

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Standards Committee

6th June 2011

1. **CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY**

Report of the Monitoring Officer.

RECOMMENDED

THAT Members note the contents of the report.

2. **PURPOSE OF REPORT**

- 2.1 The purpose of this report is to bring to members' attention the Code of Recommended Practice on Local Authority Publicity and to enable members to consider any implications for the Authority.

3. **BACKGROUND**

- 3.1 The new Code of Recommended Practice on Local Authority Publicity came in on 31st March 2011 (attached as Appendix 1). The new Code is underpinned by seven guiding principles. To give effect to the Government's commitment to stop unfair competition by local authority newspapers, the new Code now contains specific guidance on the frequency, content and appearance of local authority newspapers or magazines. It also prohibits the use of lobbyists where the expenditure is intended to influence local people on political issues
- 3.2 The Code may be of general interest to the Standards Committee and the method and content of communication and publicity can be relevant to several provisions within the Members' Code of Conduct.
- 3.3 Further, the members' Code of Conduct does require members to "have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986."

1.1 Paragraphs 33-35 of the Code are particularly relevant during pre-election periods, these are set out below:

- Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of the code. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.
- During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.
- In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.

4. **EQUALITY IMPACT ASSESSMENT**

4.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 The Members' Code of Conduct cross refers to the Code of Publicity and is therefore of relevance to the work of the Standards Committee and also because the quality of communication and publicity can feature in some complaints.

6. **FINANCIAL IMPLICATIONS**

- 6.1 There are no resource implications arising from this report.

**N SHARMA
MONITORING OFFICER**