

Report to: Cabinet

Date: 5th February 2009

Subject: Communities in Control: Real People Real Power -
Consultations by the Department of Communities and
Local Government

Report of: SERVICE DIRECTOR BOROUGH SOLICITOR
DEPUTY CHIEF EXECUTIVE

Contact officer: K.P. Lawson (Telephone: 01942 827026)
D. Mather (Telephone: 01942 827164)

Purpose / summary: To advise Members of two consultation papers received from the Department for Communities and Local Government

1. Changing Council Governance Arrangements
2. A Code of Recommended Practice on Local Authority publicity

The report seeks Members' views on the issues raised in the consultation papers.

The report also seeks to refer to Members a motion submitted to Council concerning possible change to executive governance arrangements

Alternative options considered and reason for selecting the one recommended: These are addressed in relation to each question raised under the consultation papers

Recommendation / decision: Members' views on the consultation papers are sought both on the consultation papers and on the motion submitted to Council

Key Decision: This report does not involve a key decision. The decision made as a result of this report will be published within 48 hours and cannot be actioned until 7 working days has elapsed i.e. before 16th February 2009

Risks / Implications:

Financial: None identified
 Staffing: None
 Policy: Community Leadership/Engagement
 Equal Opportunities - Has a Diversity Impact Assessment been conducted? No
 Wards affected: All

Property Implications– Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?

No

Does this proposal have significant implications for the Council and the local population?

A full diversity impact assessment is not necessary at this stage

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

A diversity impact assessment is not necessary at this stage

Has the Service Director Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution? **Yes**

Has the Service Director Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council’s budget? **Yes**

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No**

For Cabinet reports only :

Categorisation of the report:	x		x
Discussion leading to a decision	x	Discussion	
Monitoring		Decision	
Sharing for corporate understanding		Information	

Tracking/Process:

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
		5 th February 2009	

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Document	Date	File Reference	Place of Inspection
Changing Council Governance Arrangements – Mayors and Indirectly Elected Leaders- A Consultation	December 2008		Legal and Democratic Services Town Hall, Library Street, Wigan WN1 1YN
Code of Recommended Practice on Local Authority Publicity – A Consultation	December 2008		Legal and Democratic Services Town Hall, Library Street, Wigan WN1 1YN

Proper Officer K.P.Lawson

Date 22 January 2009

The White Paper – Communities in Control: Real People, Real Power

1. The White Paper, Communities in Control: Real People Real Power, is aimed at promoting the passing of power into the hands of the community, building on the earlier White Paper Strong and Prosperous Communities. This forms part of the Government's wider agenda to modernise the democratic process and participatory democracy.
2. A series of consultation papers have been issued by the Department for Communities and Local Government and this report seeks to address the latest two such consultation papers.
3. The first consultation paper relates to possible amendments to the provisions concerning changes to local authority executive arrangements and seeks to make it easier for local people to demand a governance referendum on the form of executive arrangements at each council. Members can access the full consultation document by using the link provided.
<http://www.communities.gov.uk/documents/localgovernment/pdf/1098111.pdf>
4. A motion to Council has been referred to Cabinet on the issue of the value of the possible governance arrangements and this report also seeks to advise Members of the context that motion and steps that will need to be taken later this year in relation to the choice of executive arrangements.
5. The second consultation paper relates to a review of the existing rules on the use of publicity by local authorities and seeks to obtain views on how the rules can be amended to reflect modern communication methods and encourage greater knowledge of and involvement in the democratic process. Members can access the full consultation document by using the link provided.
<http://www.communities.gov.uk/documents/localgovernment/pdf/1100762.pdf>

Consultation by the Department for Communities and Local Government **Changing Council Governance Arrangements – Mayors and Indirectly Elected Leaders**

Background

1. The Local Government Act 2000 introduced a new decision making framework to local authorities. The Act required authorities with a population of over 85,000 to put in place executive arrangements involving the creation and operation of one of three different forms of Executive, namely:
 - A Leader and Cabinet Executive (as currently operating in Wigan)
 - An Elected Mayor and Council Manager
 - An Elected Mayor and Cabinet Executive
2. Under the Local Government and Public Involvement in Health Act 2007 these options have effectively been reduced to two:
 - A new style Leader and Cabinet Executive
 - An Elected Mayor and Cabinet Executive
3. The Leader and Cabinet Executive option would involve a Councillor being appointed as Leader by the Council for a fixed term. (4 years in the case of local authorities operating whole Council elections or until the Councillor's term of office expires where the Council operates elections by halves or thirds). Under these provisions the Leader would directly appoint the Cabinet Executive rather than the Council.
4. The 2000 Act established provisions where a local authority does not have an Elected Mayor for a referendum to be held where the Council receives a valid petition requesting a referendum to move to a directly elected mayor. Such a referendum is triggered by a petition supported by at least 5% of the local government electors in the area.
5. Under the 2007 Act all local authorities which presently operate a Leader and Cabinet Executive will be required to change to either an Elected Mayor and Cabinet Executive or to a new style Leader and Cabinet. The process of changing the governance arrangements is subject to further regulations and DCLG guidance and this could include public consultation on both the options. For metropolitan districts a decision must be made by the Council by 31st December 2009 and the new form of governance arrangements must be implemented following the next following local election. Clearly further reports will be submitted to Cabinet in due course once the relevant regulations and guidance are received.

