

Cabinet Members for Children & Families, Safer & Stronger Communities, and Performance & Capacity

Agenda

Date:	Monday, 20th December, 2010
Time:	9.15 am
Venue:	Committee Suite 1 & 2, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos. 11 and 35 a total period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. It is not required to give notice of the intention to make use of public speaking provision, however, as a matter of courtesy, a period of 24 hours' notice is encouraged.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

Contact: Carol Jones
Tel: 01270 686471
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Members of the public should provide 3 clear working days notice, in writing, if they wish to ask a question at the meeting, and submit the question at the time of notification, in order for an informed answer to be given.

4. **Cledford Primary School - Change of Age Range** (Pages 1 - 4)

The report of the Director of Children's Services invites the Cabinet Member for Children and Family Services to grant approval to change the age range from 4-11 to 3-11 years old at Cledford Primary School, Long Lane South, Middlewich.

5. **Re-adoption of Part II of the Local Government (Miscellaneous Provisions) Act 1976** (Pages 5 - 8)

The Cabinet Member for Safer and Stronger Communities is invited to consider the report of the Legal Team Manager (Regulatory) which details a proposal to re-adopt the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 within the Borough of Cheshire East.

6. **Crewe & Nantwich Twinning Association (CANTA) - Request for Grant** (Pages 9 - 16)

The Cabinet Member for Performance and Capacity is asked to consider a request for a grant from Crewe & Nantwich Twinning Association (CANTA).

7. **Media Relations Protocol** (Pages 17 - 64)

The report of the Communications and PR Manager presents a revised Media Relations Protocol for approval by the Cabinet Member for Performance and Capacity.

There are no Part 2 items.

CHESHIRE EAST COUNCIL

Cabinet Member for Children and Family Services

Date:	20th December 2010
Report of:	Lorraine Butcher, Director of Children's Services
Subject/Title:	Cledford Primary School – Change of age range

1.0 Report Summary

- 1.1 To obtain a decision of the Cabinet Member for Children and Family Services regarding the proposal to change the age range from 4-11 to 3-11 years old at Cledford Primary School, Long Lane South, Middlewich, Cheshire, CW10 0DB.

2.0 Recommendation

- 2.1 That approval be granted to change the age range from 4-11 to 3-11 years old at Cledford Primary School, Long Lane South, Middlewich, Cheshire, CW10 0DB.

3.0 Reasons for Recommendations

- 3.1 To enable continued provision of the Free Early Education Entitlement by the school to meet the Local Authority duties laid out in the Childcare Act 2006 and improve outcomes for children.

4.0 Wards Affected

- 4.1 Middlewich

5.0 Local Ward Members

- 5.1 Councillor Paul Edwards
Councillor Simon McGrory
Councillor Michael Parsons

6.0 Policy Implications

- 6.1 A change in age range would enable the school to continue to provide the Free Early Education Entitlement to children aged 3 and 4 years.
- 6.2 Maintaining the current age range would prevent the school from providing the Free Early Education Entitlement to children aged 3 and 4 years and result in closure of the nursery on 31 December 2010.

7.0 Financial Implications

- 7.1 The school received approximately £97,000 within their overall 2010-11 budget based on calculations using the Early Years Single Funding Formula (EYSFF). These calculations are based on the projected total number of hours of nursery provision during the financial year (as estimated by the school) multiplied by an hourly rate that is determined by reference to a range of factors including, but not limited to, the professional qualifications of the nursery staff, the flexibility of the provision, Ofsted rating and a deprivation factor.
- 7.2 It is estimated that the range of possible financial impacts to the Local Authority of seeking alternative early years provision for the current nursery children would be a 7% saving or increased cost. Which of these is the case will depend on the assessment of the hourly rate factors of a new provider.
- 7.3 There is more than adequate provision within the Dedicated Schools Grant to cover any such increase.
- 7.4 There is unlikely to be any financial impact to the Local Authority of maintaining the funding status quo by increasing the age range of the school.

8.0 Legal Implications

- 8.1 The Childcare Act 2006 has imposed two key duties on local authorities regarding childcare:
- A duty to secure sufficient childcare to meet the needs of working parents and those training for work (Section 6 Childcare Act 2006).
 - A duty to secure free early years provision for all three and four year old children (Section 7 Childcare Act 2006).
- 8.2 The Local Authority therefore has a duty to ensure that, so far as is reasonably practicable, all eligible children can access a free place, (the Free Education Entitlement). Changing the age range at Cledford to admit children from age 3 will enable parents to continue to access their free entitlement at this school.
- 8.3 Changing the age range at a maintained mainstream school is a statutory process requiring the publication of statutory proposals. The decision to commence the process was made on 24th June 2010 and officers consulted on the proposal from 3rd September 2010 to 15th October 2010.
- 8.4 The Cabinet Member for Children and Family Services is now asked to decide to change the age range at Cledford Primary School. In doing so she must conscientiously take into account the consultation that has been

undertaken. Details of the consultation are contained in this report and in the appendices.

- 8.5 Rejecting the proposal to change the age range at Cledford Primary School would result in the closure of the nursery on 31st December 2010 and this may hinder the duty to secure free early years provision for all three and four year old children (Section 7 Childcare Act 2006).

9.0 Risk Management

- 9.1 If the future of early years education at Cledford is not secured through the continuation of existing provision, there is a risk that the Local Authority may not meet its statutory duty to secure sufficient childcare.
- 9.2 Funding for the free entitlement from April 2010 under the Single Funding Formula is linked to occupancy. Anticipated occupancy should be sufficient to secure sustainable quality provision with higher than minimum staffing ratios.
- 9.3 If the age range is not extended, the nursery will close on 31 December 2010 and the Local Authority will be required to secure alternative provision.

10.0 Background and Options

- 10.1 Cledford infant and junior schools amalgamated in January 2009 to create Cledford Primary School. The amalgamation included a capital programme to create a new school on the former junior school site, incorporating nursery provision.
- 10.2 The age range of the new Cledford Primary School is 4 to 11 years old. Due to LGR and changes in project leads, officers are unclear why this is the case when the new school includes a nursery. It is possible that private nursery provision may have been considered for the new school due to uncertainty about the future levels of funding available to maintained nurseries. Anticipated occupancy should be sufficient to secure sustainable quality provision with higher than minimum staffing ratios.
- 10.3 At present, the nursery is operating under the Governors' powers to temporarily extend the age range of the school for a period of up to 2 years. This will expire on 31 December 2010.
- 10.4 The proposal to change the age range at Cledford Primary School from 4-11 to 3-11 years old is a prescribed alteration under the Education and Inspections Act 2006 and therefore the prescribed statutory process set out in regulations must be followed.
- 10.5 The formal statutory change in age range process should be carried out in 5 stages; Stage 1 Consultation (6 weeks period), Stage 2 Publication of a Statutory Notice, Stage 3 Representation Period (6 week period to receive

objections and representations), Stage 4 Decision – The Local Authority as the decision maker aim for a decision in time for Stage 5, implementation.

- 10.6 Interested parties were consulted and 22 formal consultation responses were received – 19 supported the proposal and 3 did not. Parents were largely supportive and the objections came mainly from other childcare providers in the town. Examples of the responses:
- ...I fully support the proposal...my daughter attended the nursery from September 2009 to July 2010...I have been very impressed with the structure and quality of learning...staff...and transition towards full time attendance at school.
 - ...my eldest son attended the nursery...and moved easily in to the reception class as a result. We did not worry or find it overwhelming. ...there is no other nursery in Middlewich which can offer this service.
 - ...my youngest daughter...would settle quickly as she is used to going every day to take and collect her sister...this is a better option than a local nursery, as she would have the upheaval of moving again to start at infant school.
 - ...my son went to the nursery...seemed to be more educational than his experience at a local nursery.
 - My son currently attends Cledford nursery and this service is invaluable to us as working parents.
 - With 3 pre-schools and 2 daycare nurseries in Middlewich this is already having a detrimental effect on our business...I will not be able to guarantee the 20 staff I have...that their jobs are safe if we do lose the children to Cledford

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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CHESHIRE EAST COUNCIL

Cabinet Member for Safer and Stronger Communities

Date of Meeting:	20 th December 2010
Report of:	Legal Team Manager (Regulatory)
Subject/Title:	Re-adoption of Part II Local Government (Miscellaneous Provisions) Act 1976

1.0 Report Summary

- 1.1 The report provides details of a proposal to re-adopt the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 within the Borough of Cheshire East.

2.0 Recommendations

- 2.1 The Cabinet Member for Safer & Stronger Communities is requested to
 - 2.1.1 note the legislative position as outlined in the report and to express the intention to pass a resolution to adopt the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; and
 - 2.1.2 authorise the Borough Solicitor, or officer acting on her behalf, to provide notice, in accordance with section 45 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act), of the Council's intention to pass a resolution to adopt the provisions of Part II of the 1976 Act in relation to the Council's administrative area.

3.0 Reasons for Recommendations

- 3.1 Re-adoption of the legislation is proposed in order to consolidate the three previous resolutions of the predecessor district authorities into one resolution and to ensure certainty in any enforcement action taken under the legislation.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 None

7.0 Financial Implications

- 7.1 There will be a cost implication relating to the publication of the statutory notices. The estimated publicity costs for the statutory notices is estimated to be £5,000. The Licensing Section has a publicity budget 2010/11 amounting to £3,500. The estimated overspend of £1,500 resulting from the cost of advertising the statutory notices will have to be funded by a budget virement from the Licensing printing & stationery budget.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Section 45(2) of the 1976 Act provides that if the Town Police Clauses Act 1847 is in force in the area of a district council, the council may resolve that the provisions Part II of the 1976 Act (other than section 45), are to apply to the relevant area; and if the council do so resolve those provisions shall come into force in the relevant area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed). "The relevant area" for these purposes means: (a) if the Act of 1847 is in force throughout the area of the council, that area; and (b) if the Act of 1847 is in force for part only of the area of the council, that part of that area.
- 8.2 Section 45(3) provides that a council shall not pass a resolution adopting Part II of the 197 Act unless it has (a) published a notice of intention to pass the resolution in a local newspaper circulating in the area for two consecutive weeks; and (b) served a copy of the notice, not later than the date on which it is first published in the newspaper, on the each Parish or community council within the area to be affected.

