

### PROTOCOL ON THE USE OF FACILITIES, SERVICES AND EQUIPMENT BY COUNCILLORS

#### Introduction

1. The council's Code of Conduct states that a councillor must, when using, or authorising the use by others of, the resources of the authority ...
  - act in accordance with the authority's requirements; and
  - 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 authority or the office to which the councillor has been elected or appointed.
2. This protocol sets out the council's requirements under the Code of Conduct and any breach of the protocol will be regarded as a breach of the Code of Conduct. The protocol covers the use of facilities, services and equipment provided to councillors.

#### Meaning of 'political purposes'

3. There is a distinction between 'political groups' and 'political parties'. A 'political group' is legally recognised in the Local Government and Housing Act 1989 and associated regulations. A political group is a collection of councillors who have declared their membership of the group to the council's Monitoring Officer. The Council has a duty to give effect to the wishes of the groups in, for example, allocating seats on committees. A political group meets regularly to consider forthcoming Council business and decide the group's position on policy matters. At least part of the work of political groups can therefore be regarded as facilitating, or being conducive to, the discharge of the functions of the authority.
4. Political parties are separate from, although allied to, political groups. Their main purpose is to campaign and fight local and national elections and their membership is much wider than local councillors. Councillors are normally members of a political party. Political parties can be organised at ward, constituency or district level. They are not directly concerned with facilitating, or being conducive to, the discharge of the functions of the authority.
5. For the purposes of the Code of Conduct, therefore, the use of the council's resources for political purposes has to be restricted to services associated with the operation of the council's political groups, not political parties.

#### Use of facilities and equipment

6. The council provides councillors with certain facilities and equipment either in their homes or at the council offices. This section covers the use of these facilities and

equipment, including stationery and consumables, other than Information Technology equipment which is covered by paragraphs 18 to 28.

7. Equipment will remain the property of the council. It is lent to the councillor for the duration of their term of office. At the end of that period, the equipment must be returned to the council in full working condition. If equipment has been lost or damaged whilst on loan, a charge may be made for its replacement or repair.
8. Councillors must use any council facilities and equipment provided to them only in connection with their role as a councillor and for no other purpose. For example, they must not use any of the council's paper, photocopiers, printers or internal or external mail facilities, for any personal or party-political purpose, or any purpose that is not related to council business.
9. Councillors must not use rooms in council offices for any personal or party political purpose, or any purpose that is not related to council business. Use of facilities and equipment on behalf of any community or voluntary groups with which councillors may be connected is not permitted, unless support for a particular group or organisation has been mandated by a resolution of Council or in cases of urgency the Chief Executive.
10. Should the Chief Executive or the Strategic Director of Corporate Resources have concern about the use of equipment, they can request the Monitoring Officer to take the matter to the Standards Committee to make the decision whether to demand the return of equipment.
11. Incidental, small-scale use of facilities and equipment outside authorised purposes, may be agreed with the Head of Democracy, on payment of an appropriate charge, provided that this does not interfere with official council business. All uses under this paragraph shall be recorded in a register which shall be open to inspection by any member of the public.

### Use of Democracy support services

12. The Democracy service provides support to councillors via the Members' and Civic Services and Democratic Services teams. This support is provided solely in accordance with councillors' community leadership roles and any positions within the authority to which they are constitutionally appointed.
13. The support available to councillors from the Democracy section includes:
  - Casework support
  - Constitutional advice
  - Diary management
  - Preparation of agendas and meeting papers
  - Publication of surgery notices and booking of surgery venues

- Research support relating to constitutionally appointed roles

14. Written material will contain the council's official logo. Councillors must not ask, or put any obligation on employees of the council to assist with, any personal or party-political matter or any matter that is not related to council business. Use of support services on behalf of community or voluntary groups with which councillors may be connected is not permitted.

15. Councillors may include reference to their political and ward representation on the Derby City Council letterhead. However, the use of party logos, slogans or other identifying symbols is not permitted.

16. Councillors may request the Executive Support (Members) team to arrange for the printing of mail merges, providing the content of the letter is related directly to council business.