The Current Consultation

6. The Government's favoured form of governance for local authorities is clearly that of a directly elected mayor although the DCLG does recognise that an indirectly elected Council Leader and Cabinet can equally deliver the desired outcome of strategic leadership, accountability and effective and efficient decision taking. The Consultation paper focuses on proposals to make it easier for people to demand that their local leaders hold a governance referendum on moving to a new form of governance arrangement.

7. Where a Council wishes to move from a Mayor and Cabinet Executive to a Leader and Cabinet Executive or vice versa the Council can either following consultation simply resolve to move to new arrangements or can make its proposals subject to approval in a governance referendum. Where, however, the Council is seeking to move from a directly elected mayor model, special additional requirements apply in that the Council must also include in its proposal a statement setting out the arguments for and against the change and its reasons for wanting to make that change. This would not apply to Wigan as currently structured.

Consultation Question 1 - “Should we remove the special requirements that a proposal to move from a Mayor and Cabinet Executive must include a statement setting out the arguments for and against the change and Council’s reasons for wanting to make that change?”

Given that the Government is satisfied that either governance model can achieve the desired objectives it is suggested that a consistent approach should be applied whereby the same provisions need to be adhered to whichever governance model is currently in force.

8. Currently where a Council has adopted an executive governance model following a governance referendum then it can only move from that model following a further governance referendum approving the change. The Council can also be required to hold a governance referendum on proposals to move to a Mayor and Cabinet if a valid petition is received. However, under the current provisions where a governance referendum has been held then a further governance referendum may not be held for 10 years. This was increased from 5 to 10 years by the 2007 Act to provide a period of stability where governance arrangements have changed. The Government now considers that where a governance referendum results in no change then local people should not be denied the opportunity to seek a further change within 10 years.

Consultation Question 2 – “Do you agreement with the proposal that the moratorium period should be reduced from 10 years to 4 years where a governance referendum does not result in a change?”

While the Government believes that this proposal would strike the right balance between allowing local communities to change their Council’s governance models with relative ease whilst avoiding unnecessary and damaging instability, it is suggested that the actual referendum itself can give rise to uncertainty and instability and a moratorium of more than 4 years might be appropriate.

9. Currently the threshold for a valid governance petition being made is 5% of the local electorate. The consultation advises that the level of the threshold needs to be such that it ensures that on the one hand governance referendums are not triggered unless there is a significant interest, but equally that there are no barriers or impediments to such interests being demonstrated where they exist.

Consultation Question 3 – “Should the threshold for a petition to trigger a governance referendum be reduced across the board? If yes, to what level should the threshold be reduced bearing in mind the

considerations about the balance between the practicalities of collecting signatures and the demonstration of a significant level of interest in change.”

The Government's view is that the current threshold of 5% may pose a barrier to local people petitioning for a governance referendum. Potential reductions to 4%, 3% or 2% are put forward but it clearly is acknowledged that if a threshold is too low then this may not demonstrate a significant support for change. It is suggested then that if the 5% threshold is to be lowered that it should not be lowered by a significant figure.

10. The consultation puts forward an alternative option whereby numerical thresholds would be set for various electorate ranges. An example of an electorate between 100,000 and 200,000 would be a threshold figure of 6,500. This is based upon the median of 5% across that range. The consultation suggests that this is achievable but it does still give a significant level of signatures.

Consultation Question 4 – “Should numerical thresholds be set? If so, what should the basis and bands for these thresholds be?”

It is suggested that there should be a difference between the threshold for an electorate of 100,000 and an electorate of 200,000 and if this proposal were to be put into place that narrower bands than 100,000 should apply.

11. A further alternative put forward in the consultation is the application of a percentage but subject to a minimum and maximum numerical threshold. Petition organisers would be required to obtain the percentage threshold save where the percentage threshold would be above or below the set maximum or minimum numerical threshold. The rationale is that in smaller areas a minimum figure would need to be satisfied to show a significant support for a change but that in larger areas a maximum level should be applied to make it easier for petition organisers to prove the demand for a change.