9.0 Risk Management

- 9.1 It is suggested that re-adoption of the legislation, in accordance with section 45 of the 1976 Act, will ensure certainty in any enforcement action.

10.0 Background and Options

- 10.1 Part II of the Local Government (Miscellaneous Provisions) Act 1976 contains provisions in relation to the licensing of private hire and hackney carriage vehicles, drivers and operators.
- 10.2 Each of the three predecessor district Councils made resolutions to adopt Part II of the 1976 Act. Crewe and Nantwich Borough Council resolved on 27th May 1982 that Part II would come into force in its area

on 1st October 1982. Macclesfield Borough Council resolved on 20th October 1977 that the provisions would come into force on 1st April 1978. Congleton Borough Council resolved on 1st October 1981 that the provisions would come into force in its area on 1st November 1981.

- 10.3 It is suggested that it would be beneficial to consolidate the adoption resolutions for the purpose of clarity for the future and to ensure certainty in any enforcement action taken under the legislation. The function of adopting Part II of the 1976 Act is, by virtue of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) a function of the Executive.
- 10.4 On 8th November 2010 the Licensing Committee resolved to recommend to the Cabinet Member for Safer and Stronger Communities that she authorise the Borough Solicitor to provide notice, in accordance with section 45 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act), of the Council's intention to re-adopt the provisions of Part II of the 1976 Act in relation to the Council's administrative area. In accordance with statutory requirements, as outlined in paragraph 8 above, notice will consist of the publication of a notice of intention in local newspapers for two consecutive weeks and service of the notice on the Town Councils, Parish Councils and Parish Meetings within the Borough. The alternative option would be not to authorise the publication of the notice of intention; this would mean that the benefits referred to in paragraph 10.3 above would not be achieved.
- 10.5 Once the statutory notice requirements have been met a further report will be brought before the Cabinet Member in relation to the resolution to adopt the legislation.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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CHESHIRE EAST COUNCIL

Cabinet Member for Performance and Capacity

Date of Meeting:	20 th December 2010
Report of:	Democratic Services Manager
Subject/Title:	Request for Grant by Crewe and Nantwich Twinning Association

1.0 Report Summary

- 1.1 This report deals with a request by Crewe and Nantwich Twinning Association (CANTA) for grant funding.

2.0 Recommendation(s)

- 2.1 That the Portfolio Holder gives consideration to, and determine, CANTA's request for grant funding.

3.0 Reasons for Recommendation

- 3.1 In order to respond to the request.

4.0 Wards Affected

- 4.1 As CANTA was the twinning association for the former Borough of Crewe and Nantwich, its remit extends to the former Borough's Wards. However, the Council is undertaking a review of twinning activity for the whole of the Cheshire East Borough, which will have an impact in the future on its relationship with CANTA.

5.0 Local Ward Members

- 5.1 All former Crewe and Nantwich Borough Councillors are affected.

6.0 Policy Implications

- 6.1 The Council's policy on twinning is being reviewed and a report will be considered by Cabinet in due course. The emerging policy is for the Council to withdraw from civic and ceremonial twinning and encourage and support local groups to continue with the historical links from the demised authorities. In the meantime, requests for grant funding must be dealt with, hence the need for this report.

7.0 Financial Implications.

7.1 Provision of £17,000 has been made for twinning in the Council's Revenue Budget for 2010/11. It is held by Democratic Services. No spend has occurred from this budget during 2010/11.

7.2 Any grant awarded would come from this budget.

8.0 Legal Implications

8.1 The Portfolio Holder has powers to determine this grant application since Twinning matters form part of his portfolio of responsibility under the Council's Constitution. There appear to be no other legal implications.

9.0 Risk Management

9.1 No risks can be identified which are associated with the determination of the grant application.

10.0 Background and Options

10.1 Cabinet considered a report on twinning on 14th July 2010 and asked the Portfolio Holder to advise it upon how twinning for the new authority should be taken forward.

10.2 It was acknowledged that a review of twinning arrangements would take between 12-18 months to complete. In the meantime, the Council expected to receive requests for grants etc relating to twinning and it was accepted that these would need to be determined prior to implementation of the Council's review recommendations.

10.3 Crewe and Nantwich Borough Council used to provide an annual grant to CANTA in the sum of £5000. CANTA received £5000 from Cheshire East Borough Council during the 2009/10 financial year.

10.4 CANTA has made a response to the Council's review of twinning arrangements and included in this submission was a further request for funding. Details are attached at Appendix 1.

10.5 The Macclesfield Charter Trustees together with representatives from local community groups have also made a response to the Council's review and in partnership with local community groups has indicated that they are interested in maintaining links with Eckernförde and have enquired about funding that might be available for community based activities.

10.6 The Council's review of twinning arrangements has identified potential benefits that might arise from an International Strategy and that it might be appropriate to allocate some of the Twinning budget to underpin this activity.

- 10.7 To date no spend has occurred from this budget during 2010/1. It would therefore be appropriate for the Portfolio Holder to consider making a grant to CANTA.
- 10.8 In making a grant it might be appropriate to identify what outcomes the Council would like to see achieved and to invite CANTA to explore alternative funding options having regard to the financial constraints facing public services.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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28 July 2010

Mr Brian Reed
Democratic Services Manager
Cheshire East Council
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Dear Mr Reed

Town Twinning

Thank you for your letter of 13 July inviting comments on the Council's review of the policies and practices in respect of Twinning following the local government reorganisation. I am delighted that the Council is now in a position to review this matter having read with interest the report to Cabinet dated 14 July last year on this (Agenda item 16) together with helpful extracts and attachments from the Local Government Association.

If I may I will in my response give my views on the current position, the future as I see it, and also address the question of ongoing funding and support for Twinning.

I realise that this can be a controversial subject among some Council members and officers, particularly at this time of financial constraints, often because of prejudice or suspicions of abuse of public funds in the past, and I hope that, as Chairman of the Crewe and Nantwich Twinning Association (CANTA), I will do my best to allay those concerns.

Crewe has formal signed twinning arrangements with Macon (1958), Bischofsheim (1991) and a formal friendship agreement with Dzierzoniow - who are formally twinned with Bischofsheim(1996).

The original twinning agreements with macon and Bischofsheim were to further promotion of culture, social and economic relations and covered areas such as;

Culture
Sport and Tourism
Exchanges between young people
Education (school partnerships etc)
Environmental measures

Town planning and development
Solutions to traffic problems
Economic and business development
Local government and administration
Trades union interests

Twinning was largely devolved from the old Crewe and Nantwich Borough Council in 2004 when CANTA was set up to assist the council to achieve these aims and to reflect the organisation in our twin towns of Macon and Bischofsheim which already had twinning associations supported by their respective councils. The Council provided financial support via a small annual grant and continued to be involved both by having the Mayor of Crewe and Nantwich appointed as Hon President and by appointing a council member on the CANTA committee (see copy of Constitution attached). The day to day administration of twinning links and contacts was undertaken by CANTA except for occasions of formal visits and celebrations when CANTA worked closely with the Council to ensure that these were handled appropriately as twinning has always had a civic and individual & group element. In latter years the emphasis has rightly changed and CANTA has, since its formation, greatly strengthened the relationships between our twin towns and widened the participation of ordinary people in various initiatives. A summary of these is attached. There is of course much more that we wish to do and can be done but we operate with limited resource and rely on the goodwill of volunteers, on both sides of the Channel , all of whom are passionate about the benefits of twinning and about getting more people involved.

It must be stressed that none of the CANTA committee receive any payment or honoraria and that any visits undertaken by CANTA members are paid for from their own pocket. This enables all money received from the Council and from CANTA fundraising events to be devoted to supporting visits and initiatives for others between our twin towns. CANTA continues to operate to a properly defined constitution with minutes of meetings and audited statement of accounts and balance sheet.

Many of the objectives set out in your letter are reflected in our Consitution i.e personal, social, cultural, educational, recreational, civic and commercial links.

The links between our twin towns are extremely active and continue to grow, thanks to a great deal of enthusiasm from our twin towns and to a very dedicated and hard working committee and membership of CANTA (c 40 individual + corporate members). The list of events that we have arranged, facilitated and supported recently demonstrate the achievements that we have made and you will see how they fulfil the criteria of our foundation and many of the aims and objectives also of Cheshire East set out in your letter. Obviously I would be very happy to have support within the Council office to explore ways in which we could develop some of these further, also to receive further backing, as some requests from our twin towns are difficult to fulfil on our own.

The changing local government situation in Cheshire has left our twin towns very apprehensive about the future of our twinning links, especially in view of the huge progress we have made in recent years and the closeness of some of the contacts since they remain in part dependant on ongoing support. CANTA has tried to provide

assurance that we will do all that we can to continue the relationships, but are heavily reliant on the Council for funding. It is also vital that there remains an ongoing civic involvement, at special events in particular (at mayoral level at least?), but also in areas of information sharing and economic activity. The management committee of CANTA is proud of its contribution to twinning in the former Borough of Crewe and Nantwich and would wish to continue in the future when Cheshire East defines its policies and practices in this regard.

It is appreciated that Cheshire East as a body does not have any formal connections with European towns and that the links within the new authority are a legacy. Crewe does not have its own town council unlike Nantwich. CANTA would be happy to share its experience with other similar bodies within Cheshire East and work with officers and councillors to further its aims, but must concentrate on the long established links with Macon, Bishofsheim and Dzierzoniow which exist within the former Borough as so many initiatives have recently started, are in the pipeline, or have been established for some time.

Inevitably the business and economic elements have not had a high profile in recent years as CANTA comprises mainly people currently without the relevant expertise for this, however opportunities to develop these areas remain and were raised at a recent meeting by a delegation from Macon. South Cheshire Chamber of Commerce have also assisted as we regularly receive requests for work experience placements from France and Germany.

