



Walsall Council

Standards Committee – April 2008

COUNCIL PUBLICITY – RUN UP TO ELECTIONS

Summary of Report

The official run-up period to the Municipal elections on Thursday 1 May 2008 will begin on Thursday 20 March 2008. 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 to 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 to write to all Chief Officers informing them of the provisions of the Code.

Report Detail

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 proactive 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 Chairs 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?
- could 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, as distinct from Council releases.

Resource and Legal Implications

Legal implications are contained within the body of the report.

Citizen impact

None arising from the contents of this report.

Environmental impact

None arising from this report.

Performance and risk management issues

None arising from this report.

Equality implications

None arising from this report.

Consultation

As detailed in the recommendations.

Background papers

None

Signed:



Bhupinder Gill
Assistant Director of Legal
and Constitutional Services

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Contact Officer

Bhupinder Gill



01922 654820



gillb@walsall.gov.uk