

<b>Committee:</b> Policy and Resources	<b>Date:</b> 8 June 2017
<b>Subject:</b> Website Entries for Members	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Decision</b>
<b>Report Author:</b> Simon Murrells, Assistant Town Clerk	

### Summary

1. One or two Members have asked for their individual party political affiliations to be stated on their entries in the City Corporation's website and the purpose of this report is to bring that request to the attention of this Committee for consideration.
2. This report recommends that the current position is maintained, whereby no statement is made on the website pages to individual Members' party political affiliations (as well as any reference to whether Members consider themselves as independent). The basis for this is the City Corporation's unique position as an authority recognised as being independent of party politics and that it is not a requirement or indeed necessary for elected Members to have such a description on the City Corporation's website for the purposes of carrying out their duties as Common Councilmen. Indeed, allowing the publication of party affiliation and logos on City Corporation resources could run the risk of appearing to confer a political advantage on such Members and possibly breaching the Local Government Act 1986.
3. However, for those Members who wish to state publicly their party political affiliations, such data could be included along with any other relevant information in the *additional information* section of their entries on the City Corporation's website.

**Recommendation:** That, taking into account the City Corporation's unique position, no statement should be made on the City Corporation's website pages about individual Members' party political affiliations (as well as any reference to whether Members consider themselves as independent) on the basis that Members are free to include such data in the *additional information* section of their entries.

## **Main Report**

### **Background**

4. Prior to the 2017 Common Council elections the City Corporation's website included a very brief description (one word) beneath the photographic entry of each Member. With the exception of one entry, in each case that description was the word 'Independent'. In the case of one Member, who is no longer on the Court, the description was the word 'Labour'.
5. At the time of the 2017 Common Council elections, a routine review was undertaken of the website content which called into question the appropriateness of including such statements bearing in mind the City Corporation's unique position an authority recognised as being independent of party politics. It is accepted that the inclusion of this information in the website prior to March 2017 was erroneous and steps should have been taken to prevent it.
6. As a consequence, the page on the website was modified to omit all reference to individual Members' party political affiliations (as well as any reference to whether Members consider themselves as Independent) although the entries do state the ward that the relevant Member represents.

### **Current Position**

7. Following the recent Common Council elections, one or two new Members have asked for their individual party political affiliations to be stated on their entries in the City Corporation's website and the purpose of this report is to bring that request to the attention of this Committee for consideration.
8. It should be noted that while the City Corporation's website pages do not now contain any party political affiliations statements, Members wishing to make public their allegiances can do so by including that information alongside any other relevant data in the *Additional Information* section on their web page. Some Members also include reference to membership of a particular political party in their declarations of interests, also published on the website.
9. To add some context to the current policy, local authorities generally are obliged to recognise political groups (who claim recognition) under the Local Government and Housing Act 1989. However, this legislation does not apply to the City Corporation, in recognition by Parliament of the City Corporation's unique position, and as a result the City Corporation does not formally recognise any political groups. In addition, as a practical reality, local authorities are divided into an administration, with a political Leader, and an opposition and it is appropriate to recognise and have clarity as to which members are associated with which roles. Such considerations do not apply in the City Corporation and not formally recognising party affiliation makes it equally clear that the Corporation is not a conventional local authority divided on political lines.

10. Furthermore, Section 2 of the Local Government Act 1986, which does apply to the City Corporation in its capacity as a local authority, makes it unlawful to publish any material, or assist in publishing material, which appears in whole or in part to be intended to affect political support for a political party. This is a question of fact in all the circumstances. Thus in the case of the City Corporation, allowing the publication of party affiliation and logos on City Corporation resources runs the risk of appearing to confer a political advantage on such members and therefore of allegations that there is a breach of s.2 of the 1986 Act. Such an argument would be based on the fact that inclusion on official Corporation materials is unnecessary for the purposes for which those materials are issued and that given the nature of the City Corporation it has a disproportionate impact to name the political affiliation of a small number of members, thereby conferring an advantage on them not available to the majority of independent members.
11. Finally, the City Corporation provides resources to Members in order to discharge their constituency and corporate duties as Members and it is not necessary for Members' political affiliations to be published in order to discharge those duties. It should be noted in this context that the Members' Code of Conduct specifically requires members not to inappropriately use Corporation resources for political purposes. Members are, of course, free to style themselves in any way they wish (subject to electoral expenses law etc.) on publicity and resources which Members fund themselves and in the general conduct of their activities.

## **Conclusion**

12. Members views are being sought on a request from one or two Members of the Court for their entries on the Member's pages on the City Corporation's website to include reference to their individual party political affiliations. Taking into account the City Corporation's unique position, it is recommended that status quo should be maintained whereby no reference is made to individual Members' party political affiliations (as well as any reference to whether Members consider themselves as independent) on the basis that Members are free to include such data in the *additional information* section of their entries.

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