I, the members of CANTA, and the groups that we have started to support sincerely hope that Cheshire East will continue to provide backing and financial support to our twinning projects. It would be a real tragedy if all that we have worked so hard for and have built up over the last few years were to cease through lack of funding and will. We are constantly trying to pursue new contacts and links, particularly via schools and sporting and other groups and we need to offer some pump priming or financial support with travel to continue with these get some new ones off the ground.. Our grant has not increased since our inception and I am lead to believe that a budget previously set aside for twinning by the former Crewe and Nantwich Borough Council has been transferred to the new authority. I would like to suggest that this sum, in the region of c £12,000 be transferred to CANTA on an annual basis to further develop the areas outlined above and in the appendix. To ensure probity this can be monitored by a Cheshire East council representative on our committee (currently Cllr Betty Howell) and by annual report and accounts (as currently) and could be reviewed in, say 3 years, checking on progress with these aims.

Currently at least 7 Cheshire East Council members from the old Crewe and Nantwich area are very aware of CANTA's activity and have been supportive in the past. I am sure I can rely on them, although you always get the odd dissenter who doesn't rely understand what it's all about. As always, I am happy to provide further information or background or to discuss further.

Yours sincerely



Clive Mosby, Chairman, CANTA

Brief Summary of CANTA's recent achievements

Developed logo by open competition
Involved South Cheshire College initially in developing website

Promotion of CANTA

in local press, Crewe Carnival, Nantwich Show, Council Offices, Libraries, letters and visits to schools, talks to youth groups, South Cheshire French Circle, interviews on Radio Stoke, mailing to local business. Subscribed (FOC) to Town Twinning Portal, siting of signpost in Crewe town centre

Supported Visits by

Crewe Male Voice Choir to Bischofsheim and Dzierzoniow
Nantwich Choral Society to Macon
Co-op Brass band to Bischofsheim
Guy Harvey footballers to Dzierzoniow (& vice versa)
Dzierzoniow scouts to Crewe & Nantwich (return visit pending)
Firefighters to Bischofsheim
Annual visit of Macon Engineering students
Visit of Guides to Bischofsheim pending

Set up

Web cam links for pupil-pupil dialogue between schools in Crewe & Macon
e-twinning between schools in Crewe & Bischofsheim
1st English Language Summer School in Crewe & Nantwich for participants from our twin towns comprising lessons and visits to local sites of interest

Facilitated

Art competition with Dzierzoniow library
Photographic competition with Macon
Support of French language summer school in Macon
Requests for work experience & au pairing placements
Requests for Rugby & Badminton teams to Macon

Major events

15th anniversary Crewe & Nantwich/Bischofsheim 2006
50th anniversary Crewe & Nantwich/Macon 2007
Delegation to mark the end of Crewe and Nantwich Borough 2009
Various social & fundraising events , Hoe Down, annual dinner, concerts, duck race
20th anniversary Crewe & Nantwich/Bischofsheim – next year.

CHESHIRE EAST COUNCIL**Cabinet Member for Performance and Capacity**

Date of Meeting: 20 December 2010
Report of: Communications and PR Manager
Subject/Title: Media Relations Protocol

1.0 Report Summary

1.1 This report is in relation to the Media Relations Protocol which has previously been approved by Cabinet. It has subsequently had minor revisions which are explained in Appendix B.

2.0 Recommendation

2.1 That the Cabinet Member for Performance and Capacity approve the proposed minor changes to the Council's Media Relations Protocol as explained in Appendix B to the report.

3.0 Reasons for Recommendations

3.1 To expedite the approval of the protocol so that it may be brought into use with immediate effect.

4.0 Wards Affected

4.1 Not applicable.

5.0 Local Ward Members

5.1 Not applicable.

6.0 Policy Implications

6.1 Not applicable.

7.0 Financial Implications

7.1 Not applicable.

8.0 Legal Implications

8.1 As the range of issues covered by the media team and Council representatives is extremely wide, it is difficult to predict which if any may involve legal considerations. Freedom of Information, Data Protection and legally privileged information are examples of areas of legal issues which may be relevant. Judgement as to when legal advice or support may be necessary

must rest with the individuals concerned, but does need to be a factor to be considered in the publication of information.

9.0 Risk Management

9.1 Not applicable.

10.0 Background and Options

10.1 The Media Relations Protocol is needed to guide both Members and officers in their dealings with the media to ensure we follow best practice in enhancing and protecting the reputation of the Council.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Media Relations Protocol

November 2010

MEDIA RELATIONS PROTOCOL

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Media Relations Protocol

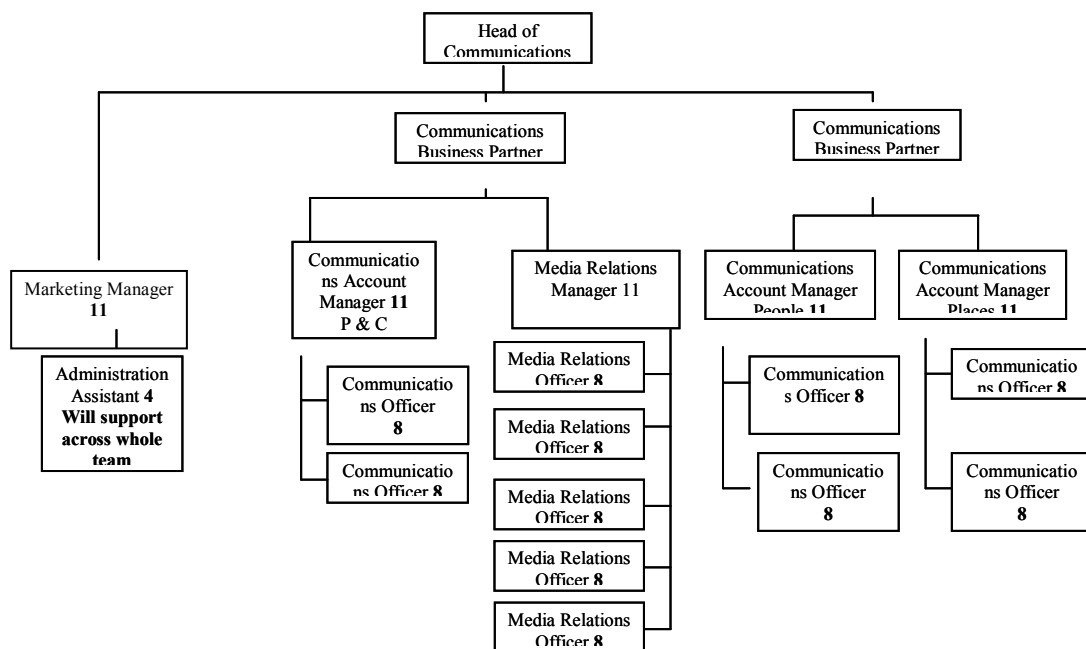
1.INTRODUCTION

This protocol serves as the definitive strategic positioning document for the Media Relations function of Cheshire East Council. It has been approved by Cabinet and Corporate Management Team (CMT).

The protocol also mirrors closely the guidelines and practices outlined in the Code of Recommended Practice on Local Authority Publicity, as recommended by the Department for Communities and Local Government. (Appx A).

2. STRUCTURE OF THE COMMUNICATIONS TEAM

The Media Relations Team sits within the wider communications function. The Media Relations Manager works to the Communications Business Partner for Performance and Capacity who is the strategic lead. The Media Relations Manager provides the operational lead and manages the team on a day-to-day basis.



3.MEDIA RELATIONS

3.1 Purpose of Media Relations Team

The Media Relations Team sits within the Communications Team. All six members are highly-experienced journalists from the fields of print, radio and television. They hold either National Council for the Training of Journalists qualifications or those of the Broadcast Journalism Training Council.

The function of the team is to provide information to the media, in various formats, to promote the work and policies of the Council in order to enhance its reputation at a local, regional and national level. It is also responsible for providing information, advice and guidance to officers and elected Members when the Council interacts with the media.

The objectives of the Media Relations team are:

- to inform residents of the services provided by Cheshire East Council;
- to promote and enhance the reputation of Cheshire East Council at local, regional and national levels;
- to protect and defend the reputation of Cheshire East Council at local, regional and national levels; and
- to offer media support, guidance and training for elected Members of the Council and senior officers.

The Media Relations Office is staffed from 8.30am to 5.30pm every week day. Outside these times is an on-call duty Media Relations Officer, who can be reached via the main Communications phone number 01270 686577.

A member of the Media Relations Team is available 365 days a year, 24 hours a day.

The Team produces information in a variety of formats:

- **Proactive Media Releases** - a written release promoting a service of, a decision of or the work of the Council. Through proactive coverage, the Council will be positioned in a positive and transparent light. The Media Relations Team advises on how best to place the right stories in the most appropriate outlet (eg radio, television, print, online, blog etc) with the best chance of success. The media expertise of the team will determine how proactive coverage is generated. Planning proactive coverage will form part of the wider communications plans for each of the Council's three directorates (People, Places and Policy and Performance).
- **Proactive Media Statements** - a written statement that is wholly in the words of a nominated Council spokesperson.
- **Reactive Media Releases** - generally issued as a rebuttal to an article or a broadcast already published and is generally in the words of a nominated

Council spokesperson. As a large public body, it is inevitable that the Council will face regular scrutiny by the media, and on occasions, attack. The latter is often unfounded and will be challenged by the team on the day of issue or prior to publication if known about. The team will engage the support of Legal Services, if necessary, to counter any issues of potential defamation. On the occasions where the criticism is genuine, the team will respond with transparency and accountability. Responding to negative criticism will always be made as a considered judgement call by the Media Relations Team.

- **Reactive Media Statement** - a written statement that is prepared and issued in response to a specific question.
- **Information bulletins** - used when it is necessary to get vital information out to the public very quickly – eg school closures, gritting routes, refuse collections etc during periods of adverse weather. These do not include a quote from anyone.
- **Briefing notes** – prepared in advance of either print or broadcast interviews.

