
**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 19 March 2015
Subject: Revised Use of Council Resources Guidance for Members
Report of: The City Solicitor

Purpose of the Report:

To enable the Standards Committee to consider a revised draft Use of Council Resources Guidance for Members.

Recommendations:

That the Standards Committee considers this report and makes recommendations to Council that the Council adopts with or without modifications the revised draft Use of Council Resources Guidance for Members as set out at **Appendix 1**.

Wards Affected:

All.

Financial Consequences for Revenue Budget:

None.

Financial Consequences for the Capital Budget:

None.

Implications for:

Antipoverty	Equal Opportunities	Environment	Employment
No	No	No	No

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Background Documents

Code of Recommended Practice on Local Authority Publicity
(Department of Communities and Local Government)

1. Background

1.1 Part 6 of the Council's Constitution contains the following Codes and Protocols that have been adopted by Council:

- Section A: Code of Conduct for Members
- Section B: Planning Protocol for Members and Officers
- Section C: Use of Resources Guidance for Members
- Section D: Gifts and Hospitality Guidance for Members
- Section E: Code of Conduct for Employees
- Section F: Member/Officer Relations Protocol
- Section G: Code of Corporate Governance

1.2 A new "local" Code of Conduct for Members was adopted by Council on 11 July 2012 in order to comply with the requirements of the Localism Act 2011. Paragraphs 6(b) and (c) of Part 1 of the Code of Conduct for Members provides that Members:

- (b) must when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with the Council's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

1.3 The City Solicitor has produced a revised draft Use of Resources Guidance for Members ("the revised Guidance"), which seeks to update the previous Guidance and to incorporate advice that was provided to the Council by Standards for England.

2. Key Changes

2.1 The main changes that have been made to the revised Guidance are as follows:

- (i) Section 2 of the revised Guidance (Resources general provisions)
 - Section 2 now includes a list of generally prohibited uses of Council resources (e.g. the use of Council resources for the publication of Material that is defamatory or libellous).
 - Section 2 also includes specific provisions in relation to volume mailings and the booking and use of accommodation.
 - Section 2 reminds Members that, in representing their constituents, Members are separate data controllers for the purposes of the Data Protection Act 1998.
- (ii) Section 3 of the revised Guidance (Publicity)

- Section 3 reflects the introduction by the Government of a new Code of Recommended Practice on Local Authority Publicity, and sets out the key principles of the new Code.
- (iii) Section 4 of the revised Guidance (Personal Use)
- Section 4 attempts to clarify the position in relation to limited personal use by Members of the Council's internet and email systems where there is no additional cost to the Council.
- (iv) Section 5 of the revised Guidance (Information Communication Technology)
- Section 5 has been updated to reflect the ICT equipment that is currently offered to Members to assist them in the discharge of Council business.
 - Section 5 also attempts to clarify the position in relation to Council ICT equipment (and personal data stored on Council ICT equipment) where a Member ceases to be a Manchester City Councillor.
- (v) Section 6.1 of the revised Guidance (The Internet)
- Section 6.1 attempts to condense the previous guidance on the use by Members of the Council's internet system. In addition to the unacceptable uses of all Council resources that are set out in Section 2 of the revised Guidance, section 6.1.2 lists unacceptable uses that are specific to the Council's intranet system.
- (vi) Section 6.2 of the revised Guidance (E-mail)
- Section 6.2 attempts to condense the previous guidance on the use by Members of the Council's E-mail system. Section 6.2 reminds Members of the need to ensure that they distinguish between e-mails sent by the Member in their capacity as an Elected Member and e-mails sent or received by a Member in their personal capacity. Section 6.2.2 advises Members that any personal or sensitive e-mail that a Member wishes to send outside of the MCC internal network should be sent securely via the Council's e-mail encryption solution.
- (vii) Section 7 of the revised Guidance (Information Security)
- Section 7 has been introduced to provide guidance to Members on the importance of the security of the Council's networks and the various measures that need to be taken by Members to protect the Council's networks.
- (viii) Section 8 of the revised Guidance (Monitoring)
- Section 8 has been expanded to explain the circumstances under which Council IT equipment used by a Member may be inspected and monitored. Where a request is made to access data held in ICT equipment allocated to Member, such requests must be approved by the Monitoring Officer or the Chief Executive. Any such requests

must demonstrate why the access is necessary, how it is relevant and the time period in relation to which access is required.

3. Views of the Standards Committee

- 3.1 The Monitoring Officer seeks the views of the Standards Committee in relation to the draft Use of Council Resources Guidance for Members.

Use of Council Resources Policy for Members

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1. General Introduction

Manchester City Council's local Code of Conduct for Members ("the Members' Code") provides that a Member of the Council ("a Member") when using or authorising the use by others of Manchester City Council's resources must ensure such resources are not used improperly and in accordance with this policy.

