



Report of Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 17th February 2009

Subject: Code of Recommended Practice on Local Authority Publicity – A
Consultation

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to advise Standards Committee of the current consultation being conducted by the Department for Communities and Local Government in relation to the Code of Recommended Practice on local Authority Publicity.
2. The consultation seeks views on whether there is a continuing need for the Code of Recommended Practice on local Authority Publicity. It also asks, assuming that there is a continued need for the Publicity Code, for views in relation to the contents of such a Publicity Code.
3. Standards Committee is requested to note the contents of the report and come to a view as to whether they wish to respond to the consultation.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to advise Standards Committee of the current consultation being conducted by the Department for Communities and Local Government in relation to the Code of Recommended Practice on local Authority Publicity.

2.0 Background Information

- 2.1 The Standards Committee terms of reference are set out at part 2B of the Constitution. Item 5 of those terms of reference states that the Committee is:

5. to make representations to and to liaise with external agencies¹ about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council;

- 2.2 The meeting of the General Purposes Committee on 20th January 2009 considered the terms of reference of Standards Committee. In order to clarify the role of the Committee in relation to Consultation documents it was resolved to propose to Full Council an amendment to the terms of reference of Standards Committee. Full Council will consider the following proposed amendment on 25th February 2009:

5. to make recommendations to the Corporate Governance and Audit Committee where representations (on behalf of the Council) are required to be made to external agencies, about any matter relating to general principles of conduct, model codes of conduct and the codes of conduct or protocols approved from time to time by or on behalf of the Council and to make representations on its own behalf

- 2.3 It is therefore appropriate for Members to consider making a response to the consultation on behalf of Standards Committee in so far as that relates to general principles of conduct.

3.0 Main Issues

- 3.1 The consultation paper sets out the back ground to the Publicity Code. It is issued under powers conferred on the Secretary of State under Section 4(1) of the Local Government Act 1986 as amended. Local Authorities are required to have regard to the Publicity Code in coming to any decision on publicity.
- 3.2 At section 6(4) the Act defines publicity as “any communication, in whatever form, addressed to the public at large or to a section of the public.”
- 3.3 The underlying objective of the Code was to ensure the proper use of public funds for publicity. Its purpose was to set out clear principles of good practice. These principles were not intended to inhibit or prohibit the publication of information on politically sensitive or controversial issues, nor to stifle public debate. The consultation seeks views as to how a Publicity Code might function without being, or being perceived as, a disincentive to effective communication.

¹ Such external agencies may include, but are not restricted to, the District or Approved Auditor, the Commission for Local Government, the Standards Board for England, an Ethical Standards Officer, the Adjudication Panel for England or an adjudication case panel

3.4 Prior to the introduction of the current Members Code of Conduct, the Department for Communities and Local Government sought views through its consultation process on whether the Publicity Code served a useful purpose. Responses suggested support for the Publicity Code as a useful source of advice for Authorities on sensitive issues on the use of resources for publicity.

3.5 Following this consultation the current Model Code of Conduct was released including the provision at paragraph 6 c of the Code

6.(c) You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986^[15].

Members are therefore bound to have regard to the Publicity Code.

3.6 This consultation runs for a 12 week period and ends on 12th March 2009. If, on consideration of the response received to this consultation, the Government considers that revisions to the Publicity Code are required then there will be a further period of consultation on the revised text of the Publicity Code later in 2009.

3.7 As with previous consultation exercises the document (a copy of which is attached to this report at Appendix 1) sets out the current versions of the Publicity Code as they apply to various authorities. It is the Publicity Code set out at Annex C which applies to Leeds City Council, as a Metropolitan District Council.

3.8 Similarly the consultation document sets out the questions to which responses are sought within its text, and again separately in Annex A to the document.

3.9 In view of the fact that all Members of Leeds City Council are bound by the Members' Code of Conduct to have regard to the Publicity Code, Members are invited to consider whether to respond on behalf of Standards Committee to the consultation document.

4.0 Implications For Council Policy And Governance

4.1 The Council is required to have regard to any Publicity Code in making decisions about publicity. Similarly Members are bound, through their Code of Conduct to have regard to the Publicity Code. It is therefore important that both officers and Members are aware of the existence of any relevant Code and should consider responding to the consultation if appropriate.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications to this report.

6.0 Conclusions

6.1 Standards Committee is asked to consider whether it wishes to respond to the consultation being conducted by the Department for Communities and Local Government in relation to the Code of Recommended Practice on local Authority Publicity.

6.2 The consultation seeks views on whether there is a continuing need for the Code of Recommended Practice on local Authority Publicity. The consultation also asks, if there is a continued need for the Publicity Code, for views in relation to the contents of the Publicity Code.

7.0 Recommendations

7.1 Standards Committee is requested to note the contents of the report and come to a view as to whether they wish to respond to the consultation.

8.0 Background Papers

8.1 Communities in Control: Real people, real power – Code of recommended practice on local authority publicity – A consultation