3.2 Nominated Council Spokespeople

3.2.1 Use of 'Council spokesperson'

Every effort will be made to attribute quotes to the relevant individuals as set out in 3.2.2 – 3.2.6 below. Only in exceptional circumstances will quotes be attributed to 'a council spokesperson'.

3.2.2 Proactive Media Releases

Recognised best practice states that all proactive media releases should carry at least one quote: this should be from the relevant portfolio holder who is the appointed Council spokesperson for that portfolio or relevant ward member (see 3.2.2 below).

There may be occasions when, in the absence of the portfolio holder, a senior officer is quoted. Directors and Heads of Service should furnish the names of appointed officers for each service area to the Media Relations Team and ensure that the named officers are aware that they have been nominated.

If a portfolio holder is not available another spokesperson will be necessary. They should be chosen as follows:

- The relevant director or head of service or appointed spokesperson

If they are not available:

- The Portfolio Holder for Performance and Capacity

If they are not available:

- the Leader or the Chief Executive

In the very unlikely event that none of the above is available and in order to meet immediate media deadlines, the quote may be attributed to a Council spokesperson.

3.2.3 Proactive Media Releases and Ward Members

Ward Members will be quoted in proactive media releases where the subject matter is 'place' related i.e. pertinent to that specific ward. Ward members can choose to be quoted individually and if so will be approached alphabetically on a rota basis. Alternatively ward members may choose to be quoted as a group. In this case, members can choose to nominate a contact for co-ordinating and approving releases, or agree that the first available member will co-ordinate and approve releases. Members have a choice of either option, whichever option they choose will apply to all releases. Full details of this are given in Appendix B attached.

3.2.4 Reactive Media Statements

The Media Relations Team currently feeds 43 local media outlets, many of which pose several questions each day. There is only one evening paper and that covers just a small part of the Council's population. Other local print media outlets are weekly newspapers.

All newspapers, whether daily or weekly, carry daily deadlines. Pages are planned and completed as the week progresses, which means that all media queries, wherever possible, should be answered within one working day.

The Team has no control over the timing of these queries, although every effort is made to encourage the various media outlets to provide queries in a timely fashion or to negotiate for a story to be placed on a different page if a query cannot be answered within a newspaper's original timescale. Such encouragement and negotiation is not always successful, particularly if the story is contentious.

It is therefore essential that all media queries are given appropriate priority by all Members and officers of Cheshire East Council. A failure to provide a response in a timely fashion can seriously harm the reputation of the Council and be presented in such a way as to imply a lack of transparency while engendering an atmosphere of mistrust.

Few queries come in singularly, but rather regularly present themselves as one question among many. Again, the Team has no control over how the questions are posed. When several questions are posed at once, there can be considerable overlap in the service areas that need to be contacted for information and therefore overlap in the portfolio areas.

This lack of timeliness, coupled with several questions at a time, can and does mean that the relevant portfolio holder cannot be named in a response. However, it is recognised that statements made in the name of a Council spokesperson can lack the perceived integrity of those carrying the name of a person.

The Media Team will email full details of any query to the relevant senior officer who has been named as a nominated spokesperson and copy in the relevant portfolio holder. The time of the deadline will be clearly shown.

The media response will go out in the name of the relevant officer unless the portfolio holder indicates, within the timescale, whether he or she wants it to go in their name. If the portfolio holder is happy to leave the response to their appointed officer, it is requested that he or she informs the Media Relations Team as soon as possible.

The media will, on occasions, attempt to bypass the Media Relations Team. However, in order to protect the reputation of the Council, it is essential that all media enquiries are co-ordinated and managed effectively through the Media Relations Team.

It is vital for the team to be able to record and monitor ALL interaction with the media. If this is not done, the reputation of the Council is potentially at risk. It would be helpful to the Media Relations Team if elected Members were to log any interaction with the media.

The Media Relations Team will work closely with elected Members and officers, offering guidance and advice, in order to provide timely and effective responses to the media.

On occasion, an interview will be arranged for either an elected Member or officer. The Media Relations Team will provide briefings and advice and must accompany interviewees to interviews or be present on the line for telephone interviews (conference calls etc)

3.2.5 Broadcast Interviews

On occasion, a radio or television interview will be arranged. The same rules for nominating a spokesperson apply as for proactive media releases.

The Media Relations Team will provide briefings and advice and where possible accompany interviewees to interviews or be present on the line for telephone interviews (conference calls etc).

3.2.6 Proactive Releases for Scrutiny Committees

Proactive media releases may be issued when a Task and Finish Group is formed and again to report on the findings of the group. No media releases

will be issued around subjects yet to be considered by the committees or where all relevant material is not available.

3.3 Media Contact

3.3.1 Elected Members

The media will often attempt to contact elected Members directly.

If the nature of the enquiry relates to Council business and is non-political, the elected Member is requested to refer the enquiry to the Media Relations Team for initial handling and advice on procedure. By doing this, the Media Relations Team can record the query and either advise on the response or prepare and issue the response.

If the nature of the enquiry is political, in accordance with the democratic process, the elected Member has no duty to inform the Media Relations Team.

3.3.2 Officers

The media will also often attempt to contact employees of the Council directly.

The employee must always and immediately refer all enquiries from the media to the Media Relations Team as the first line of procedure. It is essential to record all media queries at the time of receipt. No initial comment or response to the media should be made by an employee. The Media Relations Team will provide advice on the most appropriate response. Unauthorised comment by officers on behalf of the Council that is potentially harmful to its reputation may result in a disciplinary action.

3.3.4 Partners

The Council works closely with partners from all sectors. It is essential to ensure that when the Council is included in their media releases we approve the release and that we include them and consult them about releases we produce that involve their work.

3.4 Putting the Council's Interest First

The central Media Relations Team's purpose is to represent the best interests of the Council in the media. Coverage of the decisions and work of elected Members and employees will be determined within a system of prioritisation, according to the current news agenda.

It is important to note that, on occasion, the most effective strategy is not to respond to the media. Media requests will be determined by both the news agenda and their prior agreement in directorate communications plans.

It will also be necessary to seek approval from other involved parties as appropriate.

Where elected Members are required to respond to the media regarding the policy of Cheshire East Council, such publicity should be objective and explanatory. While it may acknowledge the part played by individual elected Members as holders of particular positions in the Council, personalisation of issues or personal image-making must be avoided. (in accordance with the Code of Recommended Practice on Local Authority Publicity, as recommended by the Department for Communities and Local Government).

This protocol does not prevent any political group or individual elected Member not a portfolio holder issuing its/their own media information through its/their own channels. However, it is requested that all such information be copied to the Media Relations Team, where it will be held in confidence and used only to inform responses to media enquiries.

Exceptions to putting an elected Member forward for interview will arise during period of purdah or if there are potential conflicts of interest. In these cases, the Media Relations Team will identify a suitable alternative.

3.5 Corporate Statements

On occasions, statements will be necessary that are corporate in nature and not related specifically to any portfolio. Either the Leader or the Chief Executive is the appropriate person to quote in these instances.

3.6 Media Monitoring

Monitoring the coverage of the Council in the daily media is the responsibility of the Communications Team. This is done in a variety of ways, using the best in modern technology and practice, including a media monitoring service.

Disseminating recorded media coverage of the Council to the various internal stakeholders is done in a clear, accessible and streamlined way.

3.7 Crisis Media Relations

A member of the Media Relations Team is available 365 days, 24 hours a day. In the event of a crisis breaking in the media outside of normal office hours (8.30am to 5.30pm), a duty Media Relations Officer is always on call **01270 686577**.

3.8 Confidentiality

The business of the Media Relations Team is highly confidential and all matters discussed within and by the team are treated with the highest standards of discretion. It is essential that the team is briefed on all aspects of any issues, no matter how confidential or sensitive, to enable them to be best prepared for enquiries and to put the interests of the Council first.

Occasionally, issues come to the notice of the media which involve employees or elected Members and aspects of their private lives or employment contracts. It is not the Council's policy to comment specifically on such issues. Responses must be brief and factual. Unless there are exceptional circumstances, names should not be included. An example statement would be:

"I can confirm that a member of staff has been suspended while an investigation into allegations of professional misconduct is carried out. Suspension in itself is not a form of punishment."

The exception to this rule is when the Council has been asked to provide a tribute following the death of an employee or elected Member. However, before any such tribute is issued, permission should be sought from the deceased's family.

3.9 Complaints about Media Coverage

Complaints about media reports should be referred to the Media Relations Manager or the Communications Business Partner to discuss appropriate action.

3.10 Media Restrictions – Purdah and Embargoes

All publicity referring to a political party of anyone standing for election (local or parliamentary) must be suspended between the notice of an election and polling day. This period, which is known as purdah, is generally six weeks.

With the exception of the Mayor, Members will not be quoted in Council media releases and requests made to the Media Relations Team for media interviews with Members must be declined during this period.

During European elections, no publicity must be generated which refers to any of the candidates. Providing this practice is followed, it is not necessary to follow purdah instructions.

Occasionally a news release will contain information under embargo. Embargoes are not legally enforceable but are adhered to as standard industry practice by local and regional media, although not always by the national media. In order to assist the media with forward planning, embargoed releases may be issued in advance with the embargo indicated in bold and underlined at the top of the release.

4 MEDIA RELATIONS – WAYS OF WORKING

This area of the protocol covers all aspects of the operational function of the Media Relations Team.

4.1 Areas of Responsibility

Each Media Relations Officer has responsibility for specific committees including scrutiny, and for two portfolio areas. Each holds regular meetings with each of their Portfolio Holders, Scrutiny Chairman/ Lead Scrutiny Officer –NB see paragraph 3.2.6.

4.2 Daily Management of the Media Relations Office

a) Office hours

The Media Relations office is open from 8.30am to 5.30pm every week day. Outside these times, there is an on-call Media Relations Officer who can be reached via the main Communications phone number: **01270 686577**.

