

# TOWN AND CINQUE PORT OF HYTHE



Hythe Town Council  
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## USE OF COUNCIL RESOURCES POLICY

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[WWW.HYTHERTC.GOV.UK/POLICIES/GOVERNANCE](http://WWW.HYTHERTC.GOV.UK/POLICIES/GOVERNANCE)

This Policy was adopted by the Council at its meeting held on: 26 April 2021

Minute 318/20

This Policy was reviewed and ratified by the Council at its meeting held on: 24 June 2022

Minute 71/21

GOVERNING BODY: HYTHE TOWN COUNCIL, TOWN COUNCIL OFFICES, OAKLANDS, 1 STADE STREET, HYTHE, KENT.  
CT21 6BG



## **Use of Council Resources Guidance for Councillors**

### **1. General Introduction**

When using the Hythe Town Council resources a Councillor must act in accordance with the Council's reasonable requirements and ensure such resources are not used improperly for political purposes (including party political purposes).

Hythe Town Council's requirements on the use of Council facilities and resources explained below. This guidance note also advises the rules relating to the use of Council facilities in connection with publicity and guidance on the use of the Internet and external e-mail. Any breach of these requirements could result in a breach of the code of conduct for Councillors.

### **2. Access to Premises**

Employees have the right to enter Council land and premises to carry out their work.

Councillors have the right to access Council land and premises to fulfil their duties.

When making visits as individual Councillors, they should:

- i. Whenever practicable, notify and make advance arrangements with the appropriate employee in charge.
- ii. Comply with health and safety, security, and other workplace rules.
- iii. Not interfere with the services or activities being provided at the time of the visit.

### **3. Use of Council Resources**

The Council's Codes and protocols set out must be observed.

This part of the protocol should be read in conjunction with the Council's "whistleblowing" policy.

Councillors or employees with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Town Clerk.

### **4. Use of facilities for Council business**

- i. The Council makes various facilities free of use available for the use of councillors in connection with Council business. These facilities include the use of the Oaklands Committee room or the Town Hall undercroft.
- ii. Council facilities are only available for Councillors' work in connection with Council business, matters relating to a councillor's duties as an elected Councillor, as a member of a committee, sub-committee working party or as a Council representative on another body or organisation.
- iii. Matters for which Oaklands Committee room is available for free use will include:
- iv. Letters to and communications with individual members of the public, other councillors, officers, government officials, maps etc. in connection with those duties set out above.
- v. Documents and communications in connection with the formulation of policy and the decision-



making process of the Council or other organisations on which a councillor represents the council.

- vi. The following are not considered council-related businesses and therefore facilities will not be available free of use and charges will be appropriated:
- vii. Private use for functions or groups that are not Council related.
- viii. Personal use of the facilities.
- ix. The following are not considered Council-related businesses and therefore facilities will not be available at all:
- x. Documents relating to the policy and organisation of political parties, particularly regarding the conduct of elections.
- xi. Documents and communications for constituency party meetings, ward party meetings, etc. or letters to party members collectively in their capacity as party members.
- xii. It is generally inappropriate for councillors to use Council facilities for volume mailings, including sending out circulars and conducting wide-scale consultation exercises, even though these may involve Council business. If in an exceptional case a councillor feels that a volume mailing can be justified, she/he should submit a specific request to the Town Clerk.
- xiii. Where access to Council premises is required, this will only be allowed under Government guidelines and when an Officer is present as a keyholder. Security codes to buildings will not be accessible to users for insurance purposes.
- xiv. The Oaklands Council offices are closed between the hours of 1-2 pm and therefore no access will be given to any user to allow staff to take their entitled break unless in exceptional circumstances and pre-booked with the Town Clerk.
- xv. In the case of the Town Hall, bookings of the Undercroft will be free to Council members but full access to the Town Hall chamber will be restricted for insurance purposes.
- xvi. A charge will be made for use of the Town Hall for any business other than Council Meetings or Community Engagement events in line with the events ratified through the Council. All Hythe Town Councillors should be invited to be involved and no party-political communications will be allowed.
- xvii. The Town Sergeant is responsible for the opening and closing of the Town Hall. If the Town Sergeant is not available, the Town Clerk will need to decide on another Officer to assume responsibility.
- xviii. Access cannot be given to individual Councillors without the presence of a Council Officer. The Community Engagement working group must take full responsibility for the use of Council buildings whilst in use. A risk assessment must be completed for each event.
- xix. All bookings MUST be made with the Plans and Facilities Officer at least 3 days before an event is held or a room/building is booked so that the officers are aware of the building use and can



organise the bookings diary for other users.

## **5. Publicity**

Special rules apply to 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 local authority is prohibited from publishing political material by virtue of section 2 of the Local Government Act 1986. The Act states that:

### **“Section 2**

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.

In determining whether material falls within the prohibition regard shall be had to 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 and to the following matters:

- i. 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; and
- ii. Where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.

A local authority shall not give financial or other assistance to a person for the publication of material which the authority is prohibited by this section from publishing themselves."

Although Section 2 applies to all publicity produced by the local authority it is obviously particularly important to be sensitive to the provisions of the Act during election time.

