

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

1.	Meeting:	Cabinet Member for Culture, Lifestyle, Sport and Tourism
2.	Date:	9th November 2010
3.	Title:	Proposed New Code of Recommended Practice on Local Authority Publicity: Consultation
4.	Directorate:	Chief Executive's

5. Summary

This report summarises the key issues raised in a consultation by the Department for Communities and Local Government on the Code of Recommended Practice on Local Authority Publicity, and recommends a number of responses to specific questions raised in the consultation.

The consultation ends on 12 November 2010.

6. Recommendations

Members are asked to:

- a) Consider the report and accept the recommended responses to the consultation set out at **Appendix 1**.

7. Proposals and Details

a) The Rationale for Consultation

The Coalition Government is consulting on a new Code of Recommended Practice on Local Authority Publicity, intended to replace the existing codes for local authorities in England.

Section 6 of the Local Government Act 1986 defines publicity as *“any communication in whatever form, addressed to the public at large or a section of the public”*.

The code therefore applies in relation to all paid advertising, leaflet campaigns, publication of free newspapers and maintenance of websites – including the hosting of material which is created by third parties.

The proposals in the consultation document are based around a number of key issues:-

- i) The consultation paper recognises the importance of effective communication to inform the public and encourage greater involvement. However, the stated underlying objective of the consultation is to ensure the proper use of public funds for publicity, and it also provides guidance on content, dissemination and timing.
- ii) The Coalition Government, in its agreement Our Programme for Government, commits to imposing *“tougher rules to stop unfair competition by local authority newspapers”*. The Secretary of State for Communities and Local Government has expressed a view that less council resources should be invested in such publications.
- iii) The Secretary of State has indicated that while commercial newspapers should expect less public sector advertising with the growth of online capability and capacity, the free press should not face competition from *“a local authority publication passing itself off as a newspaper”*.
- iv) Concern is also expressed at councils’ use of lobbyists with no public accountability. The Secretary of State is quoted as saying: *“If local authorities 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. There is no need for lobbyists.”* Similarly, local authorities who take stalls at political party conferences with the aim of lobbying Government – as opposed to promoting a specific service or function - are also criticised

b) Proposals for a New Code

The proposed new code will be grouped into seven key principles, requiring local authority publicity to be:-

- lawful

- cost effective
- objective
- even-handed
- appropriate
- take due account of equality and diversity
- issued with care during times of heightened sensitivity
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The unified single code will replace the two previous instruments which addressed different tiers of local government.

8. Finance

There are no direct financial implications arising from this report.

9. Risks and Uncertainties

The Publicity Code is an important reference point for elected members, council officers and communications professionals. Any changes to the code following consultation will need to be widely communicated across the council.

10. Policy and Performance Agenda Implications

A clear and credible Publicity Code will support Rotherham MBC to deliver its policy commitment to promoting local democracy, value for money and transparent local decision-making.

The key concerns which the Coalition Government has stated it seeks to address through this consultation – ie extensive use of lobbyists and major diversion of advertising spend away from local independent newspapers – have not been significant issues for RMBC.

11. Background Papers and Consultation

Department of Communities and Local Government, *Code of Recommended Practice on Local Authority Publicity*. 2010

Contact Name: Tracy Holmes, Head of Corporate Communications and Marketing, extension (2)2735, tracy.holmes@rotherham.gov.uk

Code of Recommended Practice on Local Authority Publicity Consultation questions and recommended responses

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?

The Code as proposed appears to be sufficiently comprehensive, and the specific headings are helpful. However, the main thrust of the proposals are articulated as relating to paid-for publicity and appropriate use of public funding, more than the principles of probity and transparency.

It is therefore recommended that specific acknowledgement is given that the principles referred to in the code also relate to cost-neutral elements of the communications mix, such as media relations.

Also, the code references Section 2 of the Local Government Act 1986 with regard to the management of publicity which may contain or have links to party political material. It is recommended that for ease of reference, the key points of Section 2 are incorporated into the code.

As a general comment, the code should take account of any issues raised by the transfer of the public health function – with its associated social marketing and campaign requirements – on local authority publicity requirements.

In addition, a number of specific comments are made as follows:-

- Under the heading of Cost effectiveness: Point 14. makes reference to seeking the advice of a number of different professionals, including public relations experts, on campaigns involving significant expenditure. It is recommended that the Code specifically references such expertise available in-house as the initial default position, as the commissioning of external advice could in itself prove unnecessarily costly.
- Under the heading of Appropriate use of publicity, Point 28. states that local authority communications should not seek to emulate commercial newspapers in style or content. This could be interpreted as counter-productive. Research has shown that local people are far more likely to read a publication which appears user-friendly and easy-to-read, rather than an “official” document. Tabloid newspaper format and style can help with this, for example. It is therefore recommended that the wording of this bullet point is amended to clarify what “style and content” means in this context.

- Point 29 suggests that local authority communications should be available in any format or language on demand. The cost of this would be prohibitive, and such a statement within the Code would be raising expectations that could not be delivered.
- At Point 34, it would be helpful if the Code could clarify that publicity supporting the day-to-day business of the council in the run-up to an election IS permissible, given that it does not breach other areas of the Local Government Act previously referred-to.

Question 2.

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

In challenging economic times, it may be appropriate and indeed necessary for a local council to seek sponsorship or advertising to supplement its resources and to enable it to deliver effective communication and public information. This does not necessarily constitute unfair competition. The code is unclear about whether such support would be acceptable to any extent. Greater clarity is needed.

Question 3.

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

Linked to the response above, total restrictions on the use of income generation to support local authority publications could seriously impact on the provision of information to local communities in challenging economic times.

Question 4.

Is the proposed Code sufficiently clear to ensure that any inappropriate use of lobbyists, or stalls at party conferences, is clearly laid out?

This issue appears to be sufficiently covered.