A member of the Media Relations team is available 365 days a year, 24 hours a day.

b) Administration

The Media Relations Team is responsible for:

- Management of media materials including newspapers
- General administration duties
- Maintenance of the shared drive for Media Relations
- Archiving of media material from Durrants
- Distribution lists for external and internal stakeholders

c) Housekeeping of written media relations material

All materials issued, including news releases and statements, by the media Relations Team are kept and maintained in the shared drive, to which only members of the Communications team have access.

d) Communicating with each other

Written communication between members of the Media Relations Team is principally done electronically.

Phone messages are sent between the team by email and all diary appointments are managed in Microsoft Outlook.

e) Daily media log

Every time a new request or phone call relating to a media enquiry is received by the Team, this is logged in a joint Media Log which is available in the Team's shared area.

This is monitored regularly by all members of the Team and is used by the Media Relations Manager to assess peaks and troughs in workload. It is also a helpful document as a 'handover' between team members at different periods of the day.

f) Distribution lists

News releases are issued only via email in order to record a 'paper trail' of the media outlets each release has been sent to.

The only external audience sent media releases by the Media Relations Team are the relevant media outlets. Other external audiences can obtain releases from the Council's website. Internally, all media releases are sent to members of Cabinet, all Councillors, CMT, all members of Communications and the Council's website. A hyperlink to the most recent news releases on the website is provided from the intranet.

4.3 On-call Working

The on-call rota operates on a five-week cycle, with each Media Relations Officer carrying out one week on duty. The on-call period begins and finishes at 5.30pm each Friday. When an officer is on duty their work mobile phone and on-call blackberry must be switched on at all times and they must remain within two hour's travelling time of Westfields, Sandbach, and consume no alcohol.

If an officer is unable to undertake their scheduled rota week, they should organise a swap with another officer on the rota and inform the Media Relations Manager of the change and their replacement.

The Media Relations Manager is not required to be part of the Media Relations on-call rota. However, s/he must be contactable by the duty on-call Media Relations Officer at all times, with the exception of periods of annual leave. The Media Relations Manager is always the first port-of-call for the on-call Media Relations Officer to offer advice and support if required.

If the on-call Media Relations Officer learns of an emergency out of office hours s/he will inform the Media Relations Manager who will inform the Communications Business Partner, who will in turn inform the Head of Communications. The Head of Communications/ Communications Business Partner will be responsible for informing the Senior Manager Duty Officer from Extended Management Team.

4.4 Media Monitoring

Monitoring the daily media coverage service is the responsibility of all members of the Communications team with acute focus by Media Relations.

The most recent and relevant local and regional newspapers are available to read in the following locations:

Westfields - Communications, Cabinet Office and Members' Room
Municipal Buildings Crewe – Members' Room
Macclesfield Town Hall – Members' Room

All members of the Media Relations Team have full access to Durrants, an online news clippings service which monitors local, regional, national and international print and broadcast media for mentions of Cheshire East Council. Durrants updates are compiled at the end of each day and are received by the Team in an email summary the following morning.

Members of the Communications team also check the daily media monitoring service to ensure the Team is aware of stories as soon as they are published. Each article or broadcast is categorised depending on whether they are positive, negative or neutral and the percentage of each category is reported to elected Members each week.

Elected Members are also informed of how many potential readers or listeners have been reached each week and the total value of the coverage in advertising terms. Each elected Member receives an electronic copy of this weekly media coverage report. Hard copies are placed in Members' Rooms in Crewe, Macclesfield and Sandbach.

Negative coverage is assessed by the Media Relations Team and if it is incorrect and needs challenging, this will be done on the same day of publication.

Regional lunchtime TV and radio news bulletins are broadcast in the Communications office each day.

4.5 Media Training for Council Spokespeople

Media training for all relevant Council spokespeople is offered as appropriate.

All Members of Communications receive regular media training. This training is also available for:

Chief Executive
Leader
Cabinet
Scrutiny Chairmen
CMT – Corporate Directors and Heads of Service

4.6 Media Relations Software

The Council uses software which provides a range of services for modern media relations practice including:

- Media cuttings
- Media searches
- News release distribution system
- Progress and output reports on coverage

4.7 News releases - General

News releases have the principal purpose of increasing public awareness of services provided by the Council and the functions it performs. All news releases must be written by a Media Relations Officer.

If a news release request is received directly from a directorate, the relevant Communications Business Partner must be made aware of this to ensure it falls within the general directorate communications plans.

Exceptions to quoting an elected Member will arise during period of purdah or if there are potential conflicts of interest. In these cases, the Media Relations Team will identify a suitable alternative.

All news releases must list the contact details of the relevant Media Relations Officer. It is not the Council's policy to include contact details of officers or elected Members, unless these are contained within the story text of the release.

News releases issued by partner organisations which refer to the authority must be approved by the Media Relations Team and include the appropriate elected Member comment. In the same way, those releases prepared by the Media Relations team involving partner organisations should also be approved by the partner organisations before issue.

4.8 Sign-off Process for News Releases

News releases must in the first instance receive approval from the requesting officer. If approval is also required from the requesting officer's line manager or other senior manager, obtaining this is the responsibility of the Media Relations Team.

Approval must next be gained from the relevant elected Member/Members. If an elected Member suggests significant changes, the amended release must be returned to the requesting directorate/service officer for final approval. The news release must receive full approval from the Media Relations Manager, or in his/her absence the Communications Business Partner, before it is issued.

4.9 Handling Unusually Sensitive Issues

Occasionally a major incident or a significant issue which could affect the Council's reputation may arise. Any officer who becomes aware of a situation should inform the Media Relations Team immediately. As soon as a member of the Media Relations Team is informed they must brief the Media Relations Manager, Communications Business Partner and Head of Communications. This will trigger a process where all the appropriate people are informed, as follows:

- Chief Executive
- Leader
- Cabinet
- Elected Members
- Strategic Directors/Heads of Service
- Head of Service
- CMT
- Relevant Officers
- Partner Organisations

4.10 Knowing Council Business – Assessing and Digesting Agendas

All members of the Media Relations Team receive electronic agenda copies for all Council meetings inclusive of confidential papers from Democratic Services. It is the responsibility of each team member to be aware of the upcoming business. All members of the Media Relations Team must be aware of upcoming business for Cabinet and Full Council meetings.

Media Relations Officers must not arrange interviews with officers or elected Members on issues which appear on Council agendas before the meeting has taken place. It is acceptable for the Team to respond to media enquiries in advance of a meeting where a factual response only is required.

4.11 Photography

All requests for photography for media purposes must be passed through the Media Relations Team who will assess each request on a business need basis. As with all other photography, each directorate pays for its own photography, commissioned and managed by members of the Communications Team.

Each Media Relations Officer briefs the photographer on the requirements of the job and the Communications Assistant handles the IBS process therein.

4.12 Contact Details for Media Relations

Communications
Cheshire East Council
Westfields
Middlewich Road CW11 1HZ
T: 01270 686577
E: communications@cheshireeast.gov.uk

Code of recommended practice on local authority publicity

On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government.

Department for Communities and Local Government
Eland House
Bressenden Place
London SW1E 5DU
Telephone: 020 7944 4400
Website: www.communities.gov.uk

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Content and Style

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Recruitment Advertising

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Elections, referendums and petitions

Assistance to others for publicity

Circular 20/88

(Department of the Environment)

Circular 16/88

(Scottish Development Department)

Circular 30/88

(Welsh Office)

Joint Circular from the

Department of the Environment
2 Marsham Street, London SW1P 3EB

Scottish Development Department
New St. Andrew's House, Edinburgh EH1 3SZ

Welsh Office
Cathays Park, Cardiff CF1 3NQ

15 August 1988

Code of Recommended Practice on Local Authority Publicity

1. We are directed by the Secretary of State for the Environment, the Secretary of State for Scotland and the Secretary of State for Wales to draw the attention of your authority to the annexed code of recommended practice on local authority publicity, which they have issued under their powers under section 4 of the Local Government Act 1986, as amended by section 27 of the Local Government Act 1988.

2. Section 4 provides for the Secretary of State to issue codes of recommended practice as regards the content, style, distribution and cost of local authority publicity, and such other matters as he thinks appropriate. That section, as amended, also requires that local authorities shall have regard to the provisions of any such code in coming to any decision on publicity.

3. The code has been prepared following consultations with the associations of local authorities, the local authorities with whom the Secretaries of State thought consultation desirable, and other bodies concerned. A draft of the code has been laid before, and approved by a resolution of, each House of Parliament.

4. The code has no significant implications for either local authority expenditure or manpower.

A J C SIMCOCK, *Assistant Secretary*
MRS G M STEWART, *Assistant Secretary*
D M TIMLIN, *Senior Principal*

The Chief Executive

County Councils in England and Wales
Regional and Islands Councils in Scotland
District Councils in England, Wales and Scotland
London Borough Councils
The Council of the Isles of Scilly

The Town Clerk, City of London

The Chief Officer

Metropolitan County Passenger Transport Authorities
Metropolitan County Police Authorities
Metropolitan County Fire and Civil Defence Authorities
The London Fire and Civil Defence Authority

The Education Officer and Chief Executive, Inner London Education Authority

The Chief Executive, The Broads Authority

The Clerk

Parish Councils in England
Community Councils in Wales

[DOE LGR/57/5/02]
[SDD L/ACT/217/2]
[WO LG/49/3/49]

CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

INTRODUCTION

Status of the Code

1. This Code is issued by the Secretaries of State for the Environment, Scotland and Wales in pursuance of their powers under section 4(1) of the Local Government Act 1986. The Code was drawn up following the consultations with interested parties in local government required by section 4(4) of the Act. It has been approved by a resolution of each House of Parliament. Local authorities are required by section 4(1) of the Act as amended by section 27 of the Local Government Act 1988 to have regard to the Code in coming to any decision on publicity.

Why have a Code?

