

<b>Item No.</b> 1.	<b>Classification:</b> Open	<b>Date:</b> 26 January 2009	<b>Meeting Name:</b> Scrutiny Sub-Committee C
<b>Report title:</b>		Consultation on government publicity code	
<b>Ward(s) or groups affected:</b>		All wards	
<b>From:</b>		Strategic Director of Legal & Democratic Services and Head of Communications	

## RECOMMENDATION(S)

Scrutiny Sub-Committee C are asked to:

1. note the consultation document on the government code of publicity; and
2. provide their recommendations to the Executive Member on the response which should be made.

## BACKGROUND INFORMATION

3. Scrutiny Sub-Committee C is conducting an review of the purdah arrangements within Southwark Council. The purdah rules stem largely from the Local Government Act 2006 and the Publicity Code made under section 4 of that Act. It should be noted that, even if no code existed under section 4, the prohibition in section 2 of that Act on using council resources for publicity for political purposes would still exist.
4. The white paper *Communities in Control* committed the government to consult on potential changes to the Publicity Code. The department for Communities and Local Government issued the consultation just before Christmas 2008, with a response date of 12 March 2008.
5. Agreeing the authority's response to consultation papers is an Executive function under Part 3B.24 of the constitution. As this matter relates to the communications portfolio area held by the Leader, Southwark Council's draft response will be put to the Leader by IDM, including the recommendations of Scrutiny Sub-Committee C.

## KEY ISSUES FOR CONSIDERATION

### General points about the consultation

6. CLG have expressed concern, particularly in the light of comments made to the Councillors Commission, that the Publicity Code has created constraints on publicising the role of councillors and on disseminating information. They have some doubts whether a code is needed at all.
7. The Director of Legal and Democratic Services attended a conference on the proposed consultation on 10 December 2008, which CLG attended. At this

conference there was a divergence of views as to whether a code was necessary or helpful, and as to the extent to which the current Publicity Code required modification. However, the general consensus was that a code was useful, and that the current one required some amendment. This view, obtained just before the consultation was launched, may explain the fact that the consultation does not specifically ask the question of whether there should be a code. However, this would be a legitimate question to address in the Council's response, if it wished to do so.

### Community Impact Statement

8. Good communication can be used not only to keep local communities informed but also to encourage participation. To the extent that the Publicity Code constrains the Council from encouraging participation, then any changes to redress this would, other things being equal, benefit communities. This is unlikely to have a differential impact on disadvantaged groups within the communities.

### Resource implications

9. There are no direct resource implications in this report.

### Consultation

10. No consultation has been done within Southwark. CLG's consultation paper is itself widely available to interested parties.

### APPENDICES

No.	Title
Appendix 1	Government consultation on code of publicity

### AUDIT TRAIL

*This section must be included in all reports.*

<b>Lead Officer</b>	Strategic Director for Legal & Democratic Services	
<b>Report Author</b>	Head of Communications	
<b>Version</b>	Final	
<b>Dated</b>	15 January 2009	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director for Legal and Democratic Services	No	No
Finance Director	No	No
List other officers here		
<b>Executive Member</b>	<b>No</b>	<b>No</b>
<b>Date final report sent to Scrutiny Team</b>	15 January 2009	