
**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

**MEMBERS' USE OF COUNCIL IT EQUIPMENT FOR POLITICAL GROUP
MEETINGS**

Reason for this Report

1. To invite the Committee to consider the Council's policy in relation to Members' use of Council resources, specifically, in response to a request from party group whips to permit Members to use Council IT equipment for remote / hybrid political group meetings.

Background

2. The conduct of elected Members is governed by the statutory Members' Code of Conduct adopted by each local authority in Wales under Part 3 of the Local Government Act 2000.
3. In considering their duties under the Code of Conduct, Members must have regard to the statutory guidance issued by the Public Services Ombudsman for Wales (under section 68 of the Local Government Act 2000).
4. The Standards and Ethics Committee has responsibility 'To advise the Council on the effective implementation of the Code..' and 'To recommend to Council and the Cabinet any additional guidance on issues of probity' (under its approved terms of reference, paragraphs (c) and (h)).

Issues

5. Party group whips have requested that consideration be given to permitting the use of Council IT equipment for Members to hold or join party group meetings, which may be held remotely or on a multi-location (hybrid) basis.
6. The rules on Members' use of Council resources are set out in the Members' Code of Conduct, paragraph 7(b), which provides that Councillors must not 'use, or authorise others to use, the resources of your authority—
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;

- (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.’
7. Statutory guidance issued by the Ombudsman [General : 27 FINAL Investigation Report Template s21 casework support only \(ombudsman.wales\)](#) provides the following guidance on this duty (emphasis added):
- ‘2.55 You must only use or authorise the use of the resources of the authority in accordance with its requirements and the law. These sub-paragraphs also apply at all times. **Where your authority provides you with resources (for example telephone, computer and other IT facilities, transport or support from officers), you must only use these resources or employees for carrying out your local authority business and any other activity which your authority has authorised you to use them for.**
- 2.56 You must be familiar with the rules applying to the use of these resources made by your authority. Failure to comply with your authority’s rules is likely to amount to a breach of the Code. If you authorise someone (for example a member of your family) to use your authority’s resources, you must take care to ensure that this is allowed by your authority’s rules.
- 2.57 You must make sure you use the authority’s resources for proper purposes only. These sub-paragraphs apply at all times. It is not appropriate to use, or authorise others to use, the resources for private or political purposes, including party political purposes. When using the authority’s resources, you must have regard, if applicable, to any guidance issued by your authority, for example, your authority’s Information Security Policy.
- 2.58 You should never use authority resources for purely political purposes, including designing and distributing party political material produced for publicity purposes. **However, your authority may authorise you to use its resources and facilities for political purposes in connection with your authority’s business, for example, holding meetings of your political group.** In this case, you must be aware of the limitations placed upon such use for these purposes. Members should also have regard to the fact that periods leading up to local government elections are particularly sensitive in this regard. Using your authority’s resources outside of these limitations is likely to amount to a breach of the Code. **Some authorities will permit members to use authority-supplied IT equipment such as laptops for ancillary use. Provided that such usage is in line with the authority’s requirements, there would not be a breach,** but sending mass emails as part of an election campaign, for example, would not be appropriate.
- 2.59 **Where, however, there is no policy or the policy is silent you may not use these resources for any political or private purposes.’**
8. The Committee will note that, whilst Council IT equipment may not be used for purely political purposes, the Council may authorise Members to use Council resources and facilities for political purposes *in connection with the authority’s business*, such as holding political group meetings.

9. It is established custom and practice in Cardiff for all political groups to be permitted to use Council meeting rooms for their group meetings, on the basis that Members' discussions at their political group meetings relate predominantly to Council business.
10. It is recommended that the same approach taken to Council meeting rooms should apply equally to Council IT equipment, for the same reasons, that is, because discussions at political group meetings relate predominantly to Council business and it is therefore not inappropriate to permit Council IT equipment to be used to hold or join those meetings. Members will note that facilitating remote attendance is also consistent with the Council's general approach to its formal decision making meetings, as set out in its Multi-Location Meetings Policy.
11. The Council's IT Security Policy, which applies to all elected Members and employees of the Council, includes the following:

(i) 'Acceptable Use of IT Facilities', paragraph 7.7, which includes:

'The council's IT facilities are provided for business purposes. Any use of the council's IT facilities for non-business or unauthorised purposes may be regarded as improper use of the facilities.' and