2. Local authorities are accountable to their electorate. Local accountability requires local understanding. This will be promoted by local authorities explaining their objectives and policies to their electors and ratepayers. In recent years authorities have increasingly used publicity to keep the public informed, and to encourage greater participation. Local authorities also need to tell the public about the services which they provide. Increasingly, local authorities see the task of making the public aware of the services available as an essential part of providing all kinds of services. Good, effective publicity, aimed at improved public awareness of a council's activities, is to be welcomed. This Code is not intended to discourage such publicity.

3. Publicity is, however, a sensitive matter in any political environment, because of the impact which it can have. Expenditure on publicity by some local authorities has been significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made, in accordance with clear principles of good practice. The purpose of the Code is to set out such principles. It reflects the conventions which should apply to all publicity at public expense, and which traditionally have applied in both central and local government.

4. The principles set out below recognise the political nature of local government. They take account of the fact that some local authority publicity will deal with issues that are controversial because of particular local circumstances, or because of a difference of view between political parties locally or nationally. The principles do not prohibit the publication of information on politically sensitive or controversial issues, nor stifle public debate. They set out the matters a local authority should consider, to safeguard both the proper use of public funds and those members of the public at whom publicity is directed. They apply to all publicity, but some aspects will be especially relevant to publicity which deals with controversial or sensitive issues. The underlying objective of the Code is to ensure the proper use of public funds for publicity.

Scope of the Code

5. The Code is not concerned with the interpretation of section 2 of the Local Government Act 1986. (That section provides that a local authority shall not publish (or assist others to publish) material which, in whole or in part, appears to be designed to affect public support for a political party.) The Code is concerned with all the other publicity which a local authority may publish. In particular, it highlights factors which should be borne in mind in decisions on publicity which deals with matters or issues which are, politically or otherwise, controversial, but which are not prohibited by section 2.

6. Section 6 of the 1986 Act defines publicity as "any communication, in whatever form, addressed to the public at large or to a section of the public". The Code will therefore be relevant across the whole range of local authorities' work. It covers all decisions by a local authority on publicity and most public relations activities, such as paid advertising and leaflet campaigns, and local authority sponsorship of exhibitions and conferences, as well as assistance to others to issue publicity.

7. The Code has no relevance to the methods which a local authority may use to make its views known where these do not involve publicity in the sense of the 1986 Act.

8. The Code does not affect the ability of local authorities to assist charities and voluntary organisations which need to issue publicity as part of their work, but it requires local authorities, in giving such assistance, to consider the principles on which the Code is based, and to apply them accordingly.

9. By virtue of section 6(6) of the 1986 Act, nothing in the Code is to be construed as applying to any decision by a local authority in the discharge of their duties under the Local Government (Access to Information) Act 1985.

CODE OF RECOMMENDED PRACTICE

Subject matter

1. Local authorities have a variety of statutory powers which enable them to produce publicity and circulate it widely, or to assist others to do so. Those commonly used include the powers in sections 111, 142, 144 and 145 of the Local Government Act 1972, sections 69, 88 and 90 of the Local Government (Scotland) Act 1973 and sections 15 and 16 of the Local Government and Planning (Scotland) Act 1982; but there are several others.
2. Some of these powers relate directly to the publishing authority's functions. Others give a more general discretion to publicise matters which go beyond an authority's primary responsibilities. For example, sections 142(1A) of the 1972 Act and 88(1) of the 1973 Act authorise local authorities to arrange for the publication within their area of information as to the services available in the area provided by them or by other local authorities; and Section 54 of the Public Health (Control of Disease) Act 1984 empowers local authorities to arrange for the publication within their area of information on questions relating to health or disease.
3. This discretion provides an important degree of flexibility, but also heightens the need for a responsible approach to expenditure decisions.
4. In considering the subject areas in which publicity is to be issued, the following matters will be important:
 - (i) the publicity should be relevant to the functions of the authority.
 - (ii) it should not duplicate unnecessarily publicity produced by central government, another local authority or another public authority.
 - (iii) in areas where central government, another tier of local government, or another public authority have the primary service or policy responsibility, local authorities should issue publicity only on matters that are directly relevant to their own functions.

Costs

5. Local authorities are accountable to the public for the efficiency and effectiveness of their expenditure, in the first instance through the audit arrangements.
6. For publicity, as for all other expenditure, the aim should therefore be to achieve the greatest possible cost-effectiveness.
7. To achieve this, there may well be cases where the benefit of higher expenditure to gain better presentation or improve other aspects of publicity will justify the extra cost.
8. Local authorities should therefore always have in mind the extent to which expert advice is needed for publicity.

9. In some cases publicity may justify its cost by virtue of savings which it achieves. More commonly it will be necessary to take a view of the importance of the unquantifiable benefits as compared with other uses to which the resources could be put.

10. In deciding whether the nature and scale of proposed publicity, and consequently its cost, are justified, the following matters will be relevant:

- (i) whether the publicity is statutorily required or is discretionary.
- (ii) where it is statutorily required, the purpose to be served by the publicity.
- (iii) whether the expenditure envisaged is in keeping with the purpose and expected effect of the publicity.

Content and style

11. Local authorities produce a variety of publicity material. It ranges from factual information about the services provided by the authority, designed to inform clients or attract new ones, to material necessary to the administration of the authority, such as staff recruitment advertising. There will also be publicity to explain or justify the council's policies either in general, as in the annual report, or on specific topics, for example as background to consultation on the line chosen for a new road.

12. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on facts or explanation or both.

13. Where publicity is used to comment on, or respond to, the policies and proposals of central government, other local authorities or other public authorities, the comment or response should be objective, balanced, informative, and accurate. It should aim to set out the reasons for the council's views, and should not be a prejudiced, unreasoning or political attack on the policies or proposals in question or on those putting them forward. Slogans alone will not be an adequate means of justifying or explaining the authority's views or their policy decisions.

14. Publicity relating to the provision of a service should concentrate on providing factual information about the service.

15. In some cases promotional publicity may be appropriate - for example about the local authority's sports and leisure facilities or about tourist attractions.

16. Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the council, should be handled with particular care. It should not over-simplify facts, issues or arguments. Again, it is unlikely that slogans alone will achieve the necessary degree of balance, or capture the complexities of opposing political arguments.

17. Publicity should not attack, nor appear to undermine, generally accepted moral standards.

18. Publicity campaigns by local authorities are appropriate in some circumstances: for example, to promote the effective and efficient use of local services and facilities, or to attract tourists or investment. Publicity campaigns may also be an appropriate means of influencing public behaviour or attitudes on such matters as health, safety, crime prevention or race relations.

19. Legitimate concern is, however, caused by the use of public resources for some forms of campaigns which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a function of the local authority and about the authority's policies in relation to that function and the reasons for them. But local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.

Dissemination

20. The main purposes of local authority publicity are to increase public awareness of the services provided by the authority and the functions it performs; to explain to electors and ratepayers the reasons for particular policies and priorities; and in general to improve local accountability.

21. Information and publicity produced by the council should be made available to all those who want or need it. Local authorities should not discriminate in favour of, or against, persons or groups in the compilation and distribution of material for reasons not connected with the efficiency and effectiveness of issuing the publicity.

22. Where material is distributed on matters closely affecting vulnerable sections of the community - for example, the elderly - particular care should be taken to ensure that it is unambiguous, readily intelligible, and unlikely to cause needless concern to those reading, seeing or listening to it.

23. Local authority newspapers, leaflets, and other publicity distributed unsolicited from house to house are inevitably more intrusive than publicity available on application to the council.

24. Publicity that reaches the public unsolicited should be targeted as far as practicable on those whose interests are clearly and directly affected by its content.

25. Material touching on politically controversial issues should be distributed unsolicited only where there is a strong case for letting a particular group of people have information of direct concern to them and no other equally efficient and effective means can be found.

26. Local authority newspapers or information bulletins are a special case. They are often a cost-effective means of disseminating information, but they may touch on controversial issues. If they do, they should treat such issues in an objective and informative way, bearing in mind the principles set out in paragraphs 11 -19 of the Code.

27. Where it is important for information to reach a particular target audience, consideration should be given to using the communications networks of other bodies, for example those of voluntary organisations.

Advertising

28. Advertising, especially on billboards or on television and radio, is a highly intrusive medium. It can also be expensive. It may however provide a cost effective, efficient means of conveying public information to the widest possible audience. Advertising on local radio networks has, for example, been used as a relatively inexpensive means of telling potential clients about local authority services. Advertising can also be the most cost-effective means of publicising a local authority's activities on tourism, and in the area of economic development generally.

29. The primary criterion for decisions on whether to use advertising should be cost-effectiveness.

30. Advertisements are not normally likely to be appropriate as a means of explaining policy or commenting on proposals, since an advertisement by its nature summarises information, compresses issues and arguments, and markets views and opinions.

31. Advertising in media which cover an area significantly wider than that of the authority is not likely to be an appropriate means of conveying information about a local authority's policies as opposed to attracting people to the authority's area or to use its facilities.

32. The attribution of advertising material leaflets and other forms of publicity that reach the public unsolicited should be clearly set out.

33. It is not acceptable, in terms of public accountability, to use the purchase of advertising space as a disguised means of subsidy to a voluntary, industrial or commercial organisation. Such support should be given openly through the normal grant arrangements. However, the conditions attached to a grant may require the provision of publicity, including publicity for the work of the authority.

34. Any decision to take advertising space in a publication produced by a voluntary, industrial or commercial organisation should be made only on the grounds that it provides an effective and efficient means of securing the desired publicity.

35. Local authorities should never use advertising as a means of giving financial support to any publication associated with a political party.

Recruitment advertising

36. Local authorities have respected in their staff employment policies the tradition of a politically impartial public service. Their recruitment publicity should reflect this tradition, and the fact that local authority staff are expected to serve the authority as a whole, whatever its composition from time to time.

37. The content of recruitment publicity and the media chosen for advertising job vacancies should be in keeping with the objective of maintaining the politically independent status of local authority staff.

38. Advertisements for staff should not be placed in party political publications.

Publicity about individual members of an authority

39. The functions of a local authority are discharged by the council corporately. It is therefore inappropriate for public resources to be used to publicise individual councillors.

