

**Minutes of Support Portfolio Holder (Workforce and Governance) Decision Making Session held on 4 November 2010**

**Present:** Councillor Peter Butlin (Decision maker)

**Officers:** Jane Pollard, Democratic Services Manager  
Anne Goodey, Communications Manager

**1. General**

**Members Declarations of Personal and Prejudicial Interests**

None

**2. Consultation Code of Recommended Practice on Local Authority Publicity**

Councillor Peter Butlin considered a report of the Strategic Director of Customers, Workforce and Governance that set out a proposed response to the Government's consultation on a new Code of Recommended Practice on Local Authority Publicity. The deadline for response is 10 November 2010.

**Resolved**

That the response to the consultation, as set out at Appendix 1 to these minutes, is approved and submitted to the Government.

**3. Any other items of business**

None

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Support Portfolio Holder

The meeting rose at 3.00pm

Your ref:  
My ref: DGC/HJP  
Your letter received:

Rosalind Kendler,  
Communities and Local Government,  
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Bressenden Place,  
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By email: [publicitycode@communities.gsi.gov.uk](mailto:publicitycode@communities.gsi.gov.uk)

4 November 2010

Dear Ms Kendler,

## **RESPONSE TO PUBLICITY CODE CONSULTATION**

I write on behalf of the Warwickshire County Council in response to the above consultation. The views of the Council are set out below.

### **General**

We welcome the proposal to have one code applicable to all authorities. Many councillors are members of more than one type of authority and the prohibition in the 1986 Act applies to all relevant authorities. This underlines the need for a consistent approach.

We also welcome the attempt to deal with publicity about individual members given the development and extension of decision-making to individual councillors e.g. Leader, executive members and local members.

**Question 1** Do the seven principles of local authority publicity as laid down in the Code encompass the full scope of the guidance required by local authorities?

### **Lawfulness**

Local authority's have wide powers to promote, publicise and provide information. We are disappointed that the opportunity has not been taken to make some clearer statements particularly in relation to activity in connection with the promotion of the social, economic and environmental well-being of the area. It would be nice to have an element of balance in this part of the code.

### **Objectivity**

We are concerned that paragraph 16 of the draft code is too wide in seeking to bar local authorities from 'influencing public opinion' about an authority's policies and proposals. There seems to be an assumption that these are always party political. They are not. What is wrong for example about the local authority trying to promote policies on public health and influencing the public to adopt healthier lifestyles and support its policies? In order to change behaviours you need to change opinions. The Code seems to accept this position at paragraph 31 but fails to recognise that there are policies and proposals associated with these issues. Surely the mischief that should be addressed by the Code is not 'influencing

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public opinion' per se but publicity designed or aimed at seeking to affect support for a political party. Some further thought is required to the wording here.

### **Even-handedness**

Paragraph 23 of the code specifically refers to party political logos in relation to material produced by third parties but hosted by a local authority. A councillor is seen as a 'third party for the purposes of paragraph 21 so is a councillor a third party for these purposes?

Does the reference in paragraph 24 include party political logos or not? For example many councillors produce newsletters for their constituents –is it acceptable for the Council to provide assistance in the production of those newsletters if they carry party political logos?

### **Appropriate use of publicity**

See our comments in response to question 3 below

### **Care during periods of heightened sensitivity**

We believe that this section of the Code should incorporate some recognition that there may be circumstances where an urgent individual member level response may be required i.e. natural disasters, emergencies. We would recommend that the statement in the current code is retained 'Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control.'

The Code is not explicit about the position of dual-hatted members. If a member is standing as a candidate in an election for one council should the other council (where there are no elections pending) also ensure it does not publish information about that individual member?

It would also be helpful to state quite clearly that election campaign materials should not be posted on local authority buildings, street furniture e.g. lamp posts, street lights etc.

**Question 2** Do you believe that the proposed revised Code will impose sufficiently tough rules to stop unfair competition by local authority newspapers?

We agree with the submission made by the LGA to the OFT in March 2009. Certainly we do not seek to supplant the operations of local media and we do not operate as a rival to local press. If there is an issue it appears to be a fairly localised one.

**Question 3** Does the proposed Code enable local authorities to provide their communities with the information local people need at any time?

The Consultation paper says that local authority newspapers "must not appear more frequently than once a quarter, must only include material that is directly related to the business, services or amenities of the authority or other local service providers and should be clearly marked as being published by the local authority." This statement does not affect Warwickshire County Council's resident publication, 'Warwickshire View', as this is not published in print more than four times a year. However the Consultation paper goes on to say "These provisions also extend to web-based editions of publications."

We are concerned that the phrase 'web-based publication' could be interpreted too widely. If it is intended to capture any web-based publication, and not just place restrictions on batch

online publications, then the quarterly restriction would severely hamper the ability of local authorities to keep its partners, communities and the public informed and up to date.

**Question 4** Is the proposed Code sufficiently clear to ensure that any inappropriate use of lobbyists, or stalls at party conferences, is clearly ruled out?

No comment

Yours sincerely,

David Carter  
Strategic Director of Customers, Workforce and Governance