

FLINTSHIRE COUNTY COUNCIL

REPORT TO: FLINTSHIRE COUNTY COUNCIL
DATE: THURSDAY, 25 OCTOBER 2012
REPORT BY: HEAD OF LEGAL AND DEMOCRATIC SERVICES
SUBJECT: PROTOCOL ON THE PRODUCTION OF
COUNCILLOR NEWSLETTERS

1.00 PURPOSE OF REPORT

1.01 To adopt a Council protocol on Councillor newsletters approved by the Standards Committee.

2.00 BACKGROUND

2.01 Paragraph 7 (b) of the Members' code provides that Members must not use, or authorise others to use, Council resources as follows:-

- i. Imprudently
- ii. In breach of the 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 the Member has been elected or appointed.
- v. Improperly for political purposes, or
- vi. Improperly for private purposes.

2.02 The guidance from the Public Services Ombudsman for Wales issued in September 2012 gives guidance on this paragraph and this is attached as appendix 1 to this report.

2.03 At present the Council does not have any policy or guidance that it has issued in relation to paragraph 7 (b) of the Members' code. Whilst to a large extent the code and the written guidance are clear. One area that would benefit from further clarity is in relation to the use of Council resources for the production and distribution of Councillor newsletters.

2.04 At its meeting on the 3 September the Standards Committee considered a report on the use of Council resources for the production and distribution of Councillor newsletters and agreed the protocol attached as appendix 2. It also agreed that a more comprehensive protocol be drawn up defining the use of resources and facilities for Councillors.

3.00 CONSIDERATIONS

- 3.01 It is a grey area as to whether or not Members issuing newsletters to their constituents using Council resources in the production and distribution of such newsletters would be construed as improperly using Council resources for political purposes.
- 3.02 The Council makes available for use by Members the facilities in the group rooms and in Member Services. These include computers, photocopying and postal arrangements. There is no current practice of these facilities being used for Councillor newsletters.
- 3.03 It is believed that there should be a consistent approach to the use of such facilities by the 70 Members which should take account of the possible cost implications to the Council tax payer.
- 3.04 It should also be recognised that where a Member chooses to spend time producing a newsletter using equipment supplied by the Council, this could be viewed as a legitimate part of the Members role rather than improper use for political purposes.
- 3.05 The above considerations were taken into account in preparing the draft protocol that was approved by the Standards Committee at its meeting on the 3 September 2012.

4.00 RECOMMENDATIONS

- 4.01 For Council to adopt the protocol approved by the Standards Committee and attached as appendix 2 to this report.

5.00 FINANCIAL IMPLICATIONS

- 5.01 There would be significant financial implications if the cost of Members newsletters being printed or posted was to be met by the Council and there is no budget provision for this. Approval of the draft protocol would avoid any future printing/postage costs relating to Councillor newsletters.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 With political Group Leaders.

12.00 APPENDICES

12.01 Appendix 1 - Public Services Ombudsman for Wales written
guidance

Appendix 2 - Protocol – Councillor Newsletters

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Written guidance from the Public Services Ombudsman for Wales
dated March 2012

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk