

Impact on Devon County Council on the new Code of Recommended Practice on Local Authority Publicity

Report by the County Solicitor

1.0 Recommendation

- 1.1 That the content of the report be noted

2.0 Background

- 2.1 The Code of Recommended Practice on Local Authority Publicity became legislation in February 2011.
- 2.2 The Code requires local authorities to have 'regard to the content of this code in coming to any decision on publicity'. The act requires all paid for advertising, leaflet campaigns, free newspapers and newsheets and maintenance of websites to comply.
- 2.3 The impact on the County Council is minimal, the three main issues highlighted at section 4.

3.0 The Code

- 3.1 The Code is broken down into sections which have been summarised under the following principles:
- 3.2 **Lawfulness** - All advertising and publicity must comply with the ASA Advertising Codes and be impartial, not influencing people to vote in a particular way or respond to a referendum that relates to the constitutional arrangements of the authority.
- 3.3 **Cost effectiveness** - All publicity must be cost effective; consideration must be given to value for money before undertaking advertising. Councils are urged to avoid duplication with national campaigns or publicity [such as recycling] unless additional value can be clearly demonstrated.
- 3.4 **Objectivity** - Publicity relating to policies and proposals from central government should be balanced and factually accurate. The views of the authority can be set out along with reasons for holding those views, but must avoid anything that may be constituted as a political statement. Publicity relating to the council's policies and aims must be as objective as possible, focussing on facts and explanations. All paid for advertising should be clearly identified as advertising. Recruitment advertising should be impartial and not placed in any publication owned by a political party.
- 3.5 **Even-handedness** - If publicity addresses matters of political controversy it should present the different issues in an equal and fair manner. It is acceptable for council's to publicise the work of an individual member and present their views on local issues, if for example, they have been the 'face' of a particular campaign. If the views expressed by the individual councillor do not represent the authority then the material should make this clear. It is acceptable to link to or host materials from a third party from the council's website (such as blogs). Appropriate moderation must be in place to ensure suitability.

- 3.6 **Appropriate use of publicity** - Local authorities should not publish or commission either in hard copy or on websites anything that emulates commercial newspapers in any form. If the authority wishes to produce a newsletter they should be issued no more frequently than quarterly. All local authority publicity should be clearly identified as such. All printed material should do this on the front page of the publication. Local authorities should not commission the use of lobbyists or provide stands at political conferences, which may influence public officials.
- 3.7 **Regard to equality and diversity** - Consideration must be given within publicity material about how they contribute to the elimination of discrimination and foster good community relations.
- 3.8 **Care during periods of heightened sensitivity** - Care and consideration must be given to the nature and content of material before elections and referendums [Purdah]. Publicity that relates to a specific issue or that may identify with a political viewpoint must not be used.

4.0 **Issues to consider**

- 4.1 **Council newspaper:** The Code does not raise any specific issues for the County Council's current magazine Connect. We produce this twice yearly and in partnership with most district councils and other partners. This is considered good practice.
- 4.2 **Clearly identifying publicity material and advertising** - Most of the authority's publications and publicity material is already clearly identified as having been produced by the County Council. A review may be needed of partnership publicity such as Recycle Devon, Road Safety and Visit Devon to ensure the source of these is clearly identifiable.
- 4.3 **National Government campaigns** - We must ensure that national campaigns are not replicated such as Road Safety or Recycling unless there is a clear local business case or a specific local issue is being addressed.

Jan Shadbolt
County Solicitor

Electoral Divisions: All

Cabinet Member for Policy and Corporate: Councillor John Hart

Chief Executive: Phil Norrey

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

Contact for Enquiries: Tony Parker
Tel No: 01392 384774 Room: G64

<u>BACKGROUND PAPER</u>	<u>DATE</u>	<u>FILE REFERENCE</u>
Nil		