

THE ASSOCIATION OF COUNCIL SECRETARIES AND SOLICITORS

CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY  
PUBLICITY - CONSULTATION PAPER

RESPONSE TO THE CONSULTATION PAPER

1. The Association welcomes the opportunity to comment on amendments to the 1988 Act Code of Practice in the light of the comments of the House of Lords/House of Commons Select Committee (to which the Association submitted evidence on this issue) and in the light of the Local Government Act 2000 and statutory guidance issued under those provisions

General

2. The Association generally welcomes the proposed amendments which remove some of the difficulties under the previous Code about publicity of individual councillors, and the difficulty in establishing when they were speaking on behalf of the council as a whole. The consultation process however should have been longer and of a higher profile; the absence of any dialogue with ( e.g. ) the Local Government Association before this paper was issued, represents a lost opportunity. The specific comments which the Association wishes to make are set out below in the order in which they appear in the consultation paper.

Publicity Campaigns: Paragraphs 18 and 26: Section 2 of the Local Government Act 2000 ("well-being")

3. Although paragraph 18 now makes it clearer that publicity campaigns are legitimate when (for example) part of consultation processes to seek local views, there is still great difficulty in practice in distinguishing this situation from the situation in paragraph 19, (which remains as originally drafted in 1988). Paragraph 19 of the Code seeks to dissuade local authorities from using public funds for campaigns whose primary purpose is to persuade the public to a particular point of view. Section 2 of the Local Government Act 2000 however (the "well-being" provisions) would allow a persuasive campaign if the council could justify it in terms of the well-being of its area, and provided it did not contravene the provisions of the Section 2 of the 1986 Act about political publicity. It needs to be made clear, therefore, how paragraph 19 can be reconciled with Section 2 of the Local government Act 2000.
4. Moreover, paragraphs 11 to 18 make it perfectly clear that it is acceptable to issue publicity to explain or justify the council's policies. It is inevitable, therefore, that an explanation of the council's policies may have the effect of persuading people to that point of view, and may therefore be seen to be designed to have that purpose. The best solution would be to delete paragraph 19 altogether. If retained, however, it would be better if paragraph 19 were altered to say

" 19. *Public resources should only be used for a campaign designed to have a persuasive effect where that campaign can be justified in terms of providing the well being of a council's area or where it is designed primarily to explain or justify the council's policies. This will be particularly so where the public's views are sought as part of a consultation exercise. Publicity campaigns can provide-----( etc. )"*

The last sentence of the existing paragraph 19 should then be deleted.

#### Individual Councillors: Paragraphs 39-43

5. The new paragraphs on publicity about individual councillors should be prefaced by reference to the enhanced role of individual members of the executive under any of the three models under the Local Government Act 2000. The Code should refer to the "wide ranging leadership roles" of the executive and its members (paragraph 4.10 of the statutory guidance issued under Part 2 of the 2000 Act).
6. It would be particularly helpful if the new paragraph 39 were to make it clear that in explaining the proposals by individual councillors, quotations from those councillors are perfectly acceptable provided they are balanced and not obviously party political in the sense used in paragraph 40.
7. It is not clear what "personal image making" means. Is a factual quotation "personal image making"? Is there anything wrong with publicising the views of an individual member of the executive who has a wide ranging leadership role in the community and thereby enhancing his/her personal image?
8. The reference in paragraph 40 to publicity which is "liable to misrepresentation" is far too wide. Any publicity to explain controversial local issues is "liable to misrepresentation as being party political". The first sentence of the new paragraph 40 should be deleted.
9. It seems to the Association unthinkable that the Code can be revised without reference to the particular requirements of a directly elected mayor who will certainly expect to have his/her views publicised far and wide, from council resources. The tone of the revised paragraphs is not consistent with the Government's aspirations for the directly elected mayor model.

#### **Unsolicited Publicity: Local Authority Newspapers 9paragraphs 25-26**

10. The deletion of paragraph 25 is welcome. The support given in the revised paragraph 26, to local authority newspapers and information bulletins will be particularly welcomed by most councils.

**Mike Kendall,  
Chair ,  
Democratic Services Committee**

14.2.01.

Publicity  
code