

PART 8.2 PRACTICE NOTE ON PUBLICITY AND THE USE OF COUNCIL FACILITIES

1. Introduction

- 1.1 This practice note (i) sets out the council's requirements in respect of publicity and the use of council facilities (these requirements are shown in *italics*); and (ii) provides guidance for Members of the council (councillors) on their application.
- 1.2 There are restrictions imposed on councillors' use of council facilities, including publicity, under the council's Code of Conduct for Members. Any use in breach of the Code may render a councillor liable to sanctions.

2. The Code of Conduct for Members

- 2.1 Paragraphs 1.4 and 1.6 of the Code of Conduct for Members ('the Code') state that a Member -
- (a) must not seek to improperly confer an advantage or disadvantage on any person; and must only use the resources of the Council in accordance with the Practice Note on Publicity and the Use of Council Facilities In addition, members are expected to have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 2.2 The duty of councillors is not limited to official business coming for consideration before the council or its committees, but extends to councillors' roles as community councillors. Councillors should, however, not use any facilities provided by the council for private purposes or other business (such as party political publicity) which cannot be justified as being part of their role as a councillor. Occasional use of the telephone in the event of an emergency is acceptable e.g. to notify a childminder that a meeting is running later than anticipated.

3. Restrictions on Political Publicity

- 3.1 The Local Government Act 1986 prohibits Local Authorities from publishing material which, in whole or part, appears to be designed to affect public support for a political party. This prohibition extends to providing financial or other assistance (e.g. making facilities available) to another person to engage in such publicity.
- 3.2 Local authorities are required by section 4(1) of the 1986 Act to have regard to any code issued under the Act. Under that provision, the government has issued a Code of Recommended Practice on Local Authority Publicity. The Code states that publicity by local authorities should:
- be lawful

- be cost effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity

3.3 The notes below summarise points to be taken into account in assessing whether publication in a particular case might be seen as “party political”, with particular regard to the publicity about individual councillors, and therefore contrary to the 1986 Act and the Code made under it.

- There is no hard and fast rule as to whether a publication is “party political” or one provided by a member legitimately in his or her role as a councillor. One has to take all relevant considerations into account, including the content and style of the material, the time and circumstances of publication, whether the material refers to a political party or to persons identified with a political party, whether it 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 whether the material is part of a campaign, the effect which it appears to be designed to achieve etc. The responsibility is on the councillor concerned to assess the circumstances and avoid using council facilities for anything that may amount to or be perceived as political publicity.
- Publicity about individual councillors may include the contact details, the positions they hold in the council (for example, Chair of a particular committee), 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, party 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.

4 Use of council facilities

Accommodation

- 4.1 Meeting rooms provided for use by councillors should be used only for meetings relating directly to the functions of the council (which includes the executive) and should not be used for meetings which are primarily related to private or party political business, or election and referendum campaigns.
- 4.2 The distinction between party business and council business is not always clear. What is clear is that they are not necessarily mutually exclusive. Where a political group discusses a matter coming up for decision before Council or any council committee, this would be council business. On the other hand, where a party group discusses internal constitutional or political issues unrelated to functions of the council, this would be party business. Councillors and officers need to use their judgement in less clear-cut cases or ask for advice from the Monitoring Officer.
- 4.3 It should also be noted that the commercial hire of council buildings (e.g. Brighton Centre or The Dome) for meetings would not be affected by these restrictions.

Council stationery

- 4.4 Councillors should only use official council stationery, including compliment slips and headed notepaper in connection with matters relating to their capacity as a councillor. It should not be used by councillors in connection with their private affairs or in relation to party political business that is not directly related to council functions.
- 4.5 Examples of situations where the use of headed paper would be inappropriate might include the following.
- A letter sent by a councillor in support of his or her child's school admission application.
 - A letter sent by a councillor in support of his or her own planning application.
 - A letter of complaint to a private company about services provided to the councillor in his or her private capacity.
 - A letter on a political issue of controversy unconnected with the council's functions.
- 4.6 Instances such as these could lead to complaints that the councillor was improperly using his or her position as a councillor to influence the outcome of a particular matter (see paragraph 1.4 of the Code of Conduct as referred to above).

IT (Information Technology)

- 4.7 Councillors should be aware that the IT equipment provided to them is provided on the understanding that it is for council business use and should not be used in connection with party political business that is not directly related to council functions.
- 4.8 It is recognised that this may present some practical difficulties where councillors are using personal computers provided for council use at home. It would be unreasonable to expect councillors to use a separate PC for example to reply to an e-mail relating to a personal matter. It is therefore recognised that some private use of council computers may be unavoidable.
- 4.9 Such use is therefore permitted subject to the following conditions.
- The IT equipment and related software is not used for any illegal or immoral purpose or any purpose which would be likely to bring the member's office or the council into disrepute.
 - Councillors must comply with the guidance relating to the use of IT, which may be issued by the council from time to time.
 - That councillors will pay a monthly fee for the private use of IT equipment, as set by the council from time to time, such fee to be deducted from the monthly allowance paid to councillors.
- 4.10 Councillors should also remember that the Code of Conduct specifically prohibits the use of the resources (such as IT equipment) improperly for political purposes, including party political purposes.

Officer support

- 4.11 Staff provided for secretarial, administrative and research support should not be asked to carry out tasks that are related to private or party political business or election and referendum campaigns.

Postal services

- 4.12 Councillors should not use the council's internal/external mail and courier services for the distribution of material that is primarily related to party political business and/or is not directly related to council functions.
- 4.13 For example the use of the internal/external mail and courier services to distribute a leaflet advertising a public rally on central government defence spending organised by a councillor on behalf of his or her political party would be inappropriate.
- 4.14 The use of the internal/external mail to distribute election campaign material is also unacceptable.

- 4.15 There are likely to be grey areas here and ultimately it is a question of judgement as to whether the use of the service is appropriate or not.

Telephones

- 4.16 Telephone lines provided for councillors' use including telephone lines installed in councillors' homes should only be used for council business. They should not be used for private (including personal, social or business) calls or for calls relating to party political matters.
- 4.17 For example, using a council telephone line for telephone canvassing during an election campaign would be inappropriate.
- 4.18 However it is recognised that the use of a council telephone by a member will be unavoidable on some occasions, for example an urgent call to a partner or child-minder to inform them that a meeting is going to over-run. The use of the telephone in such a situation would be acceptable.

Transport

- 4.19 Any parking or bus passes or other transport facilities should be used only in connection with council business.

Ward budgets

- 4.20 The council has a "ward budget" scheme whereby ward councillors may use money from the budget to hire meeting rooms, for stationery and other support. These should be used strictly for the purposes of discharging councillors' roles as community councillors and in connection with council business.
- 4.21 More detailed guidelines on Ward Budgets were issued following 18 September 2007 Standards Committee and if councillors require any further guidance in this area they should contact the Head of Democratic Services.

5. Conclusion

- 5.1. The above guidelines are intended to help councillors decide when council facilities should and should not be used and are intended to help avoid situations where councillors may inadvertently use council facilities inappropriately.
- 5.2. Where there is doubt about whether or not the use of council facilities is appropriate, further guidance and advice can be sought from the Head of Democratic Services (ext 1006), or from the Monitoring Officer.