

Report of	Meeting	Date
Corporate Director of Governance	Standards Committee	30 November 2007

GUIDANCE TO MEMBERS ON USE OF RESOURCES

PURPOSE OF REPORT

- To consider the guidance available to Members on the appropriate use of resources provided for use by Members of Chorley Borough Council.

RECOMMENDATION(S)

- That Members review the current guidance and make proposals for improvement.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	√

BACKGROUND

- As part of its work programme the Committee agreed to consider the available guidance in relation to Members using resources provided by their Council. The Code of conduct states that members:

“must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes)”

- It is therefore important that the Authority's requirements are clearly set out. It is also important that there is a clear understanding of when the Council's resources may be used properly for political purposes.
- The main information provided to Members of Chorley Council in relation to the use of resources is provided as part of the induction pack. The sections of that pack which deal with the use of resources have been extracted and appear at appendix A. In addition Members are asked to agree to the internet and e-mail acceptable use policy before being provided with a Council computer. A copy of that policy is attached at appendix 2.

7. Some of the issues which members may wish to reflect on include:
- a. Whether the requirements are sufficiently clear with enough or too much detail
 - b. The arrangements for ensuring that Members are aware of the requirements
 - c. Whether there is clarity about the use of resources for political purposes
 - d. Whether the Authority's requirements have been spelled out for all the resources that are provided
 - e. Whether it is clear who can use the resources – use by family members for example may be an issue
 - f. Whether this is purely a Borough Council issue or whether there is any advice that Parishes may require

IMPLICATIONS OF REPORT

8. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

ANDREW DOCHERTY
CORPORATE DIRECTOR GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
A. Docherty	5102	16 th November 2007	***

Appendix A

SUPPORT SERVICES AND GENERAL INFORMATION FOR COUNCILLORS

ASSISTANCE / SUPPORT FOR MEMBERS

The Democratic Services Section in the Town Hall is responsible for providing general assistance and support to Members of the Council. Please contact them if you have any problems or queries relating to Council services. If they are unable to assist personally they will ensure that the enquiry is directed to the correct officer for a response.

You can contact the Democratic Services Section on the following telephone numbers: (01257) 515196 / 515122 / 515123 / 515118 / 515034.

CAR PARK PASSES

Members of the Council are permitted to park their vehicles free of charge on the Council car parks in Chorley when they are visiting Council buildings or attending events for any purpose associated with Council activities subject to them displaying an official car park pass on the windscreen of their vehicle.

Members are requested to provide the details of the vehicle registration number to any member of staff in the Democratic Services Section and a pass will be provided to them. The passes will be issued thereafter to Members in January each year.

Please notify the Democratic Services Section if your vehicle details need amending at any time.

COMPUTER / LAPTOP FACILITIES

All Members of the Council are entitled to receive a computer laptop and printer to enable them to use the equipment for purposes associated with their Council activities. The Council also provides a telephone line and broadband connection free of charge.

Members need to complete and sign the Internet and email use policy and acceptance form obtained from the ICT Directorate.

Assistance and training support is available from the ICT Directorate by contacting the ICT Help Desk on (01257) 515502.

Members can obtain printer cartridges and paper free of charge from the Democratic Services Section.

IDENTITY PASS

Members are provided with a Councillor ID Badge and Security Card fob for access to Council Buildings.

MAIL BOX

A mail box for each Member is located in the Town Hall and any mail for Members is posted twice a week by staff in the Office Support Services Section. Members may use the mail boxes for the circulation of correspondence to other Members of the Council. Please contact the Democratic Services Section if you wish to use this facility.

MEETING ROOMS

The Council Chamber and the two Committee Rooms are located on the ground floor of the Town Hall. Meetings of the Council, Executive Cabinet and the Development Control Committee take place in the Council Chamber and the other Committee / Panel meetings are held in the Committee Rooms

The Lancastrian Suite on the top floor of the Town Hall will be used as and when required for meetings. The Mayor's Parlour is located on the ground floor adjacent to the Council Chamber and is solely for the Mayor's use.

