

## **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 and (ii) provides guidance for Members of the council (councillors) on how they may meet those requirements.
- 1.2 The council's Code of Conduct for Members imposes restrictions on councillors' use of council facilities, including publicity. 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 amongst other things that a Member -
- 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 Councillors' duties are not limited to official business coming for consideration before the council or its committees, but extend to councillors' roles as community councillors.

Councillors should not, however, 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. As noted in para 4.8 below, the occasional use of a council smartphone or device in the event of an emergency will not normally be an issue, for instance 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 their 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 their position and responsibilities within the council, and to put forward their 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. They should not be used for meetings which are primarily related to private or party political business, or election and referendum campaigns, except where the rules on elections expressly permit it.
- 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.
- 4.4 Special rules apply during the period of heightened sensitivity immediately prior to elections, when dedicated guidance for members and officers is issued. It is recommended that specific advice is sought by members at this time if they are in any way unclear.

### **Council email addresses and 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. The same rule applies to emails sent from a councillor's council email address. Council email addresses must 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 or a council email address would be inappropriate might include the following.
- A letter sent by a councillor in support of their child's school admission application.
  - A representation made by a councillor in support of their own planning application, or that of someone close to them.
  - A complaint to a private company about services provided to the councillor in their 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 their position as a councillor to influence the outcome of a particular matter (see paragraph 1.4 of the Code of Conduct referred to above).

### **IT equipment and services, including Council-supplied devices**

4.7 Councillors should be aware that the IT equipment and services supplied to them are provided on the understanding that they may only be used in accordance with the council's acceptable use policy, for council business use. They should not be used in connection with party political business that is not directly related to council functions.

4.8 It is recognised that limited private use of Council equipment may be unavoidable, for instance in situations where an urgent call is needed because a member has been delayed on council business and needs to let family or friends know.

4.9 Any use of Council equipment and services is only permitted subject to the following conditions:

- the IT equipment and related software is at no time 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 Council's acceptable use policy](#) and must act at all times in accordance with any guidance relating to the use of IT which may be issued by the council from time to time.

4.10 Councillors should remember that in any event the Code of Conduct specifically prohibits the use of any 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 their 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 will be grey areas when reviewing the primary purpose for which materials are distributed. Councillors are expected to exercise their own judgement as to whether the use of council facilities is appropriate or not, and – in this situation as generally - to seek advice if unclear.

### **Transportation facilities**

- 4.19 Any parking or other transport facilities provided to councillors in their capacity as such should be used only in connection with council business unless they have already made a contribution to the cost of the facility and/or their use of the facility does not result in any additional cost or loss of income to the council.

### **Ward budgets**

- 4.20 Where the council is operating a “ward budget” scheme, whereby ward councillors may use money from the budget to hire meeting rooms, for stationery and other support, any such expenditure must sit within the rules outlined here. Ward budget expenditure is to 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 are available from 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. They 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 may be sought from the Head of Democratic Services (ext 1006), or from the Monitoring Officer.

The Council’s information governance policies and procedures are available on the Wave:

<http://wave.brighton-hove.gov.uk/supportingyou/ict/informationgovernance/Pages/InformationGovernancePolicies.aspx>