Consultation Question 5 – “Should the threshold be a percentage, but subject to a certain minimum and maximum numerical threshold? What should those percentage and numerical thresholds be?”

It is suggested that given the range of electorates then this particular proposal could lead to an over complicated and an inconsistent requirement depending the size of the electorate.

12. The Government proposes to introduce electronic petitioning (e-petitions) alongside paper petitions to trigger a governance referendum. It considers that this will make it easier for people to become involved in local democracy and provide another means for communities to add their support to a petition. It is recognised, however, that members of the public may not have access to computers and it is therefore proposed the e-petitioning is an addition to the current paper petitioning system.

Consultation Question 6 – “Do you agree that a traditional paper based petition calling for a governance referendum may be supplemented, if the petition organiser so wishes by e-petitioning?”

Provided that satisfactory requirements are imposed in relation to e-petitioning then it is suggested that the principle can be accepted.

13. The consultation further proposes that the process for submitting an e-petition should differ from submitting a paper petition. It is acknowledged that the system used to register the details of those supporting the petition will need to be secure. The consultation therefore proposes that a request to start any petition should be submitted to the Council before any signatories are gathered and Council can check a petition meets the requirements and upload all qualifying petitions on an e-petition facility for local people to sign electronically.

Consultation Question 7 – “Do you agree that e-petitioning for a governance referendum must be through a secure e-petitioning facility provided by the Council concerned?”

It is suggested that there should be a minimum provision for security in such an e-petition which should recognise potential abuses and provided that relevant software is available then this proposal can be supported.

Motion referred to Cabinet from Full Council

1. At its meeting on 3rd September 2008 the Council received a motion from Councillor R.M. Bleakley as follows:

“That Council puts on record that it currently sees no advantage in the installation of an Elected Mayor in Wigan or the whole of Greater Manchester.

Although there may be some imperfections in the present system of Governance, Council believes it does form the basis for a strong, legitimate and accountable local democracy which is capable of continuous improvement. It also provides a strong civic focus for the Borough.”

2. Following the enactment of the Local Government Act 2000, this Council resolved to adopt the Leader and Cabinet executive governance model and that model has applied since that time. No petition has been received to give rise to a governance referendum to change to a directly elected mayor.
3. As indicated above the Council will prior to 31st December 2009 need to make a decision on whether it changes to a new style Leader and Cabinet Executive or a Directly Elected Mayor and Cabinet Executive. Regulations as to how that process is to be undertaken and what consultation is undertaken will be issued by the Department of Communities and Local Government shortly. It would therefore seem inappropriate at this time for the Council to commit itself to either option of governance models. It can, however, be acknowledged, as is acknowledged by the Department of Local Government and Communities that the Leader and Cabinet Executive model can deliver strategic leadership, sharp accountability and effective and efficient decision taking.

Code of recommended practice on local authority publicity: Consultation by the Department for Communities and Local Government

Background

1. The existing rules relating to council publicity have been in place 20 years although amendments to the basic code have been added. Since then the communications world has evolved dramatically (internet, blogs, 24/7 media activity) and in order to ensure a balance in legitimate activity (such as promoting engagement) and value for money the government feels a fresh look is required.
2. The Communities in Control White Paper recognised that some confusion existed around the code. The Councillors Commission also highlighted the positives from effective council publicity, like encouraging involvement in the democratic process and allowing the role of councillor to be better understood. With this in mind DCLG has announced a consultation.

Issues

3. The underlying objective of the recommended practice on local authority publicity is “to ensure the proper use of public funds for publicity – giving guidance on a number of aspects of publicity ranging from subject matter, spending public money, publicity about individual councillors, advertising and publicity during elections, referendums and petitions”.
4. The consultation asks 16 questions, 15 directly about the Publicity Code and 1 on effective communications. They are quite technical and seem to be aimed more at practitioners than going back to first principles. Each question is set out below, with a suggested council response **in bold**. The current (2001) code is attached as Appendix 1.
5. The council’s own Publicity Protocol, which takes account of the National Code of Practice, is the document which council staff involved in publicity are most likely to consult. It will be revised to take account of any changes to the national code and at that stage we will consult more widely.

Consultation Questions

Q1. Is there other guidance, (additional to the Publicity Code), that councils consider creates a barrier to the provision of publicity or support, or that need clarifying.

Here DCLG are attempting to identify related issues it can review whilst consulting on the Publicity Code and that could assist the new duties on promoting democracy.