The majority of meetings are held in the evening. Details of the start times and venues are included on the front of all agendas.

MEMBERS' ROOM

The Members' Room is available to all Councillors. This is located on the ground floor of the Town Hall. The Members' Room provides a reference library where documents and local newspapers are placed on deposit for Members. Details of Member Development / Training activities are on display and two computers and printing facilities are available for use.

Members can use their personal laptops and the computers in the Members Room to access information of meeting dates and the agendas, reports and minutes via [theloop/mybriefcase/council meetings](#)

Telephones for use by Councillors are available in the Members Room. To obtain an outside line, dial 9 and wait for the dialling tone – then dial the number.

Tea, coffee and water are provided on a self service basis in the Members Room. Drink facilities are also provided in the Council Chamber and Committee Room for Members attending any meetings.

PHOTOCOPYING / FAX FACILITIES

A photocopier is located in the Democratic Services Section which can be used for a small to medium number of copies. You may only use the Council's photocopier at the Council's expense for matters in connection with your duties as a Councillor and not for personal or party political matters. To use a photocopier for this purpose you must contact the Democratic Services staff and they will ensure that someone is available to copy for you.

If you need photocopies for personal or party political purposes, these may be provided but you should pay for them.

A fax machine is also available for use in the Town Hall free of charge for Council activities. The cost of any personal faxes will be recharged to Members. The number for receiving fax transmissions is (01257) 515150.

POSTAL SERVICES

Any correspondence undertaken by Members for any purpose associated with their casework as Councillors other than for party political or personal purposes may be left in the Democratic Services Section at the Town Hall for posting at the first class rate.

SECRETARIAL SERVICE

A word processing service is available for Members of the Council for any purpose associated with a member's individual casework but not for party political or personal work.

Members may give any word processing work to the DTP Operator in the Democratic Services Office.

STATIONERY

Members may order a free supply of headed paper, complimentary slips and business cards for use in connection with their work as Councillors. The details of the information to be included on the stationery should be given to the Democratic Services Section as and when required.

CHORLEY BOROUGH COUNCIL

PERSONNEL POLICIES, PROCEDURES

SECTION: 2 Employment Practices

REFERENCE:

SUBJECT: Internet and e-mail acceptable use policy for Elected Members.

DATE:

Foreword

The use of Information and communication technology (**ICT**) is changing our lives including the way we work, the way we communicate and the way we deliver our services. The information age offers enormous scope for organising our activities in new, innovative and better ways to make life easier for the public by providing services in more integrated, imaginative and convenient forms.

Chorley Borough Council is committed to developing the potential benefits of ICT to not only enable members to provide information to the community but also gain access to the vast range of information available on the World Wide Web.

The pace of life is increasing all the time and new communication channels will undoubtedly accelerate this even further. This does not mean that communication standards and protocol should be compromised but only strengthens the case for greater adherence to a corporate house style. A professional approach must be adopted with corporate standards and protocol being followed to ensure that the Council maintains its professional image and high standards.

I hope that you share my enthusiasm and look forward to the exiting developments that the use of new technology will bring. I trust that you will fully utilise the new communication channels to improve service delivery and at the same time enhance your skills in the use of **ICT**. Please remember that in doing so you are required to comply with this policy at all times.

Chief Executive

1 Introduction

- 1.1** The Council believes that ICT facilities will increasingly benefit both the organisation and also the Borough as a whole. The use of these facilities is therefore to be encouraged, although it is recognised that the Council's ICT facilities are predominantly for business use. E-mail has now become an integral part of our organisational culture for both internal and external communication.
- 1.2** Use of the Internet technology will become a fast and cost-effective way to keep up to date with necessary business information, and may become the most cost-effective business information tool available.

