

Guidance on the Use of Council Resources and Support for Members

1. Use of Resources

The Council provides a range of resources to Members for their use to enable them to fulfil their roles as Councillors. This guidance supplements the requirements of the Protocol on the Use of Council Resources and Support for Members.

The use of Council resources by Members is governed by the law and Code of Conduct for Members. The Code provides that Members must only use or authorise the use of the Council's resources in accordance with the Council's requirements. Further the Code requires that Members should make sure that the Council's resources are used for proper purposes. The Council does not have the power to provide resources for political purposes.

Therefore where the Council provides a Member with resources (for example telephone, computer and other IT facilities, transport or support from Council employees), these resources and employees can only be used for carrying out Council business and any other activity for which the Council has authorised their use.

It is therefore generally not appropriate to use, or authorise others to use, the Council's resources for political purposes including party political purposes, as this is not a proper purpose.

However, it may not be always clear what is and is not use for political purposes and whether such use is improper.

For example where a Member is using the Council's resources primarily for the effective conduct of the Council's business, but incidentally or inadvertently uses that resource for a purpose that could be described as political, that use is unlikely to be considered to amount to an improper use.

To determine whether use is incidental the following factors are relevant:

- the intention behind the use of the Council's resources;
- what actually was used; and
- whether expense was incurred by the Council. The use of the Council's computer and email systems is unlikely to incur expense for the Council and provided that any use did not impede the business of the Council is unlikely to be considered to be improper.

In addition to the above, the Council's Standards Committee has indicated that they consider that Members may also use their Council provided mobile telephone number in political leaflets and newsletters where they pay for none Council business use of the Council provided mobile telephone. The Standards Committee considered that such use was incidental as no expense was being incurred by the Council.

Members can clearly use their Council computer and e-mail account to contact constituents provided that the subject matter relates to Council business and is not party political. However, Members may also use their Council computer and e-mail account to contact other members of their Political Group or other politicians, provided that the subject matter primarily relates to the effective conduct of the Council's business and any other use that could be considered to be party political is incidental.

2. Freedom of Information

Is information held by Councillors covered by Freedom of Information?

Certain public bodies are named in the Freedom of Information Act (FOIA) as being covered by FOI. These bodies have to release information if they are asked to, unless one of the exemptions in the FOIA applies. The Council is one of those public bodies. However, the act covers the Council and not individual Councillors. This means that information you have is only covered by FOIA if it is Council information.

What does that mean for a Councillor's e-mail?

Councillors' e-mails are not automatically covered by FOIA, even if they are on the Council e-mail system. If they relate only to your role as a Councillor and do not involve contact with officers or acting on behalf of the Council such as a Cabinet Member or Chair of a Committee or a Sub-Committee, they probably will not be covered.

What won't be released?

Examples of what will not be released include:

- Corresponding with residents in your ward and seeking to resolve their problems.
- Discussing Council business with other Councillors, for example, agreeing with other party members on how to vote.

What might be released?

Information you send to the Council will be held by the authority for its own purposes. This is likely to mean any correspondence with officers to their work e-mail address, whatever the topic, unless other exemptions apply.

If you are acting as a Cabinet Member in your executive function, this information will be covered by FOI. This will be the case even if you are emailing another Councillor. For example, if you send another Councillor, details of a decision you have made as Cabinet member, then this will be covered by FOI. If you add written comments

when signing off documents, these handwritten additions would also be covered by FOI.

If you are representing the authority on an external body, e-mails you send about this are likely to be covered by FOI. Examples include representing the authority on police or Fire and Rescue Boards or on the Airport Board. Many of these bodies are also covered by FOIA, so your e-mails to them might be released by them.

You should note that if you use a private email address (i.e. non-council) for corresponding in relation to Council business, the Information Commissioner has advised that any emails that relate to Council business will be covered by the FOIA. In these circumstances, if a relevant FOIA request is received by the Council you may be requested to search your private email account for any relevant correspondence relating to the subject matter of the FOIA request and provide any such correspondence for potential disclosure.

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