



SCRUTINY SUB-COMMITTEE C

MINUTES of the OPEN section of the meeting of SCRUTINY SUB-COMMITTEE C held on MONDAY JANUARY 26 2009 at 7.00 P.M. at the Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Toby Eckersley (Chair)
Councillor Aubyn Graham
Councillor Richard Livingstone
Councillor Jane Salmon
Councillor Mackie Sheik

OFFICER Shelley Burke – Head of Overview & Scrutiny
SUPPORT: Deborah Collins – Director of Legal & Democratic Services
Dan Gilby – Corporate Policy Officer
Paul Masterman – Head of Communications
Peter Roberts – Scrutiny Project Manager

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Anood Al-Samerai (Vice-Chair) and Dora Dixon-Fyle.

NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMED URGENT

The Chair accepted supplemental agenda 1 as late and urgent.

DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

MINUTES

RESOLVED: That the Minutes of the open section of the meeting held on November 17 2009 be agreed as a correct record.

1. **PURDAH – CONSIDERATION OF THE CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY** (see pages 1 – 37)
 - 1.1 The director of legal & democratic services introduced the report. The sub-committee considered and commented on the list of consultation questions on effective communication and publicity and the publicity code:
 - 1.2 *Is there other guidance, (additional to the Publicity Code), that councils consider creates a barrier to the provision of publicity or support, or that needs clarifying?*

- 1.3 The sub-committee considered that the current guidance did not create any barrier and therefore that no change was necessary.
- 1.4 *Is there a requirement for different codes to apply to different types of authority?*
- 1.5 The sub-committee noted that Annex C applied to all principle councils.
- 1.6 *Should the Publicity Code specifically address the presentation of publicity on an authority's website?*
- 1.7 Members of the sub-committee were of the view that additional clarity would be helpful, especially at the time of local elections. Members wondered whether during elections particular attention needed to be given to the content of the landing page of the website and to historical content. They also commented that, during a period of "purdah", the council should be holding to higher degree standards of integrity which it kept all the time.
- 1.8 In response to questions, the director of legal & democratic services explained that the legal department did not as a rule monitor website content during a purdah period but that this was done by the communications team. The head of communications commented that this applied to all electronic communications and that perhaps the code did not reflect modern ways of working. Where council resources were being used to publicise the role of councillors in general and individually then this needed to comply with council policy.
- 1.9 *Does anything need to be added to or removed from the list of matters an authority should consider in determining whether or not to issue publicity on a certain subject?*
- 1.10 The sub-committee did not identify any need for further elaboration.
- 1.11 *Should the Publicity Code specify the different criteria local authorities should use to determine whether or not publicity can be judged to be cost effective?*
- 1.12 The sub-committee took the view that this was a matter for chief officers to determine and that government guidance would not add anything useful.
- 1.13 *Is there any aspect of the cost section that is not required or anything which should be added?*
- 1.14 The chair referred to criticism by the taxpayers' alliance of the council's expenditure on publicity. Officer advice had suggested that Southwark included items within these costs which were not included by other councils, making meaningful comparison difficult. He suggested that any guidance in terms of standardising the compilation of such figures might prove helpful.
- 1.15 *Should the Publicity Code contain advice about ethical standards, or should this be left to local authorities to judge for themselves?*
- 1.16 Members considered that this area was the domain of the standards committee. The director of legal & democratic services agreed that ethical standards were contained within the members' code of conduct and commented that cross-reference to this was contained within the publicity code.

- 1.17 *Is there any aspect of the content section that is not required or anything which should be added?*
- 1.18 The director of legal & democratic services commented that there was an issue of balance, between campaigning and providing information. In her view it was at times difficult to run publicity campaigns with paragraph 13 as it was currently drafted. The head of communications added there were often high profile London-wide issues, such as the tram, which it was appropriate and necessary for the council to speak about.
- 1.19 Some members were concerned that in the past year a number of things had been included in council publications which could be seen as having a party political content. These included information circulated with council tax letters and a statement in Southwark Life about a £35m funding gap – which were both open to different political interpretations. Some members felt that potentially these breached the publicity code. The chair suggested that in the 5th line of paragraph 13 the insertion of the word “party political” rather than political might be helpful.
- 1.20 The director of legal & democratic services commented that it was a question of judgement as to the extent to which the debate about the competence of a council, direction of travel and implementation could be publicised. She was of the view that including examples within the code would clarify exactly what the drafters had intended and make the code easier to apply.
- 1.21 *Should the Publicity Code be modified to specifically address the issue of privacy and the dissemination of unsolicited material?*
- 1.22 The sub-committee had no view in response to this question.
- 1.23 *Is there any aspect of the dissemination section that is not required or anything which should be added?*
- 1.24 Following advice from the head of communications, the sub-committee agreed that it would be helpful for the code to be re-cast to recognise the different publicity channels that councils now used, to include websites and e-communications.
- 1.25 *Is there any aspect of the advertising section that is not required or anything which should be added?*
- 1.26 The sub-committee had no comment.
- 1.27 *Should adverts for local authority political assistants appear in political publications and websites?*
- 1.28 The sub-committee took the view that adverts for local authority political assistants should appear in political publications and websites. The director of legal & democratic services informed the sub-committee that this issue was being increasingly discussed by councils taking the view that such jobs should be placed in publications where advertising would be most effective. Members agreed that cost effectiveness was important but that careful consideration should be given to any indirect contribution to political funds.