- 1.3** There are many benefits in the use of ICT however the increased flexibility inherent in these facilities leads to increased personal responsibility for the user. Some organisations have found to their cost that unregulated use of new technology has the potential to incur legal liability. This Policy has been written to promote good practice and give guidelines to authorised users on the appropriate use of e-mail and Internet facilities, and to provide information on the types of use, which may be considered inappropriate.

2 Who is covered by this policy

- 2.1** The guidance set out in this Policy is intended for Elected Members of Chorley BC who have been designated as authorised users of Internet and e-mail facilities. It should therefore be noted that the Policy will be referred to in instances, where inappropriate use of relevant ICT facilities is suspected or suggested, and will therefore form part of the material relied upon in any associated investigation.
- 2.2** The use of Internet and e-mail facilities will be permitted only by Elected Members who have been specifically designated as authorised users for that purpose, received appropriate training and have confirmed in writing that they accept and agree to abide by the terms of this policy.
- 2.3** Elected Members will have access to political and other appropriate web sites that are otherwise restricted to staff and employees of Chorley Borough Council.

3 What does the policy cover

- 3.1** The facilities covered by this document includes access to all Internet and e-mail services provided by the Council for the purpose of conducting official business activity through the Councils network infrastructure, all stand alone and portable PC equipment.
- 3.2** This policy also extends to access to the Council Intranet and beyond to any extranet access or links to Council Intranet facilities.
- 3.3** Elected Members will have use of a lap top computer, and access to the Internet will be via this system. Otherwise, Members will have access to the Internet through the computer installed in the Members Room.
- 3.4** Members will be issued with a personal password to prevent misuse of the facilities.

4 Ownership of the Policy

- 4.1** This policy has been developed in conjunction with the E-Government Group and any specific queries regarding interpretation should be directed to Personnel Services.
- 4.2** This policy will be reviewed, updated or amended from time to time as required. In this event notification will normally be made by e-mail. A current copy of this policy will be available on the Intranet. It is a users responsibility to check for any amendments. The initial written acceptance of the policy and agreement to abide by its terms will be regarded as acceptance of all future editions unless notified to Personnel Services by the user concerned.
- 4.3** This policy provides guidance for Internet and e-mail users and should be read in conjunction with existing Council policies and procedures. Users must ensure that usage complies with the Code of Conduct for Elected Members, and all existing authorisation procedures. There are also other important pieces of legislation that are relevant and users should familiarise themselves with the main requirements of the following in particular:

Data Protection Act 1998
Computer Misuse Act
Copyright, Designs and Patents Act 1988
Human Rights Act 2000
Regulation of Investigatory Powers Act 2000

If you have any doubts about your proposed usage then please check with Legal Services.

5 **E-mail**

- 5.1** The Council encourages the use of e-mail as an efficient form of communication. In common with other forms of communication, authorised users may utilise e-mail facilities for their own personal use, and will be issued with a password to ensure that the service is used appropriately.
- 5.2** It is important to note that the legal status of an e-mail message is similar to any other form of written communication (see paragraph 9.9 below). Consequently, any e-mail message sent from a facility provided for business use could be considered to be an official communication from the Council. Given the availability for personal use, and in order to ensure that the Council is protected adequately from misuse of e-mail, the following controls will be exercised:-
- a) It is a condition of acceptance of this policy that users comply with the instructions given during the Internet and e-mail training sessions.
 - b) E-mail must not be considered to be any less formal than memo's or letters that are sent out from a particular service or the authority. There is specific etiquette for e-mail and further information is covered in the Council's e-mail and Internet training. When sending external e-mail care should be taken not to contain any material which would reflect poorly on the Council's reputation or its relationship with clients, business partners or the general public.
 - c) All official external e-mail must carry the following disclaimer:

"This e-mail and any file or link transmitted with it is confidential, subject to copyright and intended solely for the use of the individual or entity to which it is addressed. It may also contain privileged information. Any unauthorised review, use, disclosure, distribution or publication is prohibited and may result in legal action. Any view or opinion expressed in this e-mail is not necessarily the view of Chorley Borough Council but that of the author."

If you have received this e-mail in error please contact the sender by reply e-mail and destroy and delete the message and all copies from your computer."
 - d) Under no circumstances should users communicate material (either internally or externally), which is, for example, defamatory, obscene (see paragraph 9.13 below), or does not comply with the Council's Equal Opportunities policy, or which could reasonably be anticipated to be considered inappropriate. Any user who is unclear about the appropriateness of any material, should consult Personnel Services Unit, prior to commencing any associated activity or process.
 - e) Authorised users choosing to make personal use of e-mail facilities must include the disclaimer set out below in all personal e-mail communications.

“This e-mail is the personal responsibility of the sender and it is not sent on behalf of Chorley Borough Council. The content, views or opinions expressed are those of the sender only and must not be regarded as those of the Council.”

- f) Users must take steps to ensure that due care is taken with regard to the transmission of confidential material via e-mail (see paragraph 9.7 below). In cases where material is sensitive, it is suggested that care is taken and consideration is given to other forms of communication.
 - g) E-mail should not be used to replace all other forms of written communication. In some cases it may be considered more appropriate to send a letter or memo for example where a signature is required.
- 5.3** In order to ensure that the systems enabling e-mail are available and perform to their optimum, users should endeavour to avoid sending unnecessary messages. In particular, the use of the “global list” of e-mail addressees is discouraged. Similarly, e-mail users should manage their e-mail accounts to ensure that items are filed or deleted to avoid any deterioration in systems.
- 5.4** E-mail users should take steps to delegate their accounts during periods of absence however care must be taken to maintain the security of passwords.
- 5.5** Whilst respecting the privacy of authorised users, the Council maintains its legal right, in accordance with the Regulation of Investigatory Powers Act 2000, to monitor and audit the use of e-mail by authorised users to ensure adherence to this Policy. Any such interception or monitoring will be carried out in accordance with the provisions of that Act and the Councils Internet security policy. Users should be aware that deletion of e-mail from individual accounts does not necessarily result in permanent deletion from the Council’s ICT systems.
- 5.6** ***It should also be noted that e-mail and attachments may need to be disclosed under the Data Protection Act 1998. Further information regarding this can be obtained from the Data Protection Officer in the Administrative Services Unit.***
- 5.7** ***Any e-mail received that could be considered offensive should be brought to the attention of the Head of Personnel Services. Incoming e-mail is monitored and anybody who consistently sends “nuisance” e-mail (including e-mail with large attachments) to the Council will have their communications “bounced” back to the management of the organisation that it came from with an accompanying message. That e-mail address will also be blocked from Council systems.***

6

- 6.1** The Council encourages the use of the Internet as an efficient form of communication and research. Official business and work use of the internet is defined within this policy as improving knowledge; accessing policy, technical, legal, scientific or other information on topics directly relevant to a users job and for communicating with peers in other authorities, agencies, business, professions or members of the public for that purpose.
- 6.2** Users may utilise Internet facilities for their own personal use. They will be required to and be responsible to pay for any consumables that they utilise whilst using the internet for personal use. The Council will not be liable for any loss of personal data or information as a consequence of the users utilising the Internet for personal use. Users should also take note of the comments set out in paragraph 9.15 below regarding personal business use.
- 6.3** The Council maintains its legal right, in accordance with the Regulation of Investigatory Powers Act 2000, to monitor and audit the use of Internet facilities by users to ensure adherence to this Policy. Any such interception or monitoring will be carried out in

accordance with the provisions of that Act and the Councils Internet security policy.