Manchester City Council's requirements on the use of Council resources are set out below. This guidance note also sets out additional rules relating to the use of Council resources in connection with publicity and the use of the internet and e-mail. Any breach of these requirements could result in a breach of Manchester's Members' Code.

It is each individual Member's responsibility to ensure that any proposed use of Council resources is acceptable. If a Member is unsure Members' Services can be consulted.

The policy is consistent with the rules Council officers are required to follow when using Council resources.

2. Resources general provisions

The City Council makes various resources available for the use of Members in connection with Council business and their role as an Elected Member. These resources include the Members' Secretariat, computer facilities, accommodation, stationery, postage, photocopying, telephones and mobile telephone devices, access to the internet and e-mail. Collectively these are described as 'Council resources'.

Council resources are only available for Members' work in connection with Council business. Council business means matters relating to a Member's duties as an elected Councillor, as an Executive Member, as a Member of a Council committee, sub committee, working party, or as a Council representative on another body or organisation e.g. Fire and Rescue Authority, Waste Disposal Authority, Greater Manchester Combined Authority or Transport for Greater Manchester.

So for example Council resources can legitimately be used:

- to send and receive communications (including email, letter and by telephone) in connection with council business;
- to print documents or reports in connection with the formulation of policy and the decision making process of the Council or other organisations on which a Member represents the Council.

The use of any Council resources for non Council business is prohibited (save for the limited personal use of e-mail and internet – see below).

So for example Council resources could not legitimately be used:

- for political purposes including to support a particular political party or candidate at an election;
- for private business purposes, such as running a commercial enterprise;
- where a Member of the Council is also a member on an outside body or organisation where they are not representing the Council (such as a school board of governors or charity);
- Personal use which is excessive or inappropriate (see below).

Members are elected representatives of the Council and should always look to present the Council favourably. Council resources should never be used in a way which facilitates or encourages:

- The ridiculing of others based on race, religion, sex, sexual orientation, age or disability;
- Jokes or quips (whether in the form of words or images) based on race, religion, sex, sexual orientation, age or disability;
- Publication of material that is defamatory or libellous;
- Publication of material which is sexually orientated or has sexually explicit content (whether in the form of words or images);
- Publication of material that contains foul or obscene language;
- Publication of material that is intended to alarm others, embarrass the Council, negatively impact employee productivity or harm employee morale;
- Publication of material which contravenes the City Council's Equal Opportunities and Harassment Policies;
- Illegal or malicious use, including downloading or transmitting copyright material;
- The access storing or transferring of pornographic or obscene material.

Specific provisions - volume mailings

It is generally inappropriate for Members to use Council resources for volume mailings, including sending out circulars and conducting wide-scale consultation exercises, even though these may involve Council business. This is particularly the case where consultation has already been or is about to be undertaken as part of standard Council business (such as consultation on a planning application). If in an exceptional case a Member feels that a volume mailing can be justified they should submit a specific request to the Chief Executive.

Specific provisions - booking and use of accommodation

There are strict rules governing the booking and use of accommodation, meeting rooms and other Council offices. For further details please refer to the Council's room booking policy on the intranet.

Data Protection

In representing constituents, Members are separate data controllers for the purposes of compliance with the Data Protection Act (1998). In the use of the Council's resources Members must be mindful of both their own and the City Council's data

protection obligations in ensuring that personal data is processed fairly and lawfully. (This includes asking an officer or department for the personal information of a resident with no legal justification for doing so).

3. Publicity

3.1 Council must not publish political material - section 2 of the Local Government Act 1986

The Council is prohibited from publishing “political material” by virtue of section 2 of the Local Government Act 1986 (“the LGA 1986”) Sub-section 2(1) of the LGA 1986 states that;

“A local authority shall not publish or arrange for the publication of, any material which, in whole or in part, appears to be designed to affect public support for a political party.”

Sub-section 2(2) of the LGA 1986 provides that in determining whether material falls within the prohibition, the Council must consider the “content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed”. In determining whether material is “political material” the Council must give particular attention to the following matters:-

- a) whether the material refers to a political party or to persons identified with a political party or 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
- b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.

The prohibition on the Council publishing “political material” also extends to a prohibition on the Council giving “financial or other assistance to a person” for the publication of “political material” which the Council is prohibited from publishing itself.

Although section 2 of the LGA 1986 applies to all publicity produced by the Council, it is obviously particularly important to be aware of these provisions at election time.

3.2 The Code of Recommended Practice on Local Authority Publicity

Paragraph 6(c) of Part 1 of the Members Code requires Members to have regard to any applicable Code of Publicity made under the Local Government Act 1986. From 31 March 2011, the applicable Code has been The Code of Recommended Practice on Local Authority Publicity (“the LA Publicity Code”).

