

Committee: Standards and General Purposes Committee

Date: 21.07.2022

Wards: All wards

Subject: Political Group Use of Council Resources

Lead officer: Louise Round, Managing Director, South London Legal Partnership

Lead member: Councillor Billy Christie, Cabinet Member for Finance and Corporate Services

Contact officer: Andrew Robertson, Head of Democracy and Electoral Services

RECOMMENDATIONS:

That members consider the options for the use of Merton letterheaded paper by councillors set out in paragraph 3 below and either:

A) Agree which option should be adopted in future; or

B) Agree to establish a cross party working group to consider the options and to report back to this committee at its next meeting.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 For many years, individual councillors have from time to time used Merton Council headed paper to write to their residents for a variety of reasons. These include notifying residents of upcoming planning applications or other events in their wards as well as “welcome letters” sent by some councillors to new residents.

1.2 It would appear that the approach to sending such letters is not consistent among the political groups and it would therefore seem prudent to review the position and, if necessary, clarify the provisions of Part 5E of the Council’s Constitution (Protocol on the Use of Council Resources and Facilities) to see whether they should be amended either to reflect practice on the ground or to change the overall agreed approach.

1.3 Part 5E covers this issue as follows:

Personalised Letterhead, Compliment Slips and Business Cards

These are provided for use only in connection with Council business and are available to all members of the Council and can be customised to show positions held as Leader of the Council, Deputy Leader of the Council, Cabinet Portfolio Member and Chair of a committee

Letterheads, compliment slips and business cards can, as a matter of fact, state the name of the political party group to which the councillor belongs and the ward they represent and details of surgeries.

Postage

Basis of Provision Facilities are available to Members of the Council on the basis of posting individual letters for the purpose of:

- *Communication with other organisations as a part of dealing with issues raised by constituents or in relation to members' responsibilities e.g., Cabinet portfolio or role as committee chair.*
- *Providing information on a one-off basis to new electors in the ward on the work of the Council, its committees, services in the area provided by the Council or joint authorities [e.g. GLA, police, fire, transport, health] and how to contact their local Councillors or MP; and*
- *The circulation of information to individuals or groups of individuals within wards or the conduct of surveys or consultation processes*

Responding to individuals or small groups of constituents on specific matters raised by them;

The Council's facilities are not available for ward-wide mail shots, the distribution of leaflets or the posting of general information to constituents other than in the circumstances described above. They are also not available for posting any material which could not lawfully be printed by the Council. In considering those issues members should seek the views of officers above if there is doubt."

- 1.4 The Local Government Act 1986 imposes a prohibition on local authorities from publishing any material which, in whole or part, appears to be designed to affect public support for a political party.
- 1.5 This provision is to some extent mirrored in the Code of Conduct for Members which the Council adopted in July 2021, paragraph 7.2.b of which requires councillors to ensure they do not use council resources for party political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to the discharge of the functions of the authority or the office to which they have been elected.
- 1.6 In order to ensure that letters sent by councillors do not breach the above requirements, they are sent to the Monitoring Officer or her deputy for approval

(although the format of welcome letters had been previously agreed and are therefore not cleared on a case-by-case basis).

2 DETAILS

CURRENT PRACTICE - WELCOME LETTERS

- 2.1 For a number of years the group offices representing Merton Conservative Councillors and Merton Park Ward Independent Residents Councillors have been sending welcome letters to new residents that have recently moved into their wards. Councillors receive the information from Electoral Services on request, which they are legally entitled to. The purpose of the letters is to introduce the councillors to the new residents and to offer any assistance if required. The letters are not party political.
- 2.3 Since the 2022 elections, Liberal Democrat councillors have also started to send welcome letters to residents.
- 2.4 In wards which are represented by Councillors from different political parties, the letters do not reference the Councillors from the other parties that represent the ward.
- 2.5 The council has historically paid for the postage for the sending of welcome letters.