- 6.4** Misuse of Internet facilities will constitute a breach of the Code of Conduct for Elected Members. Complaints about misuse will be forwarded to the Councils' Monitoring Officer and may be dealt with by the Standards Committee. Misuse will be considered to include the following, this list is not considered to be exhaustive;
- a) Visiting, viewing, or downloading any material from any web site containing sexual or illegal material, or material which could reasonably be anticipated to be classed as offensive. Any user, who accidentally accesses such a site, must inform the Monitoring Officer immediately. Failure to do so may be classed as a breach of the Code of Conduct.
 - b) Use of personal Internet accounts on Council equipment, unless for business reasons.
 - c) Modifying any Council PC or web browser software to enable the user to dial directly into any ISP and bypass the security precautions in place.
 - d) Open any attachments with an .exe extension or open any attachments which appear to be programs, or download any browser "plug-ins" or programs except under the guidance of IT Services.
 - e) Originate or distribute chain letters, junk e-mail or similar correspondence.
 - h) The misuse of a any password belonging to another user.
 - f) To gain or attempt to gain unauthorised access to any computer system of the Council or any other organisation or hack into another website.
 - i) Any breach of relevant legislation such as the Computer Misuse Act.
- 6.5** The Council maintains the right to prohibit access to any particular site or newsgroup as it feels fit to protect the interests of the authority.

7 Security

- 7.1** As the use of ICT facilities becomes increasingly prevalent and fundamental to the business of the Council, it will become more important to ensure that all users take personal responsibility for the security of the facilities and physical assets (particularly portable items) made available to them.
- 7.2** Facilities should not be left unattended, and users must either log out or operate password-protected screen savers, when facilities are not in constant use. Passwords must not be disclosed to any other user. Advice on setting up password-protected screen savers is available on the Council's Intranet. Passwords must be changed regularly as required by the Councils Security policy.
- 7.3** Authorised users must not allow other users or staff/members to access the Internet or e-mail facilities using their user ID or password. Any disclosure of a user ID or password must result in an immediate password change.
- 7.4** The potential for contamination of software and data files through computer viruses is significant. Consequently, full use must be made of the Council's anti-virus software, and any suspicious material (e.g. e-mail from unknown origins) should not be accessed without advice from the IT Division (see paragraph 9.11 below).

- 7.5** Users are reminded that the use of any unauthorised or unlicensed software on Council facilities may be classed as a breach of Members Code of Conduct. In particular, screen savers must not be downloaded onto Council facilities, as these are a prime source of virus contamination. Any queries on the appropriateness of software should be directed to IT Services.
- 7.6** Users must remain vigilant and take reasonable steps to ensure that Internet and e-mail communications are actually being conducted with the expected source.

8

- 8.1** The Council is committed to providing training and development for all users and members.
- 8.2** E-mail and Internet training opportunities will be made available to all users who have been given authorised access to these facilities. For further information on ICT training users should contact the Head of Administration Services.
- 8.3** In addition all new Members and authorised users should be made aware of this Policy as part of their induction.

9 Other Matters

Monitoring and Control of Internet and e-mail usage

- 9.1** The monitoring of Internet and e-mail (outgoing and incoming) traffic will be undertaken so that the Council can plan and manage its resources effectively, to ensure that users act only in accordance with policies and procedures, to ensure that standards are maintained, to prevent and detect any crime and for the investigation of any unauthorised use. Monitoring of content will only be undertaken by staff specifically authorised for that purpose in accordance with the Councils Internet security policy.
- 9.2** The Councils ISP will provide Internet and e-mail usage reports detailing all web pages visited together with every e-mail message or file sent or received.
- 9.3** Authorised users are expected to maintain the highest standards of probity and conduct when utilising Internet and e-mail facilities.

Intellectual Property Rights, Copyright and Confidential Information.

- 9.4** Although the Internet was designed to be a free provider of information, it is possible to download computer software, magazine articles, reports, music, and photographs, which may be protected by copyright or related rights. Material on the Internet and Intranet are treated in law as being no different to material published in other media. Due to the possible world wide access there may be no certainty as to which countries laws apply. If such material is copied downloaded or published on Council Internet facilities where there is no express or implied permission to do so, copyright will be infringed. Users must therefore take appropriate steps to ensure that any material downloaded, copied or published is done so legally.
- 9.5** The Council will retain copyright and intellectual property rights over all any material produced in the usual or normal course of an authorised users employment, engagement or association.