17. The following internal guidelines apply in relation to the printing of mail merges and surgery notices by or on behalf of councillors:

- All requests for printing should be made with the Executive Support (Members) team and councillors must not send requests to the Document Management Centre (DMC) directly.
- No more than 50 letters may be posted and no more than 1000 letters/notices may be printed for hand delivery at any one time
- All requests for printing for hand delivery in excess of 100 letters/notices will be reviewed and recorded by the Members' and Civic Services Manager.
- All requests for postage of letters/notices in excess of 10 addresses will be reviewed and recorded by the Members' and Civic Services Manager.
- An annual limit of £150 per councillor will apply for printing and postage costs relating to mail merges and surgery notices (the allowance may be pooled within wards and individual letters will not count towards this limit).
- Requests for colour printing or use of first-class mail must be made to the Members' and Civic Services Manager, and will be assessed on a case by case basis.

### Use of Information and Communications Technology (ICT) facilities and equipment

18. The council provides the following ICT facilities and equipment to councillors:

- A secure log-in to the council network and email address
- A mobile phone - the council will pay for a monthly contract for councillors to make and receive calls and use data.
- Either a tablet or laptop computer
- Access to the political group rooms and offices at the Council House, which include networked terminals and printing facilities.

19. The council does not provide new broadband or landline telephone connections, nor will the council take on the funding for existing connections.

20. Subject to paragraphs 23 and 28, councillors must use any council IT facilities and equipment provided to them only in connection with their role as a councillor and for no other purpose.

21. The councillor is responsible for meeting the cost of any damage to the equipment which goes beyond ordinary wear and tear, other than damage arising from theft, accidental damage, fire damage, failure of electricity supply and failure of telecommunications. The councillor must report immediately to the council any damage to or malfunction of the equipment.

22. IT equipment remains the property of the council. It is lent to the councillor for the duration of their term of office. At the end of that period, the equipment must be returned to the council in full working condition or a charge may be incurred under the requirements of paragraph 21.

23. Reasonable incidental personal use is permitted, in accordance with the Information Security and IT Acceptable Use Policy.

Equipment must only be used by the councillor to which it is allocated and only for official council business or activities which facilitate the delivery of the council's functions. Personal use is permitted provided it does not violate these conditions and does not hamper or conflict with official business. Any private use and data held on the system is at the councillor's discretion.

The council accepts no liability for any consequences (including financial or other loss) which may arise through reasonable incidental personal use of the equipment. The security of any personal data is the councillor's responsibility.

24. In accordance with legislative requirements, councillors must comply with all relevant Derby City Council policies in relation to information governance and data protection when using equipment that has been provided to them.

This includes but it is not limited to the Data Protection Policy and the Information Security and IT Acceptable Use Policy.

25. The councillor must stop using the equipment immediately if he/she:

- ceases to be a councillor, or
- receives written notice from the council to that effect.

If the council gives the councillor notice that it requires the return of the equipment, the councillor must return it within five working days.

26. The council will provide and maintain a valid insurance policy at all times which will cover the equipment against theft, accidental damage, fire damage, failure of

electricity supply and failure of telecommunications.

27. The councillor will not do, cause or permit any act or omission that could invalidate the insurance policy covering the Computer.
28. The councillor must comply with all policies, guidelines and codes of practice issued by the council on the use of the equipment or the network to which it is connected.

### **Use of facilities, services and equipment by councillors during election periods**

29. Strict rules apply to councillors' communications and publicity during the pre-election 'Purdah' period, which runs from the publication of the notice of election to the close of polls.
30. During Purdah, councillors should not use council resources in any way that could be interpreted as seeking to influence the outcome of the election. In practice, this will result in restrictions on the use of council email, communications equipment, buildings and meeting rooms, as well as access to Democracy and other councillor support services, as determined by the Monitoring Officer.

### **Complaints and allegations of breaches to this protocol**

31. Allegations of any failure to comply with this protocol should be made in writing to the Monitoring Officer, in accordance with the Councillor Complaints Procedure.
32. In circumstances where the Monitoring Officer has been made aware of conduct which may constitute a breach without a complaint being received, the matter may be reported to the Standards Committee to determine whether further investigation is warranted.