

The Secretary of State for Communities  
and Local Government  
2 Marsham Street  
London  
SW1P 4DF

Cllr Jocelyn Street  
Bagshaw Hall  
Bagshaw  
Chapel-en-le-Frith  
Derbyshire  
SK23 0QU

Dear Sir

**Breach of the Code of Recommended Practice on Local Authority Publicity by Derbyshire County Council (DCC)**

On behalf of Derbyshire Conservative County Councillors' Group, I would like to make a formal complaint in respect of clear breaches of Section 2 and Section 4 of the Local Government Act 1986, committed by Derbyshire County Council.

The breaches which give rise to this complaint relate to a leaflet included with the council tax bills distributed by the 8 district councils within the county and a letter sent to all parish councils, copies of which are attached. In addition there are a number of similar transgressions of which we are aware, namely the "Your Derbyshire" publication and the DCC website petition.

We believe that both the attached documents are clearly political in nature as they accuse the coalition government of singling out Derbyshire for unfair treatment and seek to challenge the Settlement Funding Assessment (SFA) for 2015-16. They also seek to engage the public further by directing to sign the 'Fair Deal for Derbyshire Petition,' which is built upon the misleading facts given by the local authority. The offending aspects of the council tax leaflet are the Hampshire/Derbyshire comparison and the exhortation to council taxpayers to pledge their support for a campaign against government policy. Those offences are repeated in the letter to parish councils. The documents breach the 1986 act in the following respects.

1. **Objectivity** – the thrust of the statements in both documents is clearly biased towards the partisan view of the Labour administration that Derbyshire should be treated more favourably under the SFA than the other 26 shire authorities which have accepted the settlement. There is no attempt whatsoever to provide a balanced view of government policy nor to state the Conservatives' opposing view.

**2. Even handedness** – it is incumbent on local authorities in matters which may be the subject of political controversy to present the different positions in relation to the issue in question in a fair manner. It is our contention that not only were the statements in these documents unfair but that they were intentionally and unscrupulously misleading to secure political advantage at the forthcoming elections. Whilst the comparative figures used are in themselves correct they have been taken blatantly out of context. The truth of the matter is that in the 2015/16 financial year Derbyshire will be the 6th highest out of 27 shire administrations in terms of revenue support grant per capita from the government. The lowest by far will be Buckinghamshire and Hampshire which rank 27th and 26th on the list. In actual figures the 2015/16 per capita grant to Derbyshire will be £378.22. The grant for Buckinghamshire will be £261.97 and Hampshire is £268.93. Derbyshire residents are getting over 40% more than the residents of Buckinghamshire and Hampshire. (Source: LGA analysis of the 2015/16 SFA.)

**3. Care during periods of heightened sensitivity:** section 35 of the code states that “In general, local authorities should not issue any publicity which seeks to influence voters”. This is an unashamed and absolutely brazen attempt not only to influence voters but to wilfully mislead them in relation to the fairness of government policy. It is no exaggeration to say that in extremely marginal seats at both national and district level this political propaganda and wanton disregard for truth could unlawfully affect the results.

The Labour 2013 Manifesto was entitled ‘A Fair Deal for Derbyshire’. We believe that the Local Authority producing and distributing such leaflets, newsletters and correspondence is a blatant example of using taxpayers’ money and public resources to further a political campaign, as against highlighting the facts of Government or Local Authority Policy. For example, the value of the two advertisements in the *Your Derbyshire* publication, printed and distributed by the County Council to every Derbyshire household, equates to many thousands of pounds of advertising. Officer time and other costs devoted to this very targeted political campaign must equate to thousands of pounds in direct costs to the authority.

Given the absolutely clear breaches of the Local Government Act 1986 I/we have evidenced above We would ask you urgently to exercise your powers to issue a notice of intention to serve directions under section 4A of the Act and to take all necessary actions to hold this authority to account for its wilful disregard of the law.

Amongst such actions we would suggest that the record be set straight by Derbyshire County Council and the facts be presented to the public in the following ways:

- A letter be written to all parish councils, retracting the inaccuracies portrayed in the skewed one from the Leader of DCC, relating to the RSG to all local authorities mentioned.
- A press release be submitted to local press outlets similarly explaining the true picture with regard to the government settlement.

I hope that you will consider the serious complaint we have raised and act in as swift a manner as you are able, given the short time there is until the dissolution of the current Parliament.

Yours faithfully

Cllr J. Street

Cllr Jocelyn Street, Group Secretary on behalf of the Derbyshire County Conservative Group