Breach of Confidence

- 9.6** The use of the Internet, Intranet and e-mail are not secure communication mediums and care

should be taken when transmitting confidential or sensitive information.

- 9.7** As material can be easily forwarded and copied, breach of confidence is more likely to happen. If confidential information is provided to the Council, and a third party uses it without authorisation, then the Council could be liable for breach of confidence. Users should bear in mind the Council's Code of Conduct for Members.
- 9.8** The Council's banking details must not be supplied to any person or organisation without prior authorisation from the Director of Finance.

Contractual Relations

- 9.9** Provided that an external party reasonably believes that an user has the authority to negotiate, or enter into, an agreement, then the Council will be bound by what that user has said. E-mail sent by authorised users will usually be acknowledged as originating from the Council, so recipients will in most cases be acting reasonably, if they assume that the e-mails are sent with the Council's authority. Consequently authorised users must exercise particular care in this area of work
- 9.10** Where organisations accept orders for goods and services via the Internet or by e-mail the facility may only be used provided it complies fully with the Councils Standing Orders, Financial Regulations and all existing creditor payment authorisation procedures.

Negligent Virus Transmission

- 9.11** If a computer virus is transmitted to another organisation, the Council could be held liable, if there has been negligence in allowing the virus to be transmitted. Authorised users must therefore comply with the requirements for virus checking. If any user has concerns about possible virus transmission, they must report the concern to the Monitoring Officer

Data Protection

- 9.12** All Council authorised users must comply with the Principles of the Data Protection Act which include a requirement that computer systems are secure. Information on data protection issues is available from the Council's Data Protection Officer in the Administrative Services Unit.

Obscene Material

- 9.13** The publication of obscene material is a criminal offence. The definition of "publication" includes electronic storage or transmission of obscene material.

Remote Access

- 9.14** Authorised users with remote access facilities are reminded that personal use via remote access both results in increased costs and reduced system availability. Consequently, users must not make personal use of ICT facilities via remote access.

Personal Business Use

- 9.15** Although the Council wishes to encourage the use of ICT, and has therefore made facilities available for managed personal use, authorised users must not under any circumstances use ICT facilities for the conduct of personal businesses or private commercial activity. The use of any ICT facilities in this way will constitute a breach of the Councils Code of Conduct for Elected Members, as the conduct of such personal business may be viewed in legal terms as a Council approved activity.

Chorley Borough Council

Internet and e-mail acceptable use policy

Authorised User Agreement

I have received a copy of the Chorley Borough Council Internet and e-mail acceptable use policy. I understand that the Council's Internet and e-mail systems and associated equipment are to be used for conducting Council business or for personal use only as stated in the policy document.

I have read the Council Internet and e-mail acceptable use policy and agree to abide by all the terms and conditions set out in the document for the duration of my office as Elected Member.

I am aware that the Council may where it considers it to have reasonable grounds to do so, and without notice to me, monitor or examine all or any e-mail or Internet traffic and documents initiated, manipulated, responded to or examined by me.

I am aware that violations of the Council Internet and e-mail acceptable use policy may subject me to investigation and subsequent action by the Standards Committee. I understand that I may be personally liable for any criminal offence, which I may commit in relation to this policy and the use of Internet and e-mail facilities.

I further understand that my Internet and e-mail communications will at all times reflect the good name and character of Chorley Borough Council and protect the image and reputation of the Council worldwide.

I understand that this document may be amended at any time and that I will be informed of changes in the manner described in the policy. I accept that I am responsible for ensuring my personal knowledge and understanding of any change to the policy.

Elected Member Signature

Date

Elected Member printed name