The Council is required to have regard to the LA Publicity Code in coming to any decision on the use of Council resources in relation to “publicity” which is defined as ‘any communication in whatever form addressed to the public at large or to a

section of the public'. This will include press releases and letters to the media (unless clearly marked "not for publication") but does not cover letters to individuals, unless this is on a scale which could constitute 'a section of the public'.

The LA Publicity Code requires that all publicity by the Council must:

- 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.

In relation to publicity by the Council about individual Members, the LA Publicity Code advises that the general position is as follows:

...it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. This might be appropriate, for example, when one councillor has been the "face" of a particular campaign. If views expressed by or attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.

The LA Publicity Code draws attention to the need for the Council to take care during periods of heightened sensitivity before elections and referendums and advises that:

During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

4. Personal Use

There is a cost attached to providing Members with any piece of equipment or other resource and that cost can only be justified on the grounds that the equipment or resource is used for Council business.

This is why the use of Council stationery, rooms, telephones and mobile telephones, photocopying and postage may only be used when undertaking Council business.

With regard to the internet and email however, a **small** amount of personal use may be acceptable as there is no additional cost to the Council. Any personal use by

Members of either of these resources must comply with the general provisions above and any specific guidance in relation to the use of the internet / e-mail (see below).

So for example the internet could legitimately be used to purchase holidays, goods and services or general “surfing” for non work-related purposes provided the use is not excessive.

And the Council’s email system could for example be legitimately used to send a small number of personal emails to friends or family. These should be identified by the word “personal” in the email subject heading and when sending a personal email, the electronic signature on the bottom of the email should also be removed.

Personal use does not extend to the family of a Member and it is the responsibility of each Member to ensure family members do not use Council resources.

5. Information Communication Technology

A Member will be offered several pieces of ICT equipment to assist in the discharge of their duties.

The equipment offered is:

- a pc or laptop and related hardware and software
- a device capable of mobile email (a BlackBerry device)
- access to the Council’s ICT network
- internet access
- an account in the corporate email system and an ‘@manchester.gov.uk’ email address
- computer consumables (printer supplies)

This equipment however remains the property of Manchester City Council and must be returned should the Member cease to be a Manchester City Councillor. Access to the MCC network will also be revoked at this time.

The Council also provides several pc’s in the Member’s Workrooms to assist Members in the conduct of Council business.

Members must ensure they manage any information that they store electronically, to ensure it is easily accessible to them, confidential and correct. The Council’s IT resources can be used to help Members to do this. However, please note that when a Member ceases to be a Manchester City Councillor it will not be possible to provide them with any of the personal data stored about constituents as there is not an easy method of distinguishing between this and other business information of a confidential nature which the Member may have received during their period of office. In so far as the Council acts as a data processor for Members in storing communications with constituents and on a personal basis, the Council confirms that once a Member ceases to be a Manchester City Councillor, all data will be securely and permanently erased from the IT equipment and mobile devices provided to Members by the Council once these are returned (which should be as soon as practicable upon ceasing to be a Member).

6.1 The Internet

Members of the Council are able to gain access to the internet to browse the web and use social media through computers held in Members' Services within the Town Hall complex; or remotely. Members will be provided with a unique user ID and password to access the internet.

A Member should consider the appropriateness of accessing a website and / or using social media depending on the content, reason or situation they are in e.g. while in the presence of members of the public.

The Council has published separate Guidance for Members on the Use of Social Media (Twitter, YouTube, Blogging, Facebook etc).

6.1.1 Acceptable Uses of the Internet

The following list, although not intended to be definitive, sets out broad areas of use that the Council considers to be acceptable uses of the internet:

- to view and obtain information in direct support of the City Council's business activities;
- to promote services and products provided by the City Council;
- to communicate and obtain information in support of approved personal training and development activities;
- any other use that directly supports the work of a Councillor.

6.1.2 Unacceptable Uses of the Internet

In addition to the uses listed as unacceptable uses of all Council Resources at section 2 there are further restrictions on the use of the internet for Councillors.

In general terms, any use of the internet must not contravene the Data Protection Act (1998); The Computer Misuse Act (1990); The Copyrights, Designs and Patents Act (1988); The Obscene Publications Act (1959) and (1964); or any Council policy (in particular, Council policies on Information and Internet Security; Equal Opportunities and Harassment).

Unacceptable uses include the following:

- the deliberate propagation of computer viruses, or use of the internet to attempt unauthorised access to any other IT resource;
- access to, and use of, recreational games.

6.1.3 Restrictions on Use of the Internet

Where possible, access to material known to be of an offensive or undesirable nature (for example, which may contravene the City Council's policies on Equal Opportunities and Harassment) will be prevented using appropriate security tools and filtering software.

If any Member unintentionally accesses an internet site which contains material of an offensive or undesirable nature, they should immediately exit the site. In these instances Members should report the incident to Members' Services or the ICT Helpdesk who may prevent future access to such sites by implementing preventative measures.