(ii) 'General Acceptable Use', paragraph 7.18:

IT systems must not be used for any of the following purposes:

- intentionally or recklessly accessing or transmitting computer Malware and similar software;
- intentionally or recklessly accessing or transmitting information about, or software designed for, breaching security controls or creating computer Malware;
- intentionally or recklessly accessing or transmitting material which is obscene, sexually explicit, pornographic, racist, defamatory, hateful, incites or depicts violence, or describes techniques for criminal or terrorist acts or otherwise represents values which are contrary to council policy and values (except where this is strictly and necessarily required by the job, for example within the social services or consumer protection arenas, where employees are sometimes required to research into illegal activities. An excuse of personal or private research would not be acceptable);
- knowingly doing anything which is illegal under the law as it applies in England and Wales or the law of any other relevant country;
- personal business for financial/commercial gain;
- any activities which could cause congestion and disruption of networks and systems.

12. It is therefore recommended that express authorisation be given for Members to use Council IT equipment to hold or join remote / hybrid political group meetings.
13. The Council's IT department has been consulted and raised no concerns about this proposal. However, it has been emphasised that technical IT support will not be available for political group meetings.
14. The Head of Democratic Services has suggested that a code of practice on the use of Council resources for political group meetings should be developed to clearly set out any conditions or limitations on use, to include the following:

- a) technical IT support will not be available for group meetings;
 - b) no new equipment can be purchased specifically to facilitate group meetings, eg. to support hybrid meetings;
 - c) group meetings will have to dovetail with, rather than being prioritised over, existing Council business; and
 - d) any other appropriate conditions or limitations.
15. For clarity and transparency, it is recommended that the Members' Code of Conduct, paragraph 7(b) (referred to in paragraph 6 above) should be amended to refer to the code of practice in relation to political group meetings, by adding at the end of sub-paragraph (v) the words: 'except in accordance with the Council's approved code of practice in relation to political group meetings held for the purpose of discussing Council business'. The approved code of practice should then also be included within Part 5 of the Constitution. Subject to the agreement of this Committee, the proposed changes will be reported to Council in or around November 2022.
16. The Committee may also wish to note that the Head of Democratic Services has indicated that the Council's IT Security Policy, currently applicable to elected Members and employees, should be adapted to develop an IT policy specifically for Members, reflecting the distinct role of Councillors and how they undertake their ward and Council duties, which differs significantly from those of Council employees. This issue is to be progressed by the Head of Democratic Services, in consultation with the Democratic Services Committee.

Legal Implications

17. The Committee may make recommendations to the Council on this matter.
18. Any amendments to the Members' Code of Conduct and the recommended code of practice in relation to the use of Council resources for political group meetings will require the approval of full Council.
19. Other relevant legal provisions are set out in the body of the report.

Financial Implications

20. There are no direct financial implications arising from this report, with it stated in the report that no new equipment can be purchased specifically to facilitate group meetings. The Democratic Services Reserve is the identified source of funding for Member IT requirements for 2022/23, in which all IT equipment costs are to be contained.

RECOMMENDATION

The Committee is recommended to:

1. Recommend to Council:
 - (a) that authorisation be given to allow Members to use Council IT equipment to hold and or join political group meetings held remotely (fully or partly), in accordance with an agreed code of practice; and
 - (b) the Members' Code of Conduct be amended as set out in paragraph 15 of this report;
2. Provide any relevant comments on the code of practice to be put in place in relation to the use of Council resources for political group meetings;
3. Delegate authority to the Monitoring Officer, in consultation with the Chair, the Head of Democratic Services, the IT Services Manager and party group whips, to develop and agree a code of practice on the use of Council resources for political group meetings, for approval by Council; and
4. Receive an information report back on this matter in due course.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

13th October 2022

Background papers

Guidance from the Public Services Ombudsman for Wales, 'The Code of Conduct for members of local authorities in Wales: [General : 27 FINAL Investigation Report Template s21 casework support only \(ombudsman.wales\)](#)

IT Security Policy:

<https://cityofcardiffcouncil.sharepoint.com/sites/ict/Documents/Forms/AllItems.aspx?id=/sites/ict/Documents/IT Security Policy.pdf&parent=/sites/ict/Documents>