

AGENDA MANAGEMENT SHEET

Name of Committee Support Portfolio Holder Workforce And Governance

Date of Committee 4th November 2010

Report Title Consultation Code of Recommended Practice on Local Authority Publicity

Summary The government is consulting on a proposed revision to the Code of Practice on Local Authority Publicity. The deadline for responses is 10 November 2010

For further information please contact:

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Would the recommended decision be contrary to the Budget and Policy Framework? No.

Background papers None

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

- Other Committees
- Local Member(s) N/A
- Other Elected Members for information -Cllr Tandy, Cllr Roodhouse, and Cllr Jim Foster.
- Cabinet Member Peter Butlin
- Chief Executive
- Legal Jane Pollard
- Finance
- Other Strategic Directors
- District Councils

Health Authority

Police

Other Bodies/Individuals Corporate Communications Group. District
Borough Councils in Warwickshire.

FINAL DECISION YES

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by
this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

Agenda No

Support Portfolio Holder Workforce and Governance – 4th November 2010.

Consultation on Code of Recommended Practice on Local Authority Publicity

Report of the Strategic Director Customers, Workforce and Governance

Recommendation

That the suggested response to the consultation at Appendix 1 is approved for submission to government

Introduction

1. The Government is consulting on a new Code of Recommended Practice on Local Authority Publicity ('the proposed Code'), intended to replace the existing Codes for local authorities in England. The deadline for responses is 10th November 2010. A suggested draft response is being prepared will follow as Appendix 1. The following paragraphs set out the government rationale for the consultation.

Why the Government is consulting?

2. The Coalition Agreement, *Our Programme for Government*, contains the commitment that the Government 'will impose tougher rules to stop unfair competition by local authority newspapers'. The Secretary of State for Communities and Local Government has made it clear in his view that the existing rules on local authority publicity have resulted in taxpayers' money being wasted and the free press being undermined. He would like to see less local authority resource being expended on local authority newspapers, with it being focused on frontline services instead.
3. The Secretary of State considers that, over time, commercial newspapers should expect less state advertising as more information is syndicated online for free, but at the same time the free press should not face competition from a local authority publication traded as a newspaper.
4. In addition, the Secretary of State is concerned at the use of lobbyists by local authorities. The Secretary of State is clear that local authorities do not need lobbyists to get their point across to Government. He believes that if local politicians want to change the way Government operates, they can write or

pick up the phone. In addition, councillors can campaign for change at a personal or party political level. He feels there is no need for lobbyists.

5. Councillors lobbying Members of Parliament or Government Ministers is wholly legitimate. Meetings between politicians are matters of public record and where public bodies engage with Government there is transparency as these matters are subject to Freedom of Information Act requests. Lobbyists, as private organisations, are subject to none of these rules. He says that taxpayers' money should not be spent on lobbyists with no public accountability.
6. By the same measure, local authorities should not have stalls at party conferences with the aim of lobbying Government. It may be legitimate for a local authority to have a stall promoting a particular service, such as a conference centre, just as it would at a trade show. However, the Government considers that it is not an appropriate use of public funds for a council to have a stall at a conference with the aim of lobbying for, for instance, extra resource from central Government.
7. Effective communication is key to developing understanding of issues at a local level and in recent years local authorities have used local publicity not just to inform the public about council services but also to encourage greater participation. Good, effective publicity, aimed at improving public awareness of the councils' activities is quite acceptable.
8. However, publicity is a sensitive matter because of the impact it can have and because of the costs associated with it, which can be considerable. It is essential, therefore, to ensure that decisions about local authority publicity are properly made. The stated underlying objective of the proposed Code is to ensure the proper use of public funds for publicity but it also provides guidance on content, dissemination and timing.

Proposals

9. The Code of Recommended Practice on Local Authority Publicity is currently contained in two separate circulars, the original one from 1988 (Department of the Environment: Circular 20/88) being revised in 2001 (Department of the Environment, Transport and the Regions: Circular 06/2001) to update the rules for county councils, district councils and London borough councils in England.
10. The proposed new Code is a significant restructuring of the existing Codes, which are to be replaced. The guidance is now grouped into seven principles that require local authority publicity to be lawful, cost effective, objective, even-handed, appropriate, to have regard to equality and diversity, and be issued with care during periods of heightened sensitivity. The proposed Code is also a single instrument rather than two circulars each addressing different tiers of local government.
11. To give effect to the Government's commitment to stop what it considers to be unfair competition by local authority newspapers, the proposed Code will

contain specific guidance on the frequency, content and appearance of local authority newspapers or magazines. They 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. These provisions also extend to web-based editions of publications.

12. The provision relating to the prohibition on the use of lobbyists appears in the proposed Code as a consideration that the use of lobbyists is related to the use of publicity, in that it is one of the methods by which authorities might spend taxpayers' money to influence people one way or another in relation to political issues. It is therefore within the general ambit of the code of practice.
13. Comments are invited on the draft code in particular on-
 - 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?
 - Do you believe that the proposed revised Code will impose sufficiently tough rules to stop unfair competition by local authority newspapers?
 - Does the proposed Code enable local authorities to provide their communities with the information local people need at any time?
 - Is the proposed Code sufficiently clear to ensure that any inappropriate use of lobbyists, or stalls at party conferences, is clearly ruled out?

DAVID CARTER
Strategic Director Customers,
Workforce and Governance

Shire Hall
Warwick

18 October 2010

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

Rosalind Kendler,
Communities and Local Government,
Zone 3/J1, Eland House,
Bressenden Place,
London,
SW1E 5DU

By email: 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.

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?

It would be useful to have a clear statement as to whether or not the political party of a member should be mentioned in any publicity issued by relevant authorities. Similarly should one refer to the political affiliation of a Chair of a member body when publicising the work of that body. Many Leaders and portfolio-holders currently provide reports of the work undertaken within their portfolios and plans for the future. When promoting their work or decisions should one make reference to their political party? The affiliation of such high profile members would be well-known in an area in any event.

The new code comments that it is acceptable for publicity prepared by third parties and hosted by local authorities to include if the Council is assisting councillors to produce newsletters for their constituents is it acceptable for there to be references to political party of the member through logos or otherwise? Whilst the code refers

We are concerned that paragraph 16 the section on 'objectivity' appears to equate 'influencing public opinion' about an authority's policies and proposals as being necessarily 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

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support its policies? Surely the mischief that should be addressed is when the local authority is not just influencing public opinion but seeking to affect support for a political party. The Code does not appear to recognise

Local authority's have wide powers to promote and publicise and provide information. We are disappointed that the opportunity has not been taken to make some clearer statements in the following areas:

Publicity during elections

The Code refers to paper and website publicity but makes no mention of social networking

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

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

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?

Question 3 Should the Publicity Code specifically address the presentation of publicity on an authority's website?

It would be helpful for the code to address such issues, including whether references to the political party which the councillor represents are acceptable. The consultation paper seems to indicate the Council should make clear the political affiliations of councillors but how does this translate to councillor blogs. Should there be direct hyperlinks to political parties from the website? Would a Council have to ensure there were hyperlinks to all political parties (in which case a link to the electoral commission would appear more desirable) or only those represented on the Council. We can see other political parties feeling aggrieved if only a few political parties are directly linked to a website.

Yours sincerely,

David Carter
Strategic Director of Customers, Workforce and Governance