Any use of the internet which is considered to be a criminal matter, will be referred to the Police and may lead to criminal prosecution.

6.2 Email

Each Member will have access to an MCC email account for the duration of their time as an Elected Member. Whenever an external e-mail is sent, the sender's name, email address and Council name must be included as the signature of the email (except when sending a personal email).

This will also prevent any private communications, including emails, sent or received by a Member in their private capacity becoming part of the Council's administrative records. **Emails form part of the administrative records of the City Council and the City Council has the right of access to all emails sent or received, on the same basis as written documentation. Emails may also be requested under the Freedom of Information Act (2000) or Data Protection Act (1998) and if in scope (unless exempt) would have to be disclosed.**

6.2.1 Acceptable Uses of Email

The following list, although not intended to be definitive, sets out broad areas of use that the Council considers to be acceptable uses of its email system:

- to provide a means of communication within the Council, with other Councils, agencies, organisations and constituents;
- to promote services and products provided by the City Council;
- to communicate and obtain information in support of approved personal training and development activities;
- any other use that directly supports the work of a Councillor in that role.

6.2.2 Unacceptable Uses of Email

In addition to the uses listed as unacceptable uses of all Council Resources at section 2, there are further restrictions on the use of the MCC email system for Members.

Forgery or attempted forgery of electronic mail is prohibited. Attempts to read, delete, copy or modify the mail of others are prohibited. If a Member receives an e-mail from outside the Council that they consider to be offensive or harassing, Members' Services or the ICT Helpdesk should be consulted in accordance with the City Council's Incident Reporting Procedures. Members should not respond to such e-mails (internal e-mail of a harassing nature will be dealt with under the City Council's Harassment policy).

Council work should not be emailed to a Member's personal email address as this is not a secure method of transferring data. Any personal or sensitive email being sent outside of the MCC internal network should be sent securely via the Council's email encryption solution available via the MCC email system or zipped and password protected using the WinZip software available via Citrix. Advice on how to access these encryption solutions is available from the ICT helpdesk or Members' Services.

6.3 Etiquette and User Responsibilities

As a general principle, remember that you are acting as an elected representative of the City Council, using Council equipment and are accessing a non private network when browsing the internet or communicating using social media or emails which can be seen by anyone or reproduced for this purpose.

At all times have regard for City Council policies and legal requirements when using the internet or sending or responding to emails. Where appropriate, have equal regard for specified rules and policies of the owners of services you access via the internet.

7. Information Security

The security of the Council's networks, and of the systems and information held on it, is paramount. Any information security breach could have an adverse impact on the Council, Members, officers and Manchester residents. Due to the likelihood of sensitive and personal information being held on equipment used by a Member, all equipment must be stored securely, be password protected and in the case of laptops, have secure encryption protection installed and operational. All Members must assign a password to their laptops, pc's and Blackberry's of a complexity to comply with Manchester City Council's policy on password standards (available on the ICT pages on the intranet). Passwords must never be shared with anyone, however, if a Member forgets their password the ICT helpdesk is able to reset them.

Members are able to connect to the Manchester City Council network from home using Citrix Access Gateway (CAG). To be provided with CAG, Councillors who use their own pc or laptop must ensure that anti virus is installed and up-to-date, Windows firewall is switched on and regular updates are being installed on the pc or laptop via the Windows Update Server (where the pc or laptop is provided by the Council, these features will be enabled as standard). Members' Services or the ICT Helpdesk will be able to assist in applying for CAG access.

If a piece of equipment is lost or stolen, it is the responsibility of the Member to report this to Members' Services or the ICT helpdesk immediately. Cable locks should be used to secure laptops to desks as a preventative measure.

To protect the MCC network, the use of USB drives and removable media is restricted. Staff in Members' Services can assist if a Member requires a presentation or other information to be used for Council business to be loaded on to a laptop.

8. Monitoring

In order to ensure compliance with the requirements of City Council policies and the contents of this policy, the City Council has the right to inspect any Council IT equipment used by a Member. This may include utilising monitoring software to check on the use of e-mail services, software to check the content of all e-mail messages sent and received, phone call and text message files and internet log files.

These software monitoring tools will only be used for the legitimate purposes of ensuring compliance with stated policies and guidelines so as to protect the City Council against the risk of criminal and civil actions, as a result of the unauthorised actions of its employees, or Members. Where a request is made to access data held in ICT equipment allocated to a Member, such requests must be approved by the Monitoring Officer or Chief Executive. Requests must demonstrate why the information is necessary, how it is relevant and the time period required.

9. If a Member Breaches This Policy

Action may be taken against any user of the City Council's resources who contravenes the requirements of this policy.

Breach of this policy may be a breach of the Council's Code of Conduct for Members and be subject to the sanctions within.