

Item No. 3.5	Classification: Open	Date: 18 May 2011	Meeting Name: Council Assembly
Report title:		Review of Communication Protocol following the publication of a new draft Code of Recommended Practice on Local Authority Publicity	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

RECOMMENDATIONS

1. That Council Assembly agree the attached communication protocol at Appendix A.

BACKGROUND INFORMATION

2. The Communication Protocol was introduced in May 2004 and has been reviewed regularly since. This present review is in response to the revised Code of recommended practice on local authority publicity which came into force on 31 March 2011 ("the Code").
3. The Protocol was been considered by the Standards Committee on 7 March 2011.
4. The revised Communication Protocol is recommended by the Constitutional Steering Panel following their meeting on 14 March 2011.
5. Like the existing code, the Code supports the statutory restrictions on publicity and recommends practice on a number of aspects of publicity covering subject matter, costs, content, dissemination, advertising, recruitment advertising, publicity about individual members of an authority, timing of publicity, elections, referendums and petitions, and assistance to others for publicity.
6. After consultation with local authority organisations on a draft revised Code which closed on 10 November 2010, the Communities and Local Government Select Committee held a short inquiry looking at the draft revised Code on 6 December 2010. The Department of Communities and Local Government published a draft Code which was laid before Parliament on 11 February 2011. This came into force on 31 March 2011.
7. The Code is issued under powers conferred on the Secretary of State under the Local Government Act 1986 ('the 1986 Act'). Local authorities are required to have regard to the Code in coming to any decision on publicity.

KEY ISSUES FOR CONSIDERATION

Seven principles of publicity

8. The Code is a significant restructuring of the existing Code and sets out seven principles that publicity by local authorities should follow. It should:
 - be lawful

- be cost-effective
 - be objective
 - be even-handed
 - be appropriate
 - have regard to equality and diversity
 - be issued with care during periods of heightened sensitivity.
9. The principle of lawfulness is that an authority's publicity should comply with statutory provisions and advises that any paid-for advertising published by a local authority should comply with the Advertising Standards Authority's Advertising Codes. The principle of cost-effectiveness is that local authorities should be able to confirm that consideration has been given to the value for money that the publicity is achieving, while recognising that in some circumstances this will be difficult to quantify.
 10. The principle of objectivity requires local authority publicity to be politically impartial. The Code acknowledges that a council has to be able to explain its decisions and justify its policies, but this should not be done in a way that can be perceived as a political statement or a commentary on contentious areas of public policy. The principle of even-handedness has the effect that local authority publicity can address matters of political controversy in a fair manner and may contain links to other political sites, or contain political logos on material hosted for third parties. But local authorities should ensure that publicity about the council does not seek to affect support for a single councillor or group. The Code does, however, recognise that at times it is acceptable to associate publicity with a single member of the council, such as the chair of a community council.
 11. The principle addressing the appropriate use of publicity is that local authorities should refrain from retaining the services of lobbyists, i.e. political professionals whose job it is to bring their client's message to those in a position to influence policy. Appropriate use of publicity is also about the frequency, content and appearance of council newsletters. It sets out that generally the frequency of council newsletters should be no more than quarterly.
 12. The equality and diversity principle is that publicity by local authorities may seek to influence positively the attitudes of local people in relation to matters of health, safety and other issues where publicity can have a positive influence on the behaviour of the public. Finally, the principle that local authority publicity should be issued with care during periods of heightened sensitivity gives guidance as to how local authority publicity should be treated during periods of elections and referendums, both national and local.

Amendments to the communication protocol

13. The suggested changes, which are underlined or shown with strikethrough in the protocol, have resulted from the draft code and other queries that have arisen during the course of the year. There is also reference to use of social media.
14. In the protocol, paragraph 4 is replaced by a new paragraph 5. This outlines the new principles and summarises the key provisions of the Code on these issues.
15. The protocol includes a new paragraph 9 approving the publication of the details of members' surgeries on-line, in hard copy or in advertisements. This brings it in-line with current practice.

16. The protocol includes a new paragraph 19 which aligns the protocol with the code of conduct for officers. This provides clarification and consistency with the code of conduct for officers.
17. The amendments in paragraphs 21 22 and 48 deal with the use of social media. Communication is fast expanding with use of these formats and these paragraphs are aimed to provide clarity on how these can be used.

Community impact statement

18. Good relationships between members and officers are very important in aiding the decision-making process and helping to boost public confidence in the council. A protocol that defines each party's responsibilities creates certainty, which in turn leads to better decision-making and a more satisfied customer.

Legal implications

19. As stated in paragraph 6 the Code is issued under powers conferred on the Secretary of State under section 4(1) of the Local Government Act 1986 ('the 1986 Act'). Southwark must, by virtue of section 4(1) of the 1986 Act, have regard to the Code in coming to any decision on publicity. Publicity is defined in section 6(4) of the 1986 Act as 'any communication, in whatever form, addressed to the public at large or a section of the public'.
20. It should be noted that Southwark needs only to have regard to the Code. Many of the provisions in the Code do appear to be prescriptive although they are only recommended practice.
21. However, failure to conform to the Code means there is a risk of challenge and not just through the courts. Objections could be raised to the accounts.

Resource implications

22. Any resource implications will be contained within existing budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Constitution	Constitutional Team, 2nd Floor, PO Box 64529, London, SE1P 5LX	Lesley John 020 7525 7228
Code of recommended practice on local authority publicity	Legal Services, 2nd floor, PO Box 64529, London, SE1P 5LX	Norman Coombe 020 7525 7678
Agenda of meeting of Standards Committee of 7 March 2011	Constitutional Team, 2nd Floor, PO Box 64529, London, SE1P 5LX	Lesley John 020 7525 7228

APPENDICES

No.	Item
Appendix A	Communication protocol

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance		
Report Author	Norman Coombe, Principal lawyer		
Version	Final		
Dated	14 April 2011		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director of Communities, Law & Governance	Yes	Incorporated	
Finance Director	No	No	
Cabinet Member	N/A	N/A	
Date final report sent to Constitutional Team			18 April 2011