

By email:
publicitycode@communities.gsi.gov.uk

11 March 2009

Dear Karl

**Consultation on the Code of Recommended Practice on Local Authority
Publicity:
The Standards Board's response**

The Standards Board for England welcomes the opportunity to contribute to the future development of the Code of Recommended Practice on Local Authority Publicity, and we are pleased to be able to provide the following in response to your consultation paper of 17 December 2008. Our comments are general in nature, although we have, in addition, specifically addressed questions 1, 3 and 7.

General comments

The Standards Board recognises that the effective communication of a council's role, activities, plans and debates is important. We note in particular LGA's recent analysis of Best Value Performance Indicator data for all councils in England which shows a clear correlation between how satisfied people are with their council and how well informed they feel (<http://reputation.lga.gov.uk/lga/aio/1308005>).

We believe that in its present form the Publicity Code is no longer in step with current thinking on local government and the role of members. The development of the role of the local elected member as community advocate and champion has been fettered by some interpretations of the current Publicity Code. We are aware, for instance, of cases where auditors' challenges of publicity for individual members have caused nervousness in the PR community. We therefore support the proposition that a new Publicity Code be produced.

We believe that a Publicity Code should make reference to the individual accountability of individual members. We recommend that the Publicity Code stresses the duty of members to have regard to the Code of Conduct (which sets out rules governing the behaviour of members) and take more responsibility for what they say and what is said on their behalf.

We suggest that, like the model Code of Conduct, a new Publicity Code be principles based and supported by guidance, and, where appropriate, the adoption of local protocols on the relationship between communications teams and members. A relatively pithy principles based Publicity Code, we believe, would enable members to familiarise themselves with the key principles and direction of the Code more effectively than would be the case if they had to constantly refer to a more lengthy document.

The Standards Board recognises that in carrying out their duties authority members must have regard to a number of Codes on various issues, as well as a great deal of legislation and statutory guidance. Where there are links between these Codes it is, obviously, important that the various Codes do not contradict each other and that they make explicit reference to each other. Potentially, a plethora of Codes could lead to some confusion for those using them.

With particular reference to the Publicity Code, we are concerned that this confusion may result in a risk-averse approach to 'publicity' so that, for example, councils become wary of 'mythbusting'; rebutting untruths propagated by extreme political groups.

Question 1

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

Common law rules on bias and predetermination have the potential to create a barrier to the provision of publicity or support. If a member states in council publicity how much they love or hate something, they run the risk of being accused of bias when that matter comes before the council for a decision and hence making the decision subject to legal challenge. We consider that members should be aware of this issue, and that either the Publicity Code itself or any associated guidance should alert them to it.

Question 3

Should the Publicity Code specifically address the presentation of publicity on an authority's website?

We believe that rules should apply seamlessly across all media. Websites are an area where elected members can create a personalised communications channel, and the context in which this is done should be clearly understood.

Question 7

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

The Code of Conduct explicitly makes reference to the Publicity Code at paragraph 6(c). We therefore think it sensible that the Publicity Code similarly refers to the duty imposed on members in the Code of Conduct to have regard to the Publicity Code. It might be helpful for the Publicity Code to point out that inappropriate material may breach other aspects of the Code of Conduct, such as equality provisions, disrespect or disrepute.

We do not consider that paragraph 17 of the publicity code, regarding the attacking or undermining of 'generally accepted moral standards' is helpful. There is no consensus on morality, and we are concerned that such an approach may make authorities wary of producing materials that might deliver service benefits

The Standards Board supports the idea of a Code of Conduct for Officers. We would therefore suggest that if such a Code is introduced, the Publicity Code advises authority members and officers to have regard to their relevant Code, rather than make reference to moral standards, as above.

I hope that our comments are useful. If you have any questions, please do not hesitate to contact me.

Yours sincerely



Paul Hoey
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