40. In the interests of public accountability, however, it may be appropriate to give publicity to the views or activities of individual members when they are representing the council as a whole: for example, when the chairman of a council speaks or acts as the first citizen of the whole community, or when a chairman of a committee opens a new scheme or launches a policy approved by the council or by his committee on the council's behalf.

41. For the same reason a local authority may justifiably in certain circumstances issue press releases reporting statements made by individual members. Examples of cases where such press releases may be appropriate are as reports of the discussion at the meetings of the council or committees, or quotations of comments made by leading members of the council in response to particular events which call for a particularly speedy reaction from the council.

42. This does not prevent a member of staff of a local authority from responding to questions about individual members, since that is not publicity as defined in the 1986 Act.

Timing of Publicity

43. Particular care should be taken when publicity is issued immediately prior to an election or by-election affecting the authority's area to ensure that this could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual members or groups of members.

Assistance to others for publicity

44. The principles set out above apply to decisions on publicity issued by local authorities. They should also be taken into account by local authorities in decisions on assistance to others to issue publicity. In all such decisions local authorities should, to the extent appropriate:

- (a) incorporate the relevant principles of the Code in published guidance for applicants for grants;

- (b) make the observance of that guidance a condition of the grant or other assistance;
- (c) undertake monitoring to ensure that the guidance is observed.

45. It can be appropriate for local authorities to help charities and voluntary organisations by arranging for pamphlets or other material produced and paid for by the organisation to be available for collection by the public in public libraries and other suitable locations. Such material should not offend against any legal provision, but (subject to this) any such facility should be made available on a fair and equal basis.

DETR Circular 06/2001

**Department of the Environment, Transport and the Regions
Eland House, Bressenden Place, London SW1E 5DU**

2 April 2001

ALTERATIONS TO THE CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

- 1.** Section 4 of the Local Government Act 1986 provides for the Secretary of State to issue, revise or withdraw a code of recommended practice as regards the content, style, distribution and cost of local authority publicity, and such other related matters as he thinks appropriate. Local authorities shall have regard to the provision of any such code in coming to any decision on publicity.
- 2.** Using these powers the Secretary of State for the Environment, the Secretary of State for Scotland and the Secretary of State for Wales issued, on 15 August 1988, "The Code of Recommended Practice on Local Authority Publicity" ("the Code") as an annex to a Joint Circular from the Department of the Environment (20/88), the Scottish Development Department (16/88) and the Welsh Office (30/88).
- 3.** The Secretary of the State for the Environment, Transport and the Regions, in exercise of his powers conferred on him by section 4(3) of the Local Government Act 1986 now revises the Code to reflect changes in council constitutions and the advent of referendums and petitions. I am directed by the Secretary of State to draw the attention of your authority to the annexed alterations to the Code which shall apply to county councils, district councils and London borough councils in England only.
- 4.** In accordance with section 4(6) of the Local Government Act 1986, The Secretary of State for the Environment, Transport and the Regions laid before each House of Parliament a draft of proposed alterations to the Code on 15 February 2001.
- 5.** The proposed alterations have been the subject of a consultation with the Local Government Association in accordance with section 4(4) of the Local Government Act 1986.

P ROWSELL,
a Senior Civil Servant in the Department of the Environment, Transport and the Regions.

ANNEX

ALTERATIONS TO THE CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY, WHICH APPLY TO LOCAL AUTHORITIES IN ENGLAND ONLY

1. Insert after paragraph 9 of the Introduction to the Code of Recommended Practice on Local Authority Publicity, dated 15 August 1988, ("the Code") the following:

"Alterations to the Code - local authorities in England

10. The alterations to the Code which are set out in Appendix 1 shall apply in relation to county councils, district councils and London borough councils in England only. The alterations reflect changes in council constitutions and the advent of referendums and petitions. Throughout this Code, as it applies to such local authorities in England, any reference to "councillor" includes, unless the context requires otherwise, a reference to an elected mayor. The alterations shall have effect on and after Monday 2nd April 2001.

2. Insert after paragraph 45 of the Code the following:

Appendix 1

Alterations to the Code which shall apply to county councils, district councils and London borough councils in England only

Paragraph the Code	ofAlteration to paragraph
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4(iii)	Omit paragraph 4(iii)
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16	Insert after the word council,, the words
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*is unavoidable, particularly given the importance of wide consultation
whenever material issues arise. Such publicity*

For the words It should, substitute the words

*Issues must be presented clearly, fairly and as simply as possible,
although councils should*

18	Insert after the words "for example,", the words -
----	--

"as part of consultation processes where local views are being sought, or"

For the words "race relations", substitute *"equal opportunities"*

20 Insert after the word "performs;", the words -

"to allow local people to have a real and informed say about issues that affect them;"

23 After the word "leaflets," , omit the word "and"

Insert after the words "house to house" , the words -

"and information on websites"

For the words "inevitably more intrusive", substitute the words -

"able to reach far wider audiences"

Insert after the word "council." , the words -

"Councils should give particular consideration to the use of electronic and other new media communication systems. However, councils should ensure that they do not rely solely on such mechanisms and that they do not exclude those without access or easy access to such systems."

24 & 25 For both paragraphs substitute -

"24. Such publicity should be targeted as appropriate for its purposes, taking particular care with material touching on politically controversial issues."

26 For the words " , but they may touch on controversial issues. If" , substitute the words -

"or facilitating consultation and can provide a means for local people to

participate in debate on decisions the council is to take. The advantage of using websites and other information technology for consultations should also be considered. Inevitably such publications will touch on controversial issues and where"

27 Insert after the words "voluntary organisations", the words -

", and making use of electronic communication systems"

28 For the words "tourism, and in the area of economic development generally" substitute the words -

"promoting the social, economic and environmental well-being of the area"

39-43 For paragraphs 39 to 43, and the headings to those paragraphs, substitute -

"Individual Councillors

39. Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example, member of the Executive or Chair of Overview and Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided.

40. Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to her/his position and responsibilities within the Council, and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.

Elections, referendums and petitions

41. 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.

42. The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 (which apply under the Local Government Act 2000 to county councils, district councils and London borough councils) prohibit an authority from incurring any expenditure to

- Publish material which appears designed to influence local people in deciding whether or not to sign a petition requesting a referendum on proposals for an elected mayor;
- Assist anyone else in publishing such material; or
- Influence or assist others to influence local people in deciding whether or not to sign a petition.

Publicity in these circumstances should, therefore, be restricted to the publication of factual details which are presented fairly about the petition proposition and to explaining the council's existing arrangements. Local authorities should not mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal.

43. County councils, district councils and London borough councils should ensure that any publicity about a referendum under Part II of the Local Government Act 2000 (the 2000 Act) either prior to or during the referendum period is factually accurate and objective. The referendum period means the period beginning with the date on which proposals under Part II of the 2000 Act are sent to the Secretary of State and ending with the date of the referendum. The publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group. Local authorities must conform with any specific restrictions on publicity activities which are required by Regulations under section 45 of the 2000 Act."

45

For the words "can be ", substitute the word "*is*"

After the words "legal provision", insert the words -

"(authorities may be able to draw on their powers of well-being in section 2 of the Local Government Act 2000)"

CODE OF RECOMMENDED PRACTICE

Subject matter

1. Local authorities have a variety of statutory powers which enable them to produce publicity and circulate it widely, or to assist others to do so. Those commonly used include the powers in sections 111, 142, 144 and 145 of the Local Government Act 1972, sections 69, 88 and 90 of the Local Government (Scotland) Act 1973 and sections 15 and 16 of the Local Government and Planning (Scotland) Act 1982; but there are several others.
2. Some of these powers relate directly to the publishing authority's functions. Others give a more general discretion to publicise matters which go beyond an authority's primary responsibilities. For example, section 142(1A) of the 1972 Act and 88(1) of the 1973 Act authorise local authorities to arrange for the publication within their area of information as to the services available in the area provided by them or by other local authorities; and Section 54 of the Public Health (Control of Disease) Act 1984 empowers local authorities to arrange for the publication within their area of information on questions relating to health or disease.
3. This discretion provides an important degree of flexibility, but also heightens the need for a responsible approach to expenditure decisions.
4. In considering the subject areas in which publicity is to be issued, the following matters will be important:
 - (i) the publicity should be relevant to the functions of the authority.
 - (ii) it should not duplicate unnecessarily publicity produced by central government, another local authority or another public authority.

Costs

5. Local authorities are accountable to the public for the efficiency and effectiveness of their expenditure, in the first instance through the audit arrangements.
6. For publicity, as for all other expenditure, the aim should therefore be to achieve the greatest possible cost-effectiveness.
7. To achieve this, there may well be cases where the benefit of higher expenditure to gain better presentation or improve other aspects of publicity will justify the extra cost.
8. Local authorities should therefore always have in mind the extent to which expert advice is needed for publicity.
9. In some cases publicity may justify its cost by virtue of savings which it achieves. More commonly it will be necessary to take a view of the importance of the unquantifiable benefits as compared with other uses to which the resources could be put.

10. In deciding whether the nature and scale of proposed publicity, and consequently its cost, are justified, the following matters will be relevant:

- (i) whether the publicity is statutorily required or is discretionary.
- (ii) where it is statutorily required, the purpose to be served by the publicity.
- (iii) whether the expenditure envisaged is in keeping with the purpose and expected effect of the publicity.

Content and Style

11. Local authorities produce a variety of publicity material. It ranges from factual information about the services provided by the authority, designed to inform clients or attract new ones, to material necessary to the administration of the authority, such as staff recruitment advertising. There will also be publicity to explain or justify the council's policies either in general, as in the annual report, or on specific topics, for example as background to consultation on the line chosen for a new road.

12. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on facts or explanation or both.

13. Where publicity is used to comment on, or respond to, the policies and proposals of central government, other local authorities or other public authorities, the comment or response should be objective, balanced, informative, and accurate. It should aim to set out the reasons for the council's views, and should not be a prejudiced, unreasoning or political attack on the policies or proposals in question or on those putting them forward. Slogans alone will not be an adequate means of justifying or explaining the authority's views or their policy decisions.

