line will be taken in terms of what can and cannot be said, as the perception of “politicking” and the use of public resources for political purposes is more likely to be carefully scrutinised. The Council’s Code of Conduct on Publicity, which forms an appendix to the Officer / Member Protocol, is clear that in the period of time leading up to an election, all forms of publicity – and that would include letters produced by Members and sent to constituents – must conform with additional safe-guards and requirements. Members, therefore, need to refer to that in considering the content (as well as the circulation) of any correspondence during this time.

As always, this is an issue that is predominantly one of subjective judgement and, as a result, Members may wish to seek advice on a case-by-case basis, and this is always available, in confidence, from Officers.

E. WARD INFORMATION

The Electoral Registration Officer will send a welcome letter containing information regarding electoral arrangements to all young voters, as and when they reach the appropriate age, and to voters moving in to wards with a view to adopting a standard approach across all wards. Members should not duplicate the process and also send such letters to new voters.

F. EQUIPMENT AND FACILITIES

- a. Members are required to comply with the Council’s requirement in terms of ID cards, fire safety, health and safety, etc. ID cards must be worn, and training and other requirements, eg logging in, in terms of fire safety and health and safety compliance are required in terms of door codes for security reasons. Any requirements will be advised by the Members Services team.
- b. The Council will supply Members with appropriate stationery in order for them to discharge their Council related business. In this context, Members will be supplied with up to 500 business cards per municipal year. Business cards and other printed stationery needs to comply with corporate standards.
- c. The Council will supply ward posters to local housing offices, libraries and other locations that Members’ request Members’ Services to send information to.
- d. Members will be supplied with equipment. Precise details of what is available and on what terms it is to be supplied may be obtained from the Members’ Services team.

- e. Council MFDs (multi-functional devices) may be used for Council business only. Members are reminded of copyright restrictions which are displayed above all MFDs.
- f. Rooms may be booked by Members through the Members' Services team. In certain cases, there may be a charge for room bookings, this will depend upon the nature and location, timing, facilities required and use to be made of the room. The Members' Services team will be able to advise Members of any charge arising as a result of booking a room, ie for a political group meeting.

G. HEALTH AND SAFETY

Health and Safety has an important status within the Council. The main points of the Council's health and safety policy can be summarised as follows:

- The Council will provide and maintain a healthy, safe and secure working environment for all;
- The Council will support a safety organisation which can effectively manage and reduce risks in daily activities;
- The Council will communicate hazard and risk information as necessary and appropriate;
- Democratic Services document key procedures and ensure that staff and Members are properly trained to comply with them;
- Democratic Services will regularly review the way health and safety is managed to promote continuous improvement;
- In return, both officers and Members are expected to work safely and follow procedures and guidelines of the Council;

If a Member is involved in an incident – whether physical or verbal – they are requested to complete the correct health and safety forms which can be obtained from Members Services.

Guidance for Members is available on the Members' Zone on the intranet.