



Report of Corporate Management Team

Helen Bradley, Director of Legal & Democratic Services

Councillor Richard Bell, Deputy Leader, Cabinet Portfolio Holder for Finance

Electoral division(s) affected:

None

Purpose of the Report

- 1 To present Standards Committee with a draft Protocol on Members Use of Council Resources.

Executive summary

- 2 The Council's Code of Conduct for Members requires Members to comply with all Council Policies and Procedures including in relation to the use of Council resources. However, the Council does not have a policy, which deals specifically with Members use of Council resources.
- 3 In preparation of the elections in May 2025 and advance of a new cohort of Members, it is proposed to introduce a Protocol for Members, which sets out what Council resources can and cannot be used for.
- 4 This report presents the draft Protocol for consideration and comment by Standards Committee. It is proposed that the Protocol will be presented to Council for adoption.

Recommendation(s)

- 5 Standards Committee is recommended to:
 - i) consider and comment on the draft Protocol on Members Use of Council Resources and
 - ii) recommend it to Council for adoption.

Background

- 6 Under section 2 of the Local Government Act 1986, local authorities are prohibited from publish, or arrange to be published any material, which in whole or in part, appears designed to affect public support for a political party. Publicity is defined as “communication in whatever form, addressed to the public at large or a section of the public.”
- 7 Local authorities are also prohibited from providing financial or other assistance to a person for the publication of material, which the authority is prohibited from publishing themselves.
- 8 The Council provides a range of resources to Members to assist them in the discharge of the duties of Councillor. However, it is important that these resources are used for Council business rather than political purposes.
- 9 The Code of Conduct for Members requires Members to behave in accordance with all legal obligations, alongside any requirements contained within the Council’s policies, protocols and procedures, including on the use of the Council’s resources. However, the Council does not have any policies in relation to Members Use of Resources.
- 10 Since the election in May 2021, queries have arisen from time to time in relation to the use of Council’s resources. These have related to the inclusion of political logos and/or links to political blogs in Council email signatures, use of Council letterhead, emails for political purposes and filming of meetings of the authority.
- 11 In preparation for the elections in May 2025 and the anticipated new cohort of Members, it is proposed to introduce a Protocol, which sets out the Council resources available to Members in the discharge of their duties and the expectations as to how they will be used.
- 12 The introduction of the Protocol will provide Members with clarity as to what is permitted and make it easier for Officers dealing with queries in relation to the appropriate use of resources. A copy of the draft Protocol is attached at Appendix 2 to the report.
- 13 The Protocol summarises the resources provided to Members, sets out what constitutes Council business and the principles for using Council Resources. Rules in relation to the use of specific resources (e.g. Council email, letterhead etc) are set out in a Schedule to the Protocol.
- 14 Once adopted, failure to comply with the Protocol may constitute a breach of the Code on Member Conduct. Standards Committee are therefore invited to consider the draft Protocol and provide

comments/feedback on it with a view to recommending it to Council for adoption.

Background papers

- List any papers required by law / None

Other useful documents

- Previous reports / None

Author(s)

Helen Bradley

Tel: 03000 269 732

Appendix 1: Implications

Legal Implications

The relevant legal provisions are set out in the main body of the report. Adoption of the Protocol will help the Council to discharge its duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct.

Finance

None

Consultation

Constitution Working Group were consulted on the draft Protocol on 10 May 2024 and were supportive of it being presented to Standards Committee.

Equality and Diversity / Public Sector Equality Duty

None

Climate Change

None

Human Rights

None

Crime and Disorder

None

Staffing

None

Accommodation

None

Risk

Adoption of a Protocol on Members use of Council resources will minimise the risk of inappropriate use of Council resources and potential breaches of the Code of Member Conduct.

Procurement

None.