Further guidance about publicity is contained in the Code of Recommended Practice on Local Government Publicity, of which the following is an extract:

## **6. Individual Councillors**

- i. “Publicity about individual councillors may include the contact details, the positions they hold in the Council and their responsibilities. Publicity may also include information about individual councillors’ proposals, decisions, and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors as holders of positions in the Council, personalisation of issues or personal image-making should be avoided.
- ii. Publicity should not be, or liable to misrepresentation as being, part political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to her/his/their position and responsibilities within the Council, and to put forward her/his/their justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals”.



- iii. The Code also specifically covers activity around elections, referendums, and petitions.

## **7. Publicity around Elections**

- i. “The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals, or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Councillors holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a councillor-level response to an important event outside the authority’s control. Proactive events arranged in this period should not involve councillors likely to be standing for election.”
- ii. In the light of this provision particular care should be taken in the period beginning with the Notice of Election and the election itself.

## **8. Internet & External E-mail - Acceptable Use Guidelines**

- i. These guidelines have been produced specifically for members of the Council and to outline their responsibilities in the use of the Town Council's Internet service, including the use of external e-mail facilities and the use of Council equipment to access the Internet. They have been devised to support the Town Council's Internet Security Policy with the main objective of protecting the Town Council and its Elected Members. A similar set of guidelines exists for employees.
- ii. Use of internal e-mail is specifically covered in the main body of the Code of Practice on Information Security. However, users are reminded that Hythe Town Council’s systems must not be used for any purpose other than those directly concerned with official Town Council business or the work of Elected Members. Users who are unsure about any permissible uses must seek clarification from the Town Clerk.
- iii. All Elected members and other potential users of the Council's Internet service are required to read and sign a copy of these guidelines before being granted access to the Internet and/or external e-mail facilities.

## **9. Unacceptable Uses**

In general terms, any use of the internet which contravenes any legal Act (for example, 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 internal Council policy (in particular, Council policies on Information and Internet Security; Equal Opportunities and Harassment) is unacceptable.

Unacceptable uses include the following:

- i. illegal or malicious use, including downloading or transmitting copyright material.
- ii. Accessing, storing, or transferring pornographic or obscene material.
- iii. The deliberate propagation of computer viruses, or use of the Internet to attempt unauthorised access to any other IT resource.
- iv. Use of the internet or e-mail for private business purposes, such as a commercial enterprise.



- v. Access to or distribution of material which contravenes the Council's Equal Opportunities and Harassment Policies.
- vi. Entering any commitment on behalf of the Council (unless having explicit and written permission to do so).
- vii. Soliciting/obtaining personal information not in connection with the Council's business, without prior authorisation (this could contravene the Data Protection Act and leave you, and the Council, susceptible to legal action).
- viii. Access to, and use of, recreational games; and
- ix. Use of e-mail for potentially libellous or defamatory purposes.

To summarise, the Council's Internet and External E-mail services are provided only to authorised users, for uses in connection with the Council's legitimate business.

## 10. Etiquette and User Responsibilities

- i. The Internet does not have any central management or control. However, to maintain some standards of behaviour, the internet community has developed a set of written ethics known as "netiquette", which outlines conventions and rules of conduct when using the internet. It is strongly recommended that all users of the Council's Internet take time to read the netiquette guidelines, which can be found on the Internet at [www.fau.edu/netiquette/net/](http://www.fau.edu/netiquette/net/)
- ii. As a general principle, remember that you are acting as an elected representative of the Council and are accessing a public service network.
- iii. At all times have regard for Council policies and legal requirements when using the Internet. Where appropriate, have equal regard for specified rules and policies of the owners of services you access via the internet.

## 11. E-mail

- i. The Council's e-mail systems are provided to support its business activities. Access to e-mail systems is granted to Elected Members expressly on this basis. E-mail is a form of publication. Individual Elected members as well as the Council are potentially open to an action for libel, defamation, or breach of trust. E-mail must not be used for potentially libellous or defamatory purposes.
- ii. Whenever an external e-mail is sent, the sender's name, e-mail address and Council name must be included. Do not be abusive in messages to others. Be careful with humour; remember that written messages could be easily misconstrued. Forgery or attempted forgery of electronic mail is prohibited. Attempts to read, delete, copy, or modify the mail of others are prohibited. If you receive an e-mail from outside the Council that you consider to be offensive or harassing, consult IT.

Democratic Services/Corporate Programme Office – **do not** respond to such e-mails. (Internal e-mails of a harassing nature will be dealt with under the Council's Harassment policy).

- iii. Your e-mail is NOT private. E-mail documents form part of the administrative records of the Council and the Council has the right of access to all e-mails sent or received on the same basis as written documentation. To ensure compliance with the requirements of Council policies and the contents of this guidance document the Council may utilise monitoring software to check on the use of e-mail services, as well as software to check the content of all e-mail messages sent and received.



These software tools will only be used for the legitimate purposes of ensuring compliance with stated legal acts, policies, and guidelines to protect the Council against the risk of criminal and civil actions, because of the unauthorised actions of its employees or elected members and in connection with the administration of the e-mail service itself.

## **12. Restrictions on Use**

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

If any elected member unintentionally accesses an internet site which contains material of an offensive or undesirable nature, they should immediately exit the site. In these instances, elected members should report the incident to the Town Clerk who may prevent future access to such sites by implementing preventative measures.

## **13. Disciplinary Action**

Action may be taken against any user of the Council's Internet and external e-mail service that contravenes the requirements of these guidelines.

