

## **Protocol for Provision of Council Resources to County Councillors**

Lancashire County Council's Members' and Co-opted Members' Code of Conduct says:

"You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly (including for political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986."

This protocol sets out in detail what resources are provided to County Councillors, and what may constitute inappropriate use.

Councillors must also abide by the Internet and E-Mail Acceptable Use Policy at Appendix A and the Council's policies on Information Governance in relation to the use of data and information.

### **1. Resources**

1.1 The term "resources" includes:-

- a. ICT equipment, including software and systems, provided by the council
- b. Rooms and accommodation, including office furniture, provided by the council
- c. Stationery equipment and office consumables provided by the council
- d. Printing and photocopying using the council's equipment.
- e. Support given by officers of the council
- f. Allowances and expenses paid by the council to councillors in their official capacity
- g. Travel, hospitality and hotel accommodation provided by the council
- h. Data and information in any form (electronic, paper etc) provided by the council

1.2 It does not include:

- a. ICT equipment provided by the councillor (although software that is provided by the council and used on such a device is included)
- b. Vehicles used by the Councillor, except where they are provided by the council
- c. Social media sites created or owned by councillors
- d. Equipment and resources provided by political parties
- e. Any other resources not paid for or provided by the council

## **2. Appropriate and Inappropriate Use - General**

- 2.1 In general, councillors must not use the county council's resources for political (including party political) purposes, personal use or for private business or commercial purposes other than:
- a. where that use will facilitate the functions of the council;
  - b. in connection with any office that the councillor holds within the council;
  - c. for the support of the business of political groups on the council;
  - d. for normal electoral division business, such as responding to correspondence from members of the public, providing factual information about council activities (not as part of a party political leaflet or similar)

## **3. All Councillors**

- 3.1 All Councillors will be provided with
- a. An annual allowance and expenses in line with the Members Allowance Scheme, including an ICT allowance where applicable.
  - b. An ID badge to access County Hall and other County Council buildings where appropriate.
  - c. Access to County Hall Complex car parks
  - d. An appropriate smartphone for the carrying out of council business
  - e. Access to fixed PCs in the County Hall Complex
  - f. Access to necessary ICT systems and support
  - g. Access to the Multi function devices for copying and printing
  - h. If members of a political group, access to a lockable group office with fixed PCs
  - i. Access to appropriate training and development
  - j. Appropriate support from officers, in line with the Protocol on County Councillor / Officer Relations
  - k. Access to agendas and meetings paperwork, in accordance with the Access to Information Procedure Rules
  - l. Access to information held by the County Council, subject to the Protocol on the Disclosure of Confidential Information for Members of the County Council
  - m. Reasonable provision of travel, subsistence and accommodation where appropriate for Councillors carrying out an approved duty
  - n. Access to the Palatine Room – the Members Retiring Room, situated on the Committee Floor at County Hall. The room contains meeting facilities, ICT equipment and telephones.
  - o. A reasonable supply of standard business cards. Requests for business cards should be emailed to [Democratic.Services@lancashire.gov.uk](mailto:Democratic.Services@lancashire.gov.uk)
  - p. A printable electronic surgery poster which Councillors can personalise and download from the Councillors' portal, C-First
  - q. Reasonable use of stationery and postage, including letter headed paper.
  - r. Free use of appropriate County Council premises for surgeries.
  - s. Use of the Council's facilities for the disposal of sensitive or confidential documents

## **4. Political Groups**

- 4.1 All recognised political groups will be provided with
- a. An appropriate room at County Hall, including fixed PCs with access to County Council systems and printing / copying facilities
  - b. Access to meeting rooms for group meetings
  - c. Access to meeting rooms for party business that supports the smooth operation of the County Council

## **5. Postholders**

Certain postholders are entitled to additional resources. These additional resources are to support the Councillor in the Special Responsibility or role they have, and are not provided for other use. Additional resources are as follows:

- 5.1 Chairman and Vice Chairman of the County Council
- a. The Chairman and Vice Chairman will be provided with PA support and reasonable ancillary services such as stationery, printing and photo-copying.
  - b. A car will be provided for the use of the Chairman and Vice Chairman for official County Council business in connection with his or her role
  - c. An annual allowance will be provided to the Chairman for the purpose of enabling the chairman to meet reasonable expenses incurred during their year of office.
- 5.2 Support for the Leader and Deputy Leader of the County Council and Cabinet Members
- a. Both the Leader and Deputy Leader will be provided with PA support and reasonable ancillary services such as stationery, printing and photo-copying.
  - b. All Cabinet members will also be provided with PA support and reasonable ancillary services such as stationery, printing and photo-copying.
  - c. The Leader, Deputy Leader and Cabinet members may authorise for their PA support to be used by Lead Members, Champions or Group officers
  - d. A car will be provided for the use of the Leader and Deputy Leader for official business in connection with official County Council business related to his or her role.
- 5.3. Support for Opposition Group Leaders
- a. The Leader of the main opposition group and of the second largest opposition group on the County Council will be provided with PA support and ancillary services such as stationery, printing and photo-copying.