LETTERS ON WARD BUSINESS

- 2.6 For a number of years most political groups have sent letters to residents on different ward matters covering a wide variety of subjects, such as planning applications, crime and disorder, safer neighbourhoods, street lighting, flooding, overgrown trees, leaf fall and the holding of ward surgeries.
- 2.7 These letters are cleared by the monitoring officer before they are sent out, who checks for any party-political references.
- 2.8 Letters on ward business have usually been hand delivered by the Conservative group and Merton Park Ward Independent group. When sent by the Liberal Democrat group these letters are sometimes hand delivered and sometimes sent via the council, depending on numbers. When occasionally sent by the Labour Group the council has paid for the postage.

3 PROPOSED FUTURE OPTIONS

Councillors are asked to consider the following options:

Option 1:

- 3.1 Political groups can continue sending welcome letters to residents on Merton letterhead so long as they comply with a template agreed by the Monitoring Officer. The council will continue to pay for postage. Letters on ward business must be cleared by the Monitoring Officer, and postage will also be paid for if not hand delivered.

Option 2:

- 3.2 Political groups can continue sending welcome letters to residents on Merton letterhead so long as they comply with a template agreed with Monitoring Officer. Letters on ward business must be cleared by the Monitoring Officer. The council will not pay for postage and letters must be hand delivered.

Option 3:

- 3.3 Political groups are permitted to send letters to residents on ward business only, welcome letters are no longer permitted. Letters on ward business must be cleared by the Monitoring Officer. The council will pay for postage if the letters are not hand delivered.

Option 4:

- 3.4 Political groups are permitted to send letters to residents on ward business only, welcome letters are no longer permitted. Letters on ward business must be cleared by the Monitoring Officer and must be hand delivered.

Option 5:

- 3.5 Political groups are permitted to send any letter to residents on Merton letterheads so long as it has been cleared by the Monitoring Officer. However, all letters must be hand delivered.

Option 6:

- 3.6 Political groups are no longer permitted to send any letters to residents from Councillors on Merton letterheads. The council will also not pay for postage.

Supplementary:

- 3.7 In wards which are represented by Councillors from different political parties, consideration could be given to requiring reference also to be made to councillors from the other parties representing the ward.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 All political group offices have been asked for their input on what letters they have been sending to residents.

5 TIMETABLE

- 5.1 The recommendations made by SGP Committee will be implemented immediately.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 There is a financial implication in that the council has historically been paying for postage when sending welcome letters to residents. Since the beginning of the year, there have been over 8000 additions to the register of electors, which averages out at around 400 people per ward. In that time Conservative Councillors have sent 1361 welcome letters to residents, which works out at a cost of £694.11. Merton Park Ward Independent Residents Councillors have

sent 14 welcome letters at a cost of £7.14. Since the elections, Liberal Democrat Councillors have sent 394 welcome letters at a cost of £200.94. The Labour group does not currently send welcome letters to residents.

- 6.2 Since the elections Liberal Democrat Councillors have also posted 601 letters on planning matters at a cost of £306.51.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1 As a result of a complaint received by the Monitoring Officer concerning welcome letters that have been sent out by Ward Councillors, it is considered prudent to review the types of letters that can be sent out by political parties on Merton Council headed paper, the process for doing so and a consistent approach to the delivery of these types of letters.
- 7.2 Ward Councillors are legally entitled to request electoral register updates and to use it for the purposes of their elected office and so are able to send welcome letters to new residents in their ward. However, welcome letters, letters on ward business or any type of letter, if on Merton headed paper should not be seen to be party political and falling foul of the prohibition in section 2 of the Local Government Act 1986 and Part 5E of the Council's Constitution (Protocol on the Use of Council Resources and Facilities).
- 7.3 The current practice and options described above do not in themselves fall foul of the Act and the Constitution. The requirement of the sign off the Monitoring Officer provides a safeguard to ensure that letters sent by ward councillors are not using Council resources for political purposes.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 None

9 CRIME AND DISORDER IMPLICATIONS

- 9.1 None

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 None

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- 11.1 None

12 BACKGROUND PAPERS

- 12.1 None

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