

Use of Council Resources Guidance for Councillors

General Introduction

Havant Borough Council's Code of Conduct for Members provides that a Councillor when using or authorising the use by others of the Havant Borough Council's resources, must act in accordance with the Council's reasonable requirements and ensure such resources are not used improperly for political purposes (including party political purposes).

Havant Borough Council requirements on the use of Council 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 e-mail. Any breach of these requirements could result in a breach of Havant's local code of conduct for Councillors.

Use of facilities for Council business

The Council makes various facilities available for the use of councillors in connection with Council business. These facilities include the Councils' Secretariat, use of rooms, stationary, postage, telephones, photocopying and computer facilities.

Council facilities are only available for councillors' work in connection with Council business. Council business' means matter relating to a councillor's duties as an elected Councillor, as a Cabinet member, as a member of a committee, sub committee working party or as a Council representative on another body or organisation e.g. Langstone Harbour Board.

Matters for which Council facilities 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;

The following are not Council business and Council facilities 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;

It is generally inappropriate for councillors to use Council facilities for volume mailings, including sending out circulars and conducting wide-scale consultation exercises, even though these may involve Council business. If in an exceptional case, a councillor feels that a volume mailing can be justified, s/he should submit a specific request to the Chief Executive.

Publicity

Special rules apply to the use of Council resources in relation to publicity which is 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.

The local authority is prohibited from publishing political material by virtue of section 2 of the Local Government Act 1986. The Act states that;

"Section 2

- (1) A local authority shall not publish or arrange for the publication of, 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; and
 - (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."

Although Section 2 applies to all publicity produced by the local authority it is obviously particularly important to be sensitive to the provisions of the Act at election time.

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 contact details, the positions they hold in the Council (for example, member of the Cabinet or Chairman of the Scrutiny Board), 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, part 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”

The Code also specifically covers activity around elections, referendums and petitions.

Publicity around Elections

“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. Councillors holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a councillor level response to an important event outside the authority’s control. Proactive events arranged in this period should not involve councillors likely to be standing for election.”

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

Internet & External E-mail - Acceptable Use Guidelines

These guidelines have been produced specifically for members of the Council and to outline their responsibilities in the use of the Borough Council’s Internet service, including the use of external e-mail facilities and the use of Council equipment to access the Internet. They have been devised to support the Borough Council’s

Internet Security Policy, with the main objective of protecting the Borough Council and Elected Members. A similar set of guidelines exists for employees.

Use of internal e-mail is specifically covered in the main body of the Code of Practice on Information Security. However, users are reminded that Havant Borough Council's systems must not be used for any purpose other than those directly concerned with official Borough Council business, or the work of Elected Members. Users who are unsure about any permissible uses must seek clarification from Democratic Services or the Corporate Programme Office.

All Elected members and other potential users of the Council's Internet service are required to read and sign a copy of these guidelines before being granted access to the Internet and / or external e-mail facilities.

Unacceptable Uses

In general terms, any use of the internet which contravenes any legal Act (for example, The Data Protection Act 1998; The Computer Misuse Act 1990; The Copyrights, Designs and Patents Act 1988; The Obscene Publications Act 1959 and 1964); or any internal Council policy (in particular, Council policies on Information and Internet Security; Equal Opportunities and Harassment) is unacceptable. Unacceptable uses include the following:

- illegal or malicious use, including downloading or transmitting copyright material;
- accessing, storing or transferring pornographic or obscene material;
- the deliberate propagation of computer viruses, or use of the Internet to attempt unauthorised access to any other IT resource;
- use of the internet or e-mail for private business purposes, such as a commercial enterprise;
- access to or distribution of material which contravenes the Council's Equal Opportunities and Harassment Policies;
- entering into any commitment on behalf of the Council (unless having explicit and written permission to do so);
- soliciting / obtaining personal information not in connection with the Council's business, without prior authorisation (this could contravene the Data Protection Act and leave you, and the Council, susceptible to legal action);
- access to, and use of, recreational games; and
- Use of e-mail for potentially libellous or defamatory purposes.

To summarise, the Council's Internet and External E-mail services are provided only to authorised users, for uses in connection with the Council's legitimate business.

Etiquette and User Responsibilities

The Internet as a whole does not have any central management or control. However, in order to maintain some standards of behaviour, the internet community has developed a set of written ethics known as "netiquette", which outline conventions and rules of conduct when using the internet. It is strongly recommended that all

users of the Council's Internet take time to read the netiquette guidelines, which can be found on the internet at www.fau.edu/netiquette/net/

As a general principle, remember that you are acting as an elected representative of the Council and are accessing a public service network.

At all times have regard for Council policies and legal requirements when using the Internet. Where appropriate, have equal regard for specified rules and policies of the owners of services you access via the internet.

E-mail

The Council's e-mail systems are provided to support its business activities. Access to e-mail systems is granted to Elected Members expressly on this basis. E-mail is a form of publication. Individual Elected members as well as the Council are potentially open to action for libel, defamation or breach of trust. E-mail must not be used for potentially libellous or defamatory purposes.

Whenever an external e-mail is sent, the sender's name, e-mail address and Council name must be included. Do not be abusive in messages to others. Be careful with humour; remember written messages could be easily misconstrued. Forgery, or attempted forgery of electronic mail is prohibited. Attempts to read, delete, copy or modify the mail of others are prohibited. If you receive e-mail from outside the Council that you consider to be offensive or harassing, consult IT. Democratic Services/Corporate Programme Office. DO NOT respond to such e-mails. (Internal e-mail of a harassing nature will be dealt with under the Council's Harassment policy).

Remember: Your e-mail is NOT private. E-mail documents form part of the administrative records of the Council and the Council has the right of access to all e-mail sent or received, on the same basis as written documentation. In order to ensure compliance with the requirements of Council policies and the contents of this guidance document, the Council may utilise monitoring software to check on the use of e-mail services, as well as software to check the content of all e-mail messages sent and received. These software tools will only be used for the legitimate purposes of ensuring compliance with stated legal acts, policies and guidelines so as to protect the Council against the risk of criminal and civil actions, as a result of the unauthorised actions of its employees, or elected members and in connection with the administration of the e-mail service itself.

Restrictions on Use

Where possible, access to material known to be of an offensive or undesirable nature (for example, which may contravene the Council's policies on Equal Opportunities and Harassment) will be prevented using appropriate security tools and filtering software.

If any elected member unintentionally accesses an internet site which contains material of an offensive or undesirable nature, they should immediately exit the site. In these instances elected members should report the incident to Corporate

Programme Office who may prevent future access to such sites by implementing preventative measures.

Monitoring

Internet use will be monitored. A computer installed in a member's home may be called in for checking at any time and may be subject to review by Internal Audit at any time.

Disciplinary Action

Action may be taken against any user of the Council's Internet and external e-mail service that contravenes the requirements of these guidelines, by reference to the Governance & Audit Committee.