



BISHOPSTOKE PARISH COUNCIL

PROTOCOL ON THE USE OF COUNCIL FACILITIES & RESOURCES BY COUNCILLORS

**This Protocol was last adopted
at the Parish Council at its meeting on 22 June 2021**

**D Wheal
Clerk to Bishopstoke Parish Council**

BISHOPSTOKE PARISH COUNCIL

**PROTOCOL ON THE USE OF COUNCIL FACILITIES &
RESOURCES BY COUNCILLORS**

Amendment Sheet

| Amendment No. | Date Incorporated | Subject |
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PROTOCOL ON THE USE OF COUNCIL FACILITIES & RESOURCES BY COUNCILLORS

1 Introduction

- 1.1** The Council provides facilities and resources (e.g., IT equipment, email addresses) to assist Members in carrying out their duties as councillors or as holders of an office within the Council.
- 1.2** The Members Code of Conduct states in section 7.2:
- “I will, when using the resources of the local authority or authorising their use by others:
- a. act in accordance with the local authority's requirements; and
- b. ensure 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 local authority or of the office to which I have been elected or appointed.”
- 1.3** This Protocol explains the limitations placed on the use, by Members, of the Council’s facilities and resources.

2 Use of Facilities and Resources

- 2.1** Members **may** use Council facilities and resources for political purposes, in connection with the following business:
- 2.1.1** Holding ward surgeries.
- 2.1.2** Dealing with correspondence from constituents.
- 2.1.3** Communicating activities.
- 2.1.4** Meetings between members.
- 2.2** The Council is prohibited from publishing any material of a biased political nature and Members should ensure that when using or authorising the use by others of the Council’s facilities and resources, that such facilities and resources are not used for purely political purposes and that the use of Council premises is restricted to premises available to the public generally and paid for at the full hire costs.
- 2.3** A Member’s use of Council facilities and resources must not extend to political parties more generally. Use of Council owned premises for political purposes (where such meetings are used to further the political aims and objectives of the party or group concerned) must be restricted to premises available to the public generally and paid for at the full hire costs.
- 2.4** The use by a Member of any Council facilities and/or resources for purely political purposes, including designing and distributing political material produced for publicity purposes and support of any political party or group activity, elections and campaigning, is likely to amount to a breach of the Member Code of Conduct.

- 2.5** Members must not use their Council email address in any ward newsletters which contain election or campaigning material, or which are distributed during any election period (which runs from the publication of the notice of election to the close of the polls)

3 Publicity Code

- 3.1** The Code of Recommended Practice on Local Authority Publicity 2011 provides guidance on a number of aspects of local authority publicity, covering the content, distribution, advertising, cost, timing etc of publicity. The Council is required by Section 2 of the Local Government Act 1986 (as amended) to consider the Publicity Code in coming to any decision on publicity, which is defined as any communication, in whatever form, addressed to the public or a section of the public.
- 3.2** The principle of objectivity requires the Council's publicity to be politically impartial. The Publicity Code acknowledges that a council has to be able to explain its decisions and justify its policies, but this should not be done in a way that can be perceived as a political statement or a commentary on contentious areas of public policy.
- 3.3** The principle of even-handedness has the effect that the Council's publicity can address matters of political controversy in a fair manner and may contain links to other political sites or contain political logos on material hosted for third parties. But the Council should ensure that publicity about it does not seek to affect support for a single councillor or group. The Publicity Code does, however, recognise that it is acceptable to associate publicity with a single member of the Council.
- 3.4** The onus is placed on individual Members to be aware of and ensure the Council complies with the rules governing local authority publicity.

4 Election Periods

- 4.1** Strict rules apply to Councillors' communications and publicity during the election period (which runs from the publication of the notice of election to the close of the polls):
- 4.1.1** the Clerk may find it necessary to suspend the hosting of material produced by third parties, or to close public forums to avoid breaching any legal restrictions.
- 4.1.2** any Council publicity on controversial issues will not be published and any views or proposals will not be reported in such a way as to identify them with any individual Members or groups of Members.
- 4.1.3** publicity relating to individuals involved directly in the election will not be published, unless expressly authorised by or under statute.
- 4.1.4** Members must not use their Council email address in any ward newsletters which contain election or campaigning material.
- 4.2** The Council may publish factual information which identifies the names, wards and parties of candidates for election.
- 4.3** In general, the Council should not issue any publicity which seeks to influence voters. However, this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public

as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.

- 4.4 Council decision-making will continue as usual, and decisions will be publicised.
- 4.5 Reactive publicity can include Councillors holding key positions, if commenting in an emergency or on a major news event outside the Council's control.

5 Private / Personal Use

- 5.1 As a general rule, facilities and resources paid for by the public purse and provided for use in Council business, should only be used for Council business. However, incidental personal use of Council facilities and resources is permissible, provided that the use of any Council facility or resource is not purely in connection with political purposes and 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 private and family purposes. Members will however need to take into account any additional costs that may arise from extending software licences and the replacement of equipment. Members must also take into account security issues related to confidential information and the processing and disclosure of information under the Data Protection Act 2018.
- 5.2 Members are under an obligation to ensure that any secondary use of IT equipment supplied by the Council is acceptable and appropriate and that such use does not contravene the Member Code of Conduct, Council codes, protocols etc, the Misuse of Computer Act 1990 and any other relevant UK and European legislation.

6 Complaints and Allegations of Breaches of this Protocol

- 6.1 Allegations of any failure to meet this Protocol must be made in writing, to the Clerk. The Clerk will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the Chair. More serious, or repeat, complaints may result in an investigation by the Human Resources Committee and/or a referral to the Eastleigh Borough Council Monitoring Officer.
- 6.2 Allegations proven to be true may result in censure, temporary or permanent removal of access to resources, or other actions deemed appropriate by the Human Resources Committee or Eastleigh Borough Council Monitoring Officer.