



Walsall Council

Standards Committee

6 April 2009

Council Publicity – Run up to Elections

Summary of Report

The official run-up period to the European Elections on Thursday, 4 June 2009 will begin on Wednesday, 29 April 2009.

The Code of Recommended Practice on Local Authority Publicity (Local Government Act, 1986) places restrictions on the publicity Councils may issue during this period.

This report summarises the provisions set out in the Code of Practice.

Recommendations

The Standards Committee is recommended to:

- (1) Note, following discussion, the contents of the report;
- (2) Request the Monitoring Officer forward a copy of this report to group leaders (independent members) to bring the report to the attention of their members.
- (3) Request the Assistant Director write to all Chief Officers informing them of the provisions of the Code.

Resource Considerations:

Financial:

None arising from this report

Legal:

Legal implications are contained within the body of the report.

Staffing:

None arising from this report

Citizen Impact:

None arising from this report

Community Safety:

None arising from this report

Environmental:

None arising from this report

Performance and Risk Management:**Risk:**

None arising from this report

Performance Management:

None arising from this report

Equality Implications:

This report complies fully with the Council's policies on equality and diversity

Consultation:

As detailed in the recommendations

Background papers

All published

Signed:

Assistant Director of Legal and Constitutional Services

Date: 13 March 2009

Contact Officer

Bhupinder Gill

☎ 01922 654820

✉ gillb@walsall.gov.uk

Background

The Code of Recommended Practice on Local Authority Publicity (Local Government Act, 1986) places restrictions on the publicity Councils may issue during this period. Printed press releases are included in the definition of publicity, as are most printed materials which are sent to a wide audience.

The Code states; "The period between the notice of an election and the election itself should preclude publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election".

What this means is that the Council's resources must not be or even appear to an observer to be used for party political ends in this period of heightened political sensitivity.

The Code of Practice accepts that it is valid in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control for press releases to quote individual Councillors who hold key political or civic positions, provided that they are quoted as persons representing the view of the Council or one of its decision-making bodies and not of a particular party. The Leader, Cabinet Portfolio Holder, Committee Chair and the deputies would all fall into this category.

There is no reason why this should not continue during the run-up to an election, provided that there is a valid reason for the timing of a statement/event to fall during this time and that the Councillor concerned has a valid reason to act as a spokesperson for the Council.

The points to consider when assessing whether any press release is safe under the Code are:

- Is there a valid reason for the Councillor concerned to represent the Council on this issue/at this event?
- Is there a good reason why the event/announcement should be happening now rather than after the elections?

- Should we show an outside observer that its purpose is not that of pre-election publicity?

It should be noted that the restrictions of the Code apply only to releases which are sent out by the Council itself.

They do not apply to releases which are issued by party groups or individual members themselves and which are clearly identified as party political releases, distinct from Council releases.