- b. The Leader of the main opposition may authorise for their PA support to be used by other spokespersons or group officers.

#### 5.4. Chairs and Deputy Chairs of Overview and Scrutiny

- a. Chairs and Deputy Chairs of the council's Overview and Scrutiny Committees will be provided with a dedicated meeting room, which may be booked via Democratic Services.

### 6. County Council Stationery

Reasonable use is available to all councillors, subject to the following.

- a. Letter headed paper (or other stationery featuring the County Council's logo) must not be used for party political, personal or business use.
- b. Stationery must not be adapted to include political logos.
- c. County Council stationery and postage must not be used for:
  - i. Mass mailings (of more than 25 letters) without prior approval of the Monitoring Officer or Deputy Monitoring Officer.
  - ii. Campaigning leaflets and associated correspondence.
  - iii. Promoting yourself or others as candidates to the electorate particularly during an election period.
  - iv. Personal or business use

### 7. Information and Communications Technology (ICT) Equipment

- a. Councillors will be provided with appropriate ICT facilities and support, as set out in Appendix C "IT provision to Lancashire County Councillors".
- b. Use of ICT facilities by councillors must be in accordance with the Internet, Email and Telephone Acceptable Use Policy
- c. No other ICT equipment will be provided to councillors unless a business case is submitted and approved by the cabinet member responsible for councillor support and development.
- d. Councillors using social media must act in accordance with Appendix B "Rules for the Use of Social Media by County Councillors".
- e. LCC equipment will be replaced if it is damaged, lost or stolen provided that the rules set out in this Protocol and its Appendices have been followed.
- f. Democratic Services will arrange appropriate IT training for councillors. Councillors should email [Member.development@lancashire.gov.uk](mailto:Member.development@lancashire.gov.uk)

## **8. Data Protection and Confidentiality**

- a. Anyone processing personal data (including Councillors) must comply with the eight enforceable Data Protection principles of good practice. These are embodied in the Data Protection Act. They say that data must be:
  - fairly and lawfully processed;
  - processed for limited purposes;
  - adequate, relevant and not excessive;
  - accurate;
  - not kept longer than necessary;
  - processed in accordance with the data subject's rights;
  - secure;
  - not transferred to countries without adequate protection.
- b. Councillors must abide by the rules on confidentiality set out in Appendix Q of the constitution.

## **9. Interpretation**

- a. Any advice needed in relation to this protocol should be sought from Josh Mynott on 01772 534580 or by email to [josh.mynott@lancashire.gov.uk](mailto:josh.mynott@lancashire.gov.uk)
- b. In the event of uncertainty as to the correct interpretation of this protocol the decision of the Monitoring Officer shall be final.

## **Appendix A Internet and Email Acceptable Use Policy**

The following policy relates to all Lancashire County Council Members and Co-opted members who capture, create, store, use, share and dispose of information on behalf of Lancashire County Council.

These persons shall be referred to as "Councillors" throughout the rest of this policy.

Lancashire County Council shall be referred to as 'the council' or 'we' throughout the rest of this policy.

### **Policy Statements**

The council will provide internet, email and telephone facilities to Councillors where they are required to carry out council duties.

Councillors must not use them in ways that the council considers unacceptable. The council may monitor all use of internet, email and telephone facilities and examine records without informing individual Councillors.

The council regards all messages and transmissions using these facilities as the council's property and responsibility. Councillors cannot assume that private transmissions will be private. When monitoring communications, such as emails, that are clearly marked personal, the council will avoid, wherever possible, opening those emails.

However, councillors must be aware that all messages and transmissions using council facilities can be monitored in full by the council to enforce the council's policies and code of conduct.

The council will not consider comments contained in emails or posted to any other system visible on the internet as formal statements issued by, or the official position of, the council and Councillors should not phrase them as such. A disclaimer appears on all outgoing emails.

The council prohibits the use of social media sites on its facilities unless it is for council business use. Councillors who use social media platforms should also refer to the social media protocol at Appendix B

The council permits some non-council business use of the internet, email and telephone, however all use for personal purposes remains subject to acceptable use rules relating to purposes and content as below.

You should not use your council email address for non-council business purposes.

Users must use the council's secure email encryption facility when sending emails containing personal or sensitive information.

Only council supplied SIM cards should be used in council supplied devices

The council defines unacceptable uses, purposes, frequent and/or time-consuming non-council business use, and content in the following paragraphs.