- 1.29 *Is there any aspect of the recruitment advertising section that is not required or anything which should be added?*
- 1.30 Members of the sub-committee were concerned that the code explicitly emphasise requirements in terms of anti-discrimination laws. The head of communications commented that this should extend to the section on dissemination, to ensure that all groups and individuals were included. The sub-committee agreed that the council's response to the consultation should draw attention to this and ask that the code be strengthened to make specific reference to the anti-discrimination duties and responsibilities of all councils.
- 1.31 *Given the emphasis given to supporting and raising awareness of the role of the councillor in the White Paper, is there any aspect of the section on councillors that is not required, or anything which should be added?*
- 1.32 The director of legal & democratic services clarified that, as a way of encouraging engagement in voting and with local government generally, the government was keen to publicise the activity of councillors. Members of the sub-committee felt that it was important to be able to publicise the work of, for example, chairs of community councils and that the code should not preclude this. It was suggested that paragraph 39 be amended to include chairs of area committees where relevant.
- 1.33 *Is there any aspect of the timing of publicity section that is not required, or anything which should be added?*
- 1.34 Some members felt that there was a lack of clarity over the weight to be given to publicity legislation and officer impartiality in relation to the purdah period. One example given was a possible debate as to when a period of purdah should begin – the date an election was called or the date any reasonable person would be aware that an election was due to be called. The sub-committee wondered if the government could clarify this along with giving any view on the effect of anti-publicity rules on the normal business of committees and sub-committees. Some members expressed the view that different rules might apply to a bye-election as opposed to an election of the whole council.
- 1.35 The director of legal & democratic services agreed that timing was very pertinent. In addition, she commented that the definition of a controversial issue could lie within a very broad spectrum, not just limited to being politically controversial, and that this needed to be balanced against the need for the business of the council to continue. She was also of the view that some expansion and clarification was needed in terms of members holding civic positions being able to comment in an emergency. It was unclear whether any comment was possible generally and did not recognise that members could be speaking as a politician on one occasion and as a member of the executive on another.
- 1.36 *Is there any aspect of the assistance to others for publicity section that is not required, or anything which should be added?*
- 1.37 The head of communications commented that this was another example of where the code did not reflect the way councils were now delivering services, for example increasingly working with partners and including the private sector. Members expressed the view that partners should abide by the same code as the council and queried whether organisations assisted by the council should do the same. The director of legal & democratic services suggested that this was another area in the code where examples would be useful.

1.38 In respect of the general issue of purdah, the director of legal & democratic services indicated that she was happy to take on board any conclusions the sub-committee reached. In response to questions she explained that the party whips would be consulted during the course of any future periods of purdah.

2. PLANNING ENFORCEMENT – REVIEW SCOPING (see pages 38 – 39)

2.1 The chair proposed that, in view of the review of population and migration (see below), the review of planning enforcement not be undertaken immediately but remain on the sub-committee's work programme and if possible in the current municipal year. He would ask Councillor Gordon Nardell if he wished to expand on the paper circulated in the supplemental agenda. The chair stressed that it would be important to involve the chief officer and planning officers in the review at an early stage.

3. POPULATION AND MIGRATION – REVIEW SCOPING (see page 40)

3.1 The chair suggested that, because of its impact on the council's finances and the upcoming census in 2011, the sub-committee give priority to a review of population and migration with the aim of completion by the end of this municipal year.

3.2 The corporate policy officer introduced the Office for National Statistics (ONS) report, Census Local Authority Liaison Action Plan – 2009 Rehearsal. He explained that the council was working with authorities involved in the rehearsal to establish how the census methodology could be influenced to produce as accurate as possible figures for Southwark. He also emphasised the impact of the high level of population churn in the borough on service delivery and resources.

3.3 The chair drew the sub-committee's attention to paragraph 19 of the ONS report and was of the view that all the characteristics outlined were important for Southwark. He asked for confirmation as to whether or not Southwark had been invited to participate in the rehearsal and whether any information was available from Camden in respect of the 2007 test. The corporate policy officer responded that this could be included in a further report to the sub-committee. The chair highlighted the last two data items in annex C as being of particular importance – "local authorities to advise of areas where they feel the population may be particularly hard to count, and why" and "information about whether the local authority feels that 2001 Census data is particularly out of date, and where they have alternative sources of data".

3.4 The chair expressed the opinion that it would be useful to have a reminder about the degree of undercounting in the 2001 census. He reported the leader of the council's views on the importance of the scrutiny review, in response to an executive member question at the recent meeting of overview & scrutiny committee, specifically in respect of population churn and the financial formula. The chair also reported that the head of finance had indicated that he would be happy to ask a member of his team to amplify for the sub-committee the financial implications of the census.

- 3.5 The chair commented that Lambeth and Lewisham had the same concerns about the effect of undercount on their funding formula from 2007/08 onwards. All three boroughs had been hit hard by out of date estimates. A scrutiny review to identify the issues would prove useful for lobbying activity. Equally, if a future three year financial settlement was to be based on the 2008 imputed population, it was essential that it was correct.
- 3.6 The corporate policy officer commented that 2011 would be the last year the census would be completed in its current form. Increasingly, alternative methods were being used to measure population.
- 3.7 The sub-committee asked for papers to be submitted to its next meeting outlining the issues which affect Southwark, following which a draft report could be considered in May.

The meeting concluded at 8:45pm.