We are not aware of any other relevant guidance and as stated, the council’s own Publicity Protocol is most relevant to our daily practice.

Q2. Is there a requirement for different codes to apply to different types of authority?

An open question designed to see if a case exists for differential codes for district, county or unitary councils.

The principles and practice should be the same regardless of the type of council. Anything else would create confusion.

Q3. Should the publicity code specifically address the presentation of publicity on an authority's website?

The question is looking at the case for having a new section pertaining to website material.

Council websites are now a very important vehicle for publicity and the code should address this issue, along with members' individual web pages.

Q4. Does anything need to be added to or removed from the list of matters an authority should consider in determining whether or not to issue publicity on a certain subject? (sections 1 – 4 of the current code)

This question invites responders to consider whether more flexibility is needed in the interpretation of what it is legitimate for a council to issue publicity material on.

The current definition seems quite rigid. The code could make it clear that councils in their role as community leaders or as partners in the LSP may wish to issue publicity on matters that are not directly relevant to their own functions but are relevant to the wider community they speak for.

Q5. Should the Publicity Code specify the different criteria local authorities should use to determine whether or not publicity can be judged to be cost effective?

Q6. Is there any aspect of the cost section that is not required or anything that should be added? (Sections 5 – 10)

The above 2 questions are looking to find ways of showing how publicity can be justified in cost-effective terms and also the issue of unquantifiable benefits.

The definition of what is cost-effective is best left to councils' discretion, with any concerns being challenged through the scrutiny function. Government should not lay down specific criteria. In section 10 it is hard to see the relevance of whether publicity is statutory or discretionary. In practice very little publicity is statutory and this should not be a relevant consideration

Q7. Should the Publicity Code contain advice about ethical standards, or should this be left to local authorities to judge for themselves?

Q8. Is there any aspect of the content section that is not required or anything that should be added? (sections 11 – 19)

The above 2 questions open up the debate around objectivity and "moral standards".

Including advice about ethical standards should be left to local authorities themselves. It is debatable whether government should lay down what is and isn't ethical or morally acceptable. Circumstances will differ from area to area.

Q9. Should the Publicity Code be modified to specifically address the issue of privacy and the dissemination of unsolicited material?

Q10. Is there any aspect of the dissemination section that is not required or anything which should be added? (sections 20- 27)

The above 2 questions are designed to open up the issues around unsolicited material, intrusiveness and targeting.

No – these issues are adequately covered in the revised code.

Q11. Is there any aspect of the advertising section that is not required or anything which should be added? (sections 28-35)

This question seeks to look at the use of advertising in the context of messages, subsidising another organisation and complex policy issues.

No – the principles remain sound. However section 30 referring to the inappropriateness of advertising to explain policy and the use of advertising in media covering a wider area should be re-visited. Joint campaigns with other councils, for example, may be extremely cost-effective over a wider area than one council's alone.

Q12. Should adverts for local authority political assistants appear in political publications and web-sites?

Q13. Is there any aspect of the recruitment advertising section that is not required or anything which should be added? (section 36-38)

The above 2 questions are aimed at questioning the contradiction that political roles can't be advertised in political publications and the correct balance for recruitment material in the context of political impartiality.

Wigan has never employed political assistants. However if it did, and such posts are lawful, then political publications seems to be a legitimate place to advertise.

No other changes are needed to the recruitment advertising section.

Q14. Given the emphasis given to supporting and raising awareness of the role of councillor in the White Paper, is there any aspect of the section on councillors that is not required, or anything which should be added? (section 39 – 40)

This question looks at the thorny issue of personalisation of issues, image making and misinterpretation.

The current guidance seems reasonable but a clearer explanation of the role of executive members and the changes in recent years to how decisions can be made should be included.

Q15. Is there any aspect of the timing of publicity section that is not required, or anything which should be added? (sections 41 – 43)

This question looks at the highly controversial issue of election periods, including by-elections, publicity and also petitions.

This section has traditionally been seen as an important way of ensuring that councils avoid being dragged into election campaigns. It is still relevant, although the code should define more clearly what is meant by 'other politicians involved directly in the election'.

Q16. Is there any aspect of the assistance to others for publicity section that is not required, or anything which should be added? (sections 44 – 45)

This question looks at fair and equal provision when dealing with publicity for others, the grant process and the monitoring of publicity where assistance/monies are provided.

Since this section was published there has been a big increase nationally in arms-length organisations managing council assets e.g. Wigan and Leigh Housing and Wigan Leisure and Culture Trust. The code should make it clear that the same rules and guidance apply to these types of bodies. Providers of services commissioned by councils should also be required to take account of the code and this should be made explicit.

APPENDIX 1

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.