Whilst the following examples of acceptable and unacceptable uses, purposes, frequency and content, are comprehensive, they are not exhaustive or limited to those described.

### **Acceptable Use:**

For councillors, "Council Business" means business relating to the work of the Council or Councillors, and includes

- Dealing with Correspondence from members of the public on constituency business
- Correspondence with officers of the council on matters relating to the business and operation of the Council
- Political Group business
- Subscribing to newsletters relating to the work of Councillors or Councils
- Frequenting chatrooms, discussion forums etc relating to the work of Councillors or Councils
- Use which facilitates the operation of the business of the County Council.

See Appendix B on the use of social media.

### **Unacceptable uses:**

- Any use that is illegal, against council policy or contrary to the council's best interest, particularly:
- If it is a non-council business use and for an **unacceptable purpose**
- If it is a **frequent and/or time consuming non-council business use** of the internet, email or telephones
- If it contains **unacceptable types of content**

### **Unacceptable purposes:**

Examples of non-council business use of the internet, email and telephone facilities, which are unacceptable at any time, include:

- Any use associated with running a private business, whether for profit or not.
- Any type of private, business or financial transaction including gambling and barter.
- Shopping and other personal financial transactions, including examples such as banking, operating a wedding present account with a store, placing orders for goods or services on auction sites.
- Computer crimes such as hacking.
- Harassment of any kind.
- Downloading and/or storing music and/or films.
- Any use of internet facilities, which would allow the concealing of unacceptable non-council business use of council systems.

- Accessing sites that are blocked for reasons of legality or taste without approval.

Using your council email address for non-council business purposes, such as:

- Subscribing to email newsletters or services that do not relate to council business.
- As a contact address on websites for example selling goods and services.
- Use of social media web sites such as Twitter and Facebook and dating sites.
- Uploading photographs and information to web sites such as Flickr and Wikipedia.
- Online auction activity for example, eBay transactions.
- Producing publications for sale.
- Creating web sites and blogs.
- Frequenting chat rooms, discussion forums and personal messenger services.
- Peer to peer exchanges.

#### **Excessive Non-Council Business Use:**

Excessive use of the internet, email and telephone facilities for non-council business, such as:

- Excessive visits to sports results, commentaries and news sites.
- Personal non-council business distribution lists greater than five addresses.
- Bulk personal internal or external emails.
- Participating in chain letters or petitions.
- Sending non-council business emails with large attachments.
- Chatting or distributing jokes by email or text.

#### **Unacceptable Content:**

Some types of content that are unacceptable may be accessed or copied from websites or be contained in emails and messages as text, graphics or sound. Such as:

- Content that brings the council into any kind of disrepute.
- Content that infringes copyright.
- Content that others may reasonably construe as discriminatory, offensive, defamatory or obscene.
- Content that is derogatory about an individual's race, age, disability, religion, national or ethnic origin, physical attributes or sexual life.
- Content that contains abusive, profane or offensive language.
- Content that contradicts the council's values of respect for all and promoting shared values and safer communities' for example, content that promotes hate incidents or hate crime.
- Content that engages in extremist activity or espouses extremist views.



## **Appendix B - Use of Social Media**

### **Section 1 : Protocol**

1. Social media refers to any kind of internet based tool that you can use for sharing information and ideas, networking or finding people with similar interests; including (but not limited to): blogs, micro-blogging, photo sharing, video sharing, social networks, mobile phone applications, texting, digital TV services, wikis, gaming and collaboration tools.
2. Examples of Social Media tools are Facebook, Twitter, Flickr, Stumbleupon, Linkedin, YouTube as well as blogs, forums and wikis.
3. Social media can be a great way for councillors to connect and communicate with residents, and can be used to;
  - Support Councillors' community leadership role,
  - Create or take part in conversations,
  - Keep in touch with local views,
  - Campaign on local issues
4. The use of social media has the following legal implications;
  - Libel – publishing an untrue statement about an individual which would damage their reputation;
  - Copyright or Confidential material – publishing images or text from a copyrighted source or confidential material without permission
  - Data protection – publishing personal data of individuals without their written permission.

In each case legal action could result in civil proceedings being issued against a councillor which may in turn result in an award of damages and the payment of legal costs by the individual councillor

5. Lancashire County Council does not provide social media accounts for councillors. Training on the use of social media is available from Member Development. Contact Catherine Earnshaw on 01772 533306 or councillors should refer to the LGA's Connecting Councillors – A social media handbook.
6. Councillors can use social media tools and may refer to their position as a county councillor, but must make clear that the activity, comments and views are those of the councillor and are not conducted in any official county council capacity. It is best practice to include a disclaimer, such as the "The views I express here are mine alone and do not necessarily reflect the views of Lancashire County Council".

