

Monitoring Officer Guidance

Correspondence and Mailshots

Who Should Read this Guidance?

This guidance is for members and officers. It will be of particular use to members who wish to send out large amounts of correspondence to groups, individuals or organisations.

Scope of this Guidance

This note provides guidance on the use of council resources in the preparation and postage of correspondence. This guidance does not apply to correspondence sent out by the council to the community groups or stakeholders in the discharge of the council's executive functions. It must be noted that the Council does not have the resources to send out large amounts of correspondence on behalf of members at cost to the council.

Legal and Constitutional Framework

When publishing any material at any time, the council must comply with the provisions of the Local Government Act 1986 (the act) and The Code of Recommended Practice on Local Authority Publicity 2011. The code provides that a local authority shall not publish (or assist others to publish) any material which in whole or in part is designed to affect public support for a political party.

The Communications Protocol (March 2017)

The Communications Protocol is contained in Part 6 Section 15 of Southwark's Constitution (February 2019)

Paragraph 40 provides specific guidance on the use of council resources in the preparation and posting of certain correspondence which is NOT permitted. The sending of correspondence which are mailshots are not permitted under the Protocol.

Paragraph 41 sets out in detail the use of council resources which is not permitted in relation to correspondence from members;

41. The use of council resources in the preparation and postage of the following kinds of post are not permitted:

- *private mail including correspondence for other bodies*
- *mailshots*

- letters sending out information (concerning planning application, refuse collection, etc) which is the responsibility of officers
- letters which criticise other groups and their members or praise the writer or their political group
- group publicity such as political party greetings cards.

For the avoidance of doubt, correspondence to residents about the location of surgeries by members who do not have a fixed location for their surgery shall not constitute a mailshot.

42. The question of what is a mailshot has proved problematic. Members are entitled to use council resources to respond to requests that their constituents have raised with them for action and explain what action has been taken, but not generally to publicise their work in the ward. Requests to send out large numbers of letters will have to show what demand is being responded to, and that the letter is a proportionate response to that demand. In any event, member services do not have the resources to send out more than one batch of such letters a month for any member. Members are reminded that this is a finite resource, and member services may need to limit the use of this if excessive costs are incurred.

43. Where members are uncertain as to whether a communication or publicity is appropriate they should seek advice from the head of communications and the monitoring officer in those cases.

Application of the Protocol

Members and officers will find it useful to note that the Monitoring Officer accepts that the issue of what constitutes a mailshot is a difficult question and each case will need to be determined on its own facts. However, the Monitoring Officer believes it is important, in the interests of fairness and transparency, for members and officers to understand her interpretation of the protocol.

In determining whether correspondence constitutes a mailshot the following factors will be considered:

- Is the content of the correspondence to individuals exactly the same?
- Is the correspondence in response to a request that a constituent has raised with the member for action or information?
- Is the correspondence explaining what action has been taken by the member?
- Has there been a large demand by constituents for information on the issue?
- Is the correspondence a proportionate response to that demand?

Members should not use council resources to generally publicise their work in their ward.

Advice to members

If members are unclear about whether an item of correspondence may constitute a mailshot and therefore NOT be permitted under the protocol, they should seek advice from the Monitoring Officer or the Deputy Monitoring Officer (contact details are listed at the bottom of this guidance).

Advice to Officers

Officers are reminded that sending out mailshots for members could be a breach of the **Member and Officer Protocol**. The relevant provision is detailed in paragraphs 47 to 49:

Support services for members

- 47. The role of officers is to assist members in discharging their role as members of the council for council business and in their role as advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes, and this includes the support offered by political assistants.*
- 48. Council resources (e.g. stationery and photocopying) may only be used for council business or when they are directly required for any office to which the member has been elected or appointed by the council.*
- 49. Support to members is a resource, which is subject to the same budget pressures as any other. Given its importance to how effective members can be, it is essential that its allocation is agreed to be fair and in proportion to the duties of all groups of members.*

Officers are advised that a request to send out **more than 5 or 6 items** of general correspondence, where the content of the correspondence is identical, could be evidence to suggest that the correspondence is a mailshot and therefore not permitted under the protocol. If an officer is uncertain about whether an item of correspondence could be a mailshot, they should refer the matter to the Monitoring Officer or the Deputy Monitoring Officer for advice. Staff in the Overview and Scrutiny Team (including the Opposition Office and Member Services) should refer the matter to their line manager in the first instance .

Improper use of the Councils Resources

Where the Monitoring Officer determines that an item of correspondence which has been sent out constitutes a mailshot, and is therefore an improper use of council resources, the member will be asked to reimburse the council for the cost of the postage.

Further Guidance

If you require any further clarification of this guidance, please contact the following officers:

Louise Neilan, Head of Communications – ext 53150
Doreen Forrester-Brown, Monitoring Officer – ext. 57502
Norman Coombe, Deputy Monitoring Officer – ext. 57678
Allan Wells, Acting Senior Governance Lawyer – ext 52130

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