14. Publicity relating to the provision of a service should concentrate on providing factual information about the service.

15. In some cases promotional publicity may be appropriate - for example about the local authority's sports and leisure facilities or about tourist attractions.

16. Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the council, is unavoidable, particularly given the importance of wide consultation whenever material issues arise. Such publicity should be handled with particular care. Issues must be presented clearly, fairly and as simply as possible, although councils should not over-simplify facts, issues or arguments. Again, it is unlikely that slogans alone will achieve the necessary degree of balance, or capture the complexities of opposing political arguments.

17. Publicity should not attack, nor appear to undermine, generally accepted moral standards.

18. Publicity campaigns by local authorities are appropriate in some circumstances: for example, as part of consultation processes where local views are being sought, or to promote the effective and efficient use of local services and facilities, or to attract tourists or

investment. Publicity campaigns may also be an appropriate means of influencing public behaviour or attitudes on such matters as health, safety, crime prevention or equal opportunities.

19. Legitimate concern is, however, caused by the use of public resources for some forms of campaigns, which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a function of the local authority and about the authority's policies in relation to that function and the reasons for them. But local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.

Dissemination

20. The main purposes of local authority publicity are to increase public awareness of the services provided by the authority and the functions it performs; to allow local people to have a real and informed say about issues that affect them; to explain to electors and ratepayers the reasons for particular policies and priorities; and in general to improve local accountability.

21. Information and publicity produced by the council should be made available to all those who want or need it. Local authorities should not discriminate in favour of, or against, persons or groups in the compilation and distribution of material for reasons not connected with the efficiency and effectiveness of issuing the publicity.

22. Where material is distributed on matters closely affecting vulnerable sections of the community - for example, the elderly - particular care should be taken to ensure that it is unambiguous, readily intelligible, and unlikely to cause needless concern to those reading, seeing or listening to it.

23. Local authority newspapers, leaflets, other publicity distributed unsolicited from house to house and information on websites are able to reach far wider audiences than publicity available on application to the council. Councils should give particular consideration to the use of electronic and other new media communication systems. However, councils should ensure that they do not rely solely on such mechanisms and that they do not exclude those without access or easy access to such systems.

24. Such publicity should be targeted as appropriate for its purposes, taking particular care with material touching on politically controversial issues.

25. there is no paragraph 25

26. Local authority newspapers or information bulletins are a special case. They are often a cost-effective means of disseminating information, or facilitating consultation and can provide a means for local people to participate in debate on decisions the council is to take. The advantage of using websites and other information technology for consultations should also be considered. Inevitably such publications will touch on controversial issues and where they do they should treat such issues in an objective and informative way, bearing in

mind the principles set out in paragraphs 11-19 of the Code.

27. Where it is important for information to reach a particular target audience, consideration should be given to using the communications networks of other bodies, for example those of voluntary organisations, and making use of electronic communication systems.

Advertising

28. Advertising, especially on billboards or on television and radio, is a highly intrusive medium. It can also be expensive. It may however provide a cost-effective, efficient means of conveying public information to the widest possible audience. Advertising on local radio networks has, for example, been used as a relatively inexpensive means of telling potential clients about local authority services. Advertising can also be the most cost-effective means of publicising a local authority's activities on promoting the social, economic and environmental well-being of the area.

29. The primary criterion for decisions on whether to use advertising should be cost-effectiveness.

30. Advertisements are not normally likely to be appropriate as a means of explaining policy or commenting on proposals, since an advertisement by its nature summarises information, compresses issues and arguments, and markets views and opinions.

31. Advertising in media which cover an area significantly wider than that of the authority is not likely to be an appropriate means of conveying information about a local authority's policies as opposed to attracting people to the authority's area or to use its facilities.

32. The attribution of advertising material leaflets and other forms of publicity that reach the public unsolicited should be clearly set out.

33. It is not acceptable, in terms of public accountability, to use the purchase of advertising space as a disguised means of subsidy to a voluntary, industrial or commercial organisation.

Such support should be given openly through the normal grant arrangements. However, the conditions attached to a grant may require the provision of publicity, including publicity for the work of the authority.

34. Any decision to take advertising space in a publication produced by a voluntary, industrial or commercial organisation should be made only on the grounds that it provides an effective and efficient means of securing the desired publicity.

35. Local authorities should never use advertising as a means of giving financial support to any publication associated with a political party.

Recruitment Advertising

36. Local authorities have respected in their staff employment policies the tradition of a politically impartial public service. Their recruitment publicity should reflect this tradition, and the fact that local authority staff are expected to serve the authority as a whole, whatever its composition from time to time.

37. The content of recruitment publicity and the media chosen for advertising job vacancies should be in keeping with the objective of maintaining the politically independent status of local authority staff.

38. Advertisements for staff should not be placed in party political publications.

Individual Councillors

39. Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example, member of the Executive or Chair of Overview and Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors as holders of particular positions in the Council, personalisation of issues or personal image making should be avoided.

40. Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to her/his position and responsibilities within the Council, and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.

Elections, referendums and petitions

41. 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.

42. The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 (which apply under the Local Government Act 2000 to county councils, district councils and London borough councils) prohibit an authority from incurring any expenditure to

- Publish material which appears designed to influence local people in deciding whether or not to sign a petition requesting a referendum on proposals for an elected mayor;
- Assist anyone else in publishing such material; or
- Influence or assist others to influence local people in deciding whether or not to sign a petition.

Publicity in these circumstances should, therefore, be restricted to the publication of factual details which are presented fairly about the petition proposition and to explaining the council's existing arrangements. Local authorities should not mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal.

43. County councils, district councils and London borough councils should ensure that any publicity about a referendum under Part II of the Local Government Act 2000 (the 2000 Act) either prior to or during the referendum period is factually accurate and objective. The referendum period means the period beginning with the date on which proposals under Part II of the 2000 Act are sent to the Secretary of State and ending with the date of the referendum. The publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group. Local authorities must conform with any specific restrictions on publicity activities which are required by Regulations under section 45 of the 2000 Act.

Assistance to others for publicity

44. The principles set out above apply to decisions on publicity issued by local authorities. They should also be taken into account by local authorities in decisions on assistance to others to issue publicity. In all such decisions local authorities should, to the extent appropriate:

- (a) incorporate the relevant principles of the Code in published guidance for applicants for grants;
- (b) make the observance of that guidance a condition of the grant or other assistance;
- (c) undertake monitoring to ensure that the guidance is observed.

45. It is appropriate for local authorities to help charities and voluntary organisations by arranging for pamphlets or other material produced and paid for by the organisation to be available for collection by the public in public libraries and other suitable locations. Such material should not offend against any legal provision, (authorities may be able to draw on their powers of well-being in section 2 of the Local Government Act 2000) but (subject to this) any such facility should be made available on a fair and equal basis.

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Paragraph 3.2.3 Proactive Media Releases and Ward Members

Quoting ward members in press releases

In order to implement the requested changes to proactive press releases, a consistent approach needs to be agreed.

It must be clear when it is a 'place' release and when it is a 'policy' release. It cannot be arbitrary on each issue that is being talked about as this could lead to lengthy discussions which will inevitably lead to time delays and could mean deadlines being missed.

Definition of 'place'

When an event or an issue occurs within a specific ward and is pertinent to that ward only.

For example:

The opening of a play park
A story about a specific car park
Community Tree Planting

Definition of 'policy'

When an event or an issue occurs across more than one ward

Announcement of the Clearway policy
Cuts to services across the borough
Waste collection in Macclesfield

Where a 'place' release is being written, every effort will be made to quote a ward member. Given that there are three ward members the Media Team need an agreed process for managing who is quoted. There are two options that members can choose from;

1. Ward members are placed in alphabetical order and as and when a Ward issue/media release comes up they are taken in alphabetical order one at a time for quoting.
2. The quote goes out in the name of all three ward members. E.g. Councillors Smith, Jones and Collins said For this option to work, ward members would need to agree either one point of contact or, that whoever is contacted undertakes to co-ordinate the approval of the quote.

It would have to be agreed that ward members choose either option 1 or option 2 as a way of working for all releases relating to their ward. It would not be practical for sometimes being quoted together and sometimes separately as it would be very difficult for the team to know who to go to and it would increase the amount of time taken to get the release out.

However, on significant issues it will be the preference for all members to be quoted

We would like to trial this until the end of January and then re-evaluate the process to ensure it is working and address any issues.

Important points to note:

- It must be remembered that the Media Team are there to enhance and protect the reputation of the council.
- Any quotes that are included in releases sent out from the Media Team will seek to enhance and protect the reputation of the Council.
- Quotes from individual members will not be self promoting

Key Issues:

- There is the potential for all Ward members to come directly to the Media team for their personal press releases on their activities and there is a risk that there are not sufficient staff resources to service 81 members. Where the Media Team have the resource and consider the release actively enhances the reputation of the council, the team will always endeavour to put the release out. Where this is not possible advice and guidance will be offered along with a template, in order that they can write and send the release themselves.
- Support will be needed from Cabinet to implement this approach as it will reduce the number of releases that go out in Portfolio holders names.
- There is a risk that the local media will question why we are quoting Ward members suddenly, five months before an election, and will be seen as politicking. With this in mind we will actively inform the press of the changes we are making to the way we release news.
- This process relates to written proactive media releases. For radio and television and statements in response to enquiries, it will still be the Portfolio holder who responds.

- Recent examples have demonstrated that there are large grey areas which are likely to cause disagreement over the definition and therefore who is to be quoted. This will mean some kind of adjudication is likely to be needed involving portfolio holder for Performance and Capacity or the Leader.
- In order to determine which ward a 'place' release will come from, the Media Team will use the 'In your local area' post code search on the home page of the internet.

The Communications team will provide training for ALL ward members on how to generate positive publicity and raise their profile in their wards. This would include a suite of templates they can use to provide information to the media on how they have helped make improvements for their constituents in their areas.

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