7. When using social media, councillors should have due regard for the Councillor's Code of Conduct, paying particular attention to the following general obligations;

- Treating others with respect,
- Not disclosing confidential information,
- Not bringing the council or your office into disrepute,
- Not improperly securing an advantage,
- Complying with council's rules about use of resources

Complaints made under the Code may result in a councillor being referred to the Conduct Committee and in some circumstances may also form the basis for legal action to be taken against a councillor.

8. Councillors should not comment or post on official Lancashire County Council social media channels in a way that would cause political, including party political, comments to appear on County Council social media sites.

9. Councillors may use county council systems to access social media when that activity contributes to the discharge of the functions of the council or to the office to which the councillor has been appointed by the council.

Examples of acceptable use from county council systems include

- Accessing sites to monitor or determine public opinion
- Posting of non-political message, such as details of an activity undertaken as a county councillor
- Support for county council messages and campaigns on other social media channels

10. Councillors must not install any software required by social media channels on LCC equipment.

## **Section 2 : Advice and guidance**

Councillors should be aware that, as public figures, their social media accounts may be closely monitored by members of the public.

Councillors should exercise extra care in any posts, noting that:

- Some social media sites place restrictions on the length of a post or entry, and this tends to favour simplistic statements at the expense of balanced and nuanced arguments.
- Social media is the home of "trolls" who try to provoke reactions in others. Councillors should be aware of this and not respond to provocation. In

general, you can never "win" an argument on social media, so it is not usually worth trying

- 'Posts' can cause others to take offence e.g. jokes can be misunderstood, 'banter' can be perceived as bullying, irony can be misread. Offence can easily be taken, even where none is intended.
- Once posted in a public arena, your views are no longer your own, and you should be aware of the possibility of being selectively quoted, or your comments being taken out of context
- the use of #hashtags, retweets prevent any control of what is published by others
- Whilst part of the point of social media is to allow real time reactions and dialogue, great care should be taken in posting a hasty response to a statement or news event. Developing events may prove your initial response to be inappropriate or incorrect, or you may in your haste not have used the most appropriate words to express your view
- Consider writing out posts or entries in a word document, waiting, and then re-reading them before you post online
- Use of social media may also compromise your personal and private data

Councillors should be mindful of whether their social media profile gives the impression that they are acting in their "official capacity". Councillors should therefore;

- Set appropriate privacy settings,
- Not use their LCC email account when registering a social media account
- Keep personal and political social media profiles separate. You may even want to consider having separate profiles for your personal life, your work as a councillor, and your political activities
- Monitor 'posts' from others on your social media accounts, removing defamatory or obscene posts as soon as possible,
- Be mindful of publishing information that you would only have access to as a county councillor,
- Not publish anything, which might be seen to pre-determine any future decision, such as Development Control matters,
- Not request or accept LCC council employees as a "friend" on social networking sites,
- Think about what and how you 'post' on social media, would you be comfortable to make this statement in person or in writing?

## **Appendix C**

### **IT Provision to County Councillors**

#### **1. Equipment for individual Councillors**

- All councillors will be offered “Remote Access to Corporate Desktop”. This will allow access to corporate systems via any computer/laptop/tablet device with an active internet connection.
- Councillors will also be provided with an appropriate smart phone which gives telephone, email and intranet/internet access.
- Councillors may have access to a tablet purchase scheme (see Appendix D)

#### **2. Shared Equipment and Facilities**

Fixed PCs will be made available to Cabinet Members, the Chairman and Vice Chairman of the Council, and in Political Group offices. Further PCs are available in the Members Retiring Room.

#### **3. Systems**

- Councillors will have access to the Microsoft Office software for emails, word processing, spreadsheets and presentations.
- Additionally, there are online systems for submitting expenses claims, registering interests and accessing committee papers
- Councillors have access to a dedicated intranet portal, C-First, for accessing all the information and support a councillor will need.
- Councillors will have access to a dedicated Personal Device wifi connection. This service allows personal laptops and mobile devices access to wireless network connections whilst in County Hall. This is particularly useful for accessing the internet, corporate network, emails, calendars and relevant documents when in meetings and around County Hall, on your personal device.

#### **4. Training**

- Councillors will receive initial ICT training at the Welcome Event for newly elected councillor and subsequent sessions for re-elected councillors. The rest of your ICT training will be provided through the Member Development Programme based on your individual training needs.

#### **5. Technical Advice and Support**

- Councillor experiencing problems with ICT equipment should telephone the ICT helpdesk on 01772 532626 or email [membersict@btlancashire.co.uk](mailto:membersict@btlancashire.co.uk)
- This service is available from 8am to 6pm Monday to Friday

## **Appendix D – ICT Purchase Scheme**

From time to time, the council may offer an ICT purchase scheme to Councillors, to enable ICT equipment to be purchased through the council. Details of the